

Village of Walden
Planning Board Meeting
July 17, 2023

Chairman:	Stan Plato	Present
Members:	Zac Pearson	Present
	John Thompson	Absent
	Jennifer Muehlen	Absent
	Basil Stewart	Present
Alternate Members:	Melissa Reda	Absent
Building Inspector:	Robert Wallner	Present
Village Attorney:	Robert Dickover	Present
Village Engineer:	Kristen O'Donnell	Present
Secretary:	Marisa Kraus	Present

Chairman Plato - Called the Planning Board meeting to order at 7:30pm with the Pledge of Allegiance.

1. APPROVAL OF MINUTES:

2. BOARD BUSINESS

A. PUBLIC HEARINGS:

A.1

B. FORMAL APPLICATIONS:

B. 1 Walden Glen, Extension Request

Member Pearson made a motion to grant Walden Glen's extension request, expiring October 17, 2023. Seconded by Member Stewart. All ayes. Motion carried.

B.2 Discussion of Local Law #1, Short Term Rentals

Chairman Plato: I do have questions. It says only owner occupied may use short term rentals. And define resident agent. I don't know what a resident agent is.

Attorney Dickover: That would be a person who the village can contact in the event they can't find the owner in residence and they can discuss the permit or the rent of it. I don't know why it's necessary either, when the owners supposed to be occupying. But it's just another point of contact, I guess, for the village.

Member Stewart: Just in case they're away. Emergency contact.

Chairman Plato: If it was owner occupied and they decide to take a six month vacation.

Attorney Dickover: It's not addressed in the local law that an owner's absence for a period longer than 30 days. At some point you get into enforcement issues here that the Building Department probably doesn't want to deal with it. Are they going to keep track of your vacation days, how many days you're in residence and you're not in residence? I don't know.

Chairman Plato: The other question is, only single family dwellings, do you think it's possible in other municipalities, its standard not having multi family?

Attorney Dickover: I think the idea is to try and avoid exactly that. Having a two family, three family and then you're in one side of it, the other side you're renting out all the time. I think that's specifically there for that reason to avoid that kind of a situation.

Chairman Plato: Let's say you had a two family, the owner is occupying one half.

Village of Walden
Planning Board Meeting
July 17, 2023

Attorney Dickover: Can't do it, not under that law. If you want to put a note and you report back to the Village Board to ask them to consider that as an option or a change, certainly can do that.

Chairman Plato: Registration of short term rental property. Says it shall be a violation of this chapter to offer or engage in short term rentals unless the short term rental property has been registered with, and short term rental permit obtained from the Village Building Department as provided in this section within 30 days of the effective date of this chapter. From the time this law is signed, they have 30 days to apply.

Attorney Dickover: It doesn't say that. Just says that you need to do it 30 days. After that point, I suppose if you're running a bed and breakfast, if you will, and you don't have a permit, you're going to be in violation. The effective date will be the date that it was filed with the Secretary of State's office.

Chairman Plato: Say they filed it on April 1st.

Attorney Dickover: Got until May 1st to get your permits right.

Chairman Plato: Right. Let's say you do this in June and couldn't do it because you had to file 30 days from date of chapter.

Attorney Dickover: You're right. So, that should go back in your report that that needs to be looked at.

Building Inspector Wallner: Your comment about single family residents. VRBO, their business model is exclusively for single family residents and you rent that privately so there's no one else on the premises. In the short term rental definition, says Airbnb and VRBO are just two of hundreds of these kind of hotels. If the premises was a single family residence with an accessory volume in it, that no longer qualifies as a single family residence. I think that needs to be modified. I agree with your comment about the 30 day time period to register. I think we know that there are many short term rentals in the village at the moment. I think if we make it a little bit easier for them to comply, I'm going to suggest for 90 days to get it in compliance and after that aggressively enforce that they're not registered. It might make more people consider actually signing up for it. Especially if there's a penalty involved.

Chairman Plato: Are there a lot of short term rentals?

Building Inspector Wallner: There's one on 19 Walker, the old firehouse. They're everywhere. If you go on the Airbnb website, there are probably 30 in the Village of Walden. I think it's a great idea to have somebody responsible in case there is a problem. I think you're less likely to have complaints about people having bonfires and stuff like that. There's always that possibility because people are transient in nature and don't necessarily have the same interest in keeping the village in the condition it's in when they come to visit for a three day weekend. I saw something in here about taking care of garbage. We have some pretty stringent requirements for garbage pickup for property owners. I think we should make the property owner responsible for making sure that there's not bags of garbage out front when the short term rental leasee moves out or when they have their cleaning crew come in and clean.

Chairman Plato: How long do we have to respond?

Attorney Dickover: 30 days after it's been delivered.

Engineer Queenan: August 21st.

Attorney Dickover: Today's the 17th, there's more than 30 days from tonight to your next meeting.

Chairman Plato: Could we ask for an extension?

Village of Walden
Planning Board Meeting
July 17, 2023

Attorney Dickover: You can ask. Or you could send to the board a preliminary report based on the comments that you've heard this evening and asked them to take those into consideration and ask them for an extension until after your August meeting for further comments from absent board members.

Chairman Plato: For local law, there has to be a public hearing?

Attorney Dickover: Yes. But if they don't have your report within the 30 days after referred to you, they can proceed with a public hearing without. It doesn't have to be 30 days after the August meeting, if that meeting is August 21st. You could ask them to be an extension at the end of August, at which point they could then pick it up at their first meeting in September. In the meantime, close for preliminary comments and send them what you come up with tonight. In which event, if they deny your extension, they'll at least have that part of your sentiments.

Engineer Queenan: I just think it's unenforceable. Essentially, what you're doing is renting out a single family house. There's no way unless the owner is conscientious and follows the law. You're never going to know.

Member Pearson: It's already going on now.

Engineer Queenan: Yeah. It'll be your neighbors complaining about something.

Attorney Dickover: You might ask them to add something in there that the owner remains responsible for violations of the municipal code by their guests to get to the point about garbage, noise, outdoor fires, any other violations of the local codes. Have a provision that the owner remains responsible for the violations of village code by their guests. So, you got a guest in there, they're having outdoor bonfires. You'll never be able to cite them. You won't find them in time, but you still have the owner to go after. Should probably add a provision like that.

Chairman Plato: Okay, we'll get together on that and ask for an extension.

C. DISCUSSION ITEMS:

D. INFORMATION ITEMS: None

E. CORRESPONDENCE: None

3. COMMUNICATIONS: None

4. EXECUTIVE SESSION: None

MEETING ADJOURNED: Member Pearson made a motion to adjourn. Seconded by Member Stewart. All ayes. Motion carried.

RESPECTFULLY SUBMITTED
Marisa Kraus, Planning Board Secretary