

Town of Andes
Public Hearing Proposed Local Law to Regulate Commercial Tent Campsites
and Proposed Local Law __ of 2021 Transient Rental Regulations
June 8th, 2021 7:00PM
Andes Town Hall and Via Zoom

Present:

Councilman Shayne Moshier	Councilman Ritchie Gabriel
Councilman Dale Cole-Entered at 6:54PM	Councilman Thomas Hall
Supervisor Wayland ‘Bud’ Gladstone	Town Clerk Kimberly Tosi
Highway Superintendent John Bouton	Planning Board Chairman Frank Winkler

Others:

William Duke	Cyndi Wright
Linda Jones	Liz Ratto
Christopher Dewey	

Others via Zoom:

Leigh Infield-The Reporter	Mark Pezzati
David Levesque	Debbie Marmaro
Peter Calvert-Andes Gazette	Ryan Abbate
Vinny Lopez	Jason Ostrow
Jack Ballo	Jacqueline Gosdigian
Banx Sherman	Robyn Ciccone
Gary Feazell	Ryann Holmes
Melissa Darling	Bob Abbate
Several Unknown listeners	

Call to Order:

The Public Hearing was called to order at 6:47PM.

Supervisor Gladstone began the public hearing with the following statement: We will be taking all comments and concerns into consideration for both local laws. The Town Board, Planning Board and the Code Enforcement Officer will hold a workshop on June 16th, 2021 at 6:00PM to review these concerns to make the best decision for all homeowners, residents, taxpayers and all others involved. Kim does an excellent job of recording and taking notes of our meetings and will help to ensure we address every comment.

Letters received prior to the public hearing from: David Levesque, Skip Parcell and Mark Gosdigian/Jacqueline Gosdigian/Jason Ostrow.

Public Comments/Questions:

Commercial Tent Campsites (CTCs):

Speakers included: William Duke, Cyndi Wright and Frank Winkler

William Duke began conversation regarding the origin of the local law. The law began at the planning board level, developing the general regulations for the CTCs. For many months the planning board and code enforcement officer reviewed other local laws municipalities across the country have enacted to reach the best consensus of what would work best for the Town of Andes. Some complaints were received from neighbors of properties with commercial tent campsites and the Town felt it best to try to get ahead of any issues that may be created with the increase in their use. Also, there are safety and parking issues, additional issues regarding absentee land owners and the lack of a local contact when issues do arise.

Cyndi Wright of Dirty Girl Farm spoke in reference to her use of 'Harvest Host' a website RV owners pay yearly for, who are then able to park on farms around the country for free. In 2020 her farm saw 50 RVs and she has not experienced any issues, other than one complaint of a RV running a generator through the night. This issue was corrected. She feels that the one campsite per eight acres is not fair. She questioned the 500 foot rule and whether or not it applied to RVs as well.

This regulation is only in regard to Commercial Tent Campsites and does not regulate RVs in any way. There are other Town zoning regulations as well as State laws that would regulate RVs.

Cyndi also question Section 7: Violations and the use of imprisonment, the board was in agreement that this was not in line with the laws they would want to enact and it will be removed.

Questions arose regarding why only three campsites are allowed per the law. This is due to NYS law, if you have more than three campsites you would legally be a campground and would have to follow a completely different set of regulations.

The commercial sites, Harvest Host, Tentrr, etc. all have good guidelines, however not all individuals are utilizing these companies. The Boards will review their guidelines more in depth during the workshop and will take them into consideration when redrafting the local law.

7:18PM Transient Rental Regulations

Speakers Included: Mark Pezzati, Jacqueline Gosdigian, Ryann Holmes, Robyn Ciccone, Bob Abbate, Peter Calvert, and Vinny Lopez

Questions regarding the fee which was not in the local law, why a permit must be issued every year, concerns over the restrictive nature of the definitions, and property manager requirement were discussed.

Jacqueline Gosdigian an Air BnB owner has had many great experiences with her rental. She feels that the local law as written is too restrictive. A letter detailing her concerns is included in these minutes.

Code Enforcement Officer Al Mohr stated that there are many fire and safety issues which need to be addressed. Many rentals may not be safe for commercial use. Planning Board Chairman Winkler concurred that safety must come first.

Robyn Ciccone asked the board to provide a statement to the public of what the end goal of this local law is. Town Clerk Tosi read Section 1: Purpose, to the public. Mrs. Ciccone has not had any issues with her Air Bnb properties which she has been renting for around 4 years in Andes. She requested that a list be provided to the rental owners detailing safety issues, what is suggested, required, and regulated.

Ryann Holmes spoke regarding the need of a local manager for non-resident owners, feeling that this is a strain on owners who do not live in Andes or within the mileage.

Vinny Lopez spoke regarding the rules Air BnB already has in place for owners and the renters. He questioned why an inspection would be needed to be completed yearly.

Mark Pezzati spoke regarding his opinion that the local law is anti-business and will prohibit many Air BnBs from continuing operation. He expressed concern that many are renting their homes due to increasing taxes to help make ends meet. He also expressed concern that the boards did not notify the public adequately of the laws proposal and questioned the transparency provided to the public.

Peter Calvert responded that the Andes Gazette has been following this issue for around a year and provides articles on it in their monthly issues which are available around town. He stated his belief that all information has been made available to the public through the process via the Town's website, minutes, and news articles.

Liz Ratto of Wilson's Bread spoke regarding her experience that many individuals who rent Air BnB's are becoming homeowners in the area. She also stated that many Air BnB owners are renting their homes just to make ends meet.

Bob Abbate, raised issues about the transient population and their disregard for the community. Trash and dog feces issues have been an ongoing in the Hamlet in the last year. He stated that everything regarding these local laws was notified properly and suggested more involvement in the community by new homeowners.

Supervisor Gladstone responded, to assure the public that the Town Board will be taking all comments and questions seriously. The normal process after a public hearing is to vote on the laws the same evening, however, due to the public input requesting changes, prior to the board meeting the board had decided to hold a workshop instead and revisit the laws for changes. All concerns raised have been valid and all will be taken into consideration. The board has not been and will never be anti-business. The Town of Andes has always been very transparent and will continue to be.

Planning Board Chairman Winkler requested that anyone put questions/comments/concerns in writing prior to Monday, June 14th, so that the boards may review them prior to the workshop. They may be emailed to: andestownclerk@gmail.com or dropped off at the Town Hall.

Cyndi Wright brought up concerns regarding parking in the hamlet. This is a discussion that will be discussed in the future.

Adjourn:

The Public Hearing ended at 8:28PM.

**Town of Andes
Regular Meeting
June 8th, 2021 7:00PM
Andes Town Hall and Via Zoom**

Call to Order:

The meeting was called to order at 8:28PM by Supervisor Gladstone

Pledge:

The pledge of allegiance was led and recited by Councilman Cole.

Minutes:

Motion to approve the May 2021 Minutes, made by Councilman Moshier, Seconded by Councilman Gabriel. All in favor, Motion carried.

Privilege of the Floor:

N/A

Reports:

Highway Report

(attached)

*Highway Superintendent Bouton spoke regarding his ability to find any qualified applications to fill the open position at the highway department.

*The new dump truck will be delivered Wednesday at Noon. Supervisor Gladstone will contact the CWC to find out the rates for bonding the purchase.

Code Enforcement Officer Report

The CEO provided an oral report. For the month of May, 18 permits were issued, 6 c/o searches completed, and 33 inspections. There are currently five new homes being built in the Town.

Pool Report

Councilman Gabriel provided an oral report. The remaining water needs to be pumped from the pool and a final cleaning. It is projected that the pool will open the week of June 28th. Rachel Andrews, Pool Director, is working with NYS DOH-Oneonta District Office to ensure any ongoing COVID rules are followed. Councilman Gabriel reported that there is no bromine shortage at this time so we should not have any issues.

Supervisor's Report

Date Check Rec'd	Check Details	Amount
5/11/2021	Margaret Moshier- Tax Collector	\$2,539.83
5/11/2021	Margaret Moshier- Tax Collector	\$34.75
5/21/2021	Del. Co. Treasurer- interest overpayment	\$5,257.81
6/1/2021	Kimberly A. Tosi-Town Clerk	\$5641.50
6/1/2021	Kimberly A. Tosi-DECALS	\$1.94
6/3/2021	NYS DEC- Water District Well Grant	\$13,300.00
6/8/2021	Justice Thomas Joyce	\$1,220.00
6/8/2021	Justice Nicholas Burton	\$3,124.00

*Thank you to John Bouton for taking care of the pot holes at the Railroad Station driveway.

*We have received many questions inquiring about Community Day. I reached out to Mandy Walsh of Delaware County Public Health for guidance on holding events. We have a copy of the guidelines available.

*I am still in contact with the company the County contracted with for the cell towers. We have been playing phone tag, but will provide an update as soon as one is received.

Respectfully,
Bud Gladstone, Supervisor

Old Business:

Community Solar Campaign-

Thank you to everyone who has signed up! We believe that we have met our goal at this time.

Stimulus Funds-

No further update available.

Community Day-

At this time the Town of Andes does not have the authority to provide permission to any entity regarding any private event, as we do not issue event permits. If the businesses in Andes or other private parties wish to organize Community Day they may do so under the current NYS guidelines.

Elections-

There will not be a primary election in the Town of Andes in 2021.

Town Calendar:

June

Date	Item	Department
6/8	Public Hearing- Proposed Local Laws 6:45PM	Town Board
6/8	Town Board Meeting 7:00PM	Town Board
6/14	<i>Planning Board Meeting 7:30PM-CANCELLED</i>	<i>Planning</i>
6/16	Special Town Board Meeting 6:00PM	Town Board, Planning, Zoning
6/22	<i>Primary Election 6:00AM-9:00PM</i>	<i>THERE WILL NOT BE A 2021 PRIMARY IN ANDES</i>
6/28	Zoning Board Meeting 7:00PM	Zoning

July

Date	Item	Department
7/5	Town Hall Closed Independence Day	Building, Assessor and Town Clerk
7/5/	Swimming Lesson Sign Ups	Pool
7/7	Annual Sexual Harassment Prevention Training 9:00AM @ RR Station	All Employees
7/12	Planning Board Meeting 7:30PM	Planning
7/13	Town Board Meeting 7:00PM	Town Board
7/13	DCO Contract Review	Town Board
7/26	Zoning Board Meeting (if needed) 7:00PM	Zoning
7/31	Sewer Bills Due	District Clerk

August

Date	Item	Department
8/9	Planning Board Meeting 7:30PM	Planning
8/10	<i>Town Board Meeting-CANCELLED</i>	<i>Town Board</i>
8/13	October Water Bills Mailed	District Clerk
8/23	Zoning Board Meeting (if needed) 7:00PM	Zoning

Motions:

Motion to approve the April Tax Collector's financial report, and the May Supervisor's, Town Clerk's & Justices' financial reports, made by Councilman Gabriel, Seconded by Councilman Moshier. All in favor, Motion carried.

Motion to table the proposed local laws regarding commercial tent campsites and transient rental regulations for further review and consideration, made by Councilman Moshier, Seconded by Councilman Cole. All in favor, Motion carried.

Motion to schedule a special meeting regarding the proposed local laws for discussion on their further development and public comments, as well as any other board discussions necessary with the Andes Planning Board, on June 16th, 2021 at 6:00PM, made by Councilman Hall, Seconded by Councilman Gabriel. All in favor, Motion carried.

Motion to cancel the August Town Board Meeting, made by Councilman Moshier, Seconded by Councilman Hall. All in favor, Motion carried.

Resolutions:

Resolution 18 of 2021 Building Permit Fee Schedule Changes

WHEREAS, the Town of Andes from time to time may set new fees and requirements related to fees; and

WHEREAS, Alfred Mohr, the Code Enforcement Officer, has recommended that the Town of Andes increase certain inspection and permit fees that relate to various provisions of the Building and Zoning Code; and

WHEREAS, the following proposed increases in existing fees are as follows:

1.) Single Family Dwelling Units up to 1500 gross square feet of available living space

Type	Current Fee	Proposed Fee
Site built dwelling units (per unit)	\$375.00	\$425.00
Factory Manufactured dwelling units (per unit)-Modular	\$375.00	\$425.00
Multi-section mobile dwelling unit (per unit)	\$375.00	\$425.00
Single wide mobile dwelling unit (per unit)	\$250.00	\$350.00

*Add \$25.00 for each additional 100 square feet of fraction thereof over 1,500 square feet.

*Fee includes deck if shown on plans when submitting application for permit.

*Includes Certificate of Occupancy.

2.) Additions/Alterations/Renovations/Restorations/Conversions

Type	Current Fee	Proposed Fee
Additions/Alterations/Renovations/Restorations/Conversions of existing single family dwelling units per gross square foot of area involved including porches and decks.	\$0.25/sq. ft.	No Change
Minimum fee per unit	\$125.00	\$175.00

*Includes Certificate of Compliance.

3.) Decks and Porches

Type	Current Fee	Proposed Fee
Decks and porches per gross square foot	\$0.25/sq. ft.	No Change
Minimum fee	\$75.00	\$125.00

*Includes Certificate of Compliance.

4.) Accessory Structures

Type	Current Fee	Proposed Fee
New and/or additions to existing storage sheds, garages, pole buildings, workshops and similar type buildings per gross square foot.	\$0.25/sq. ft.	No Change
Minimum fee	\$75.00	\$150.00
Detached buildings 140 sq. ft or less	Exempt	No Change

5.) New Commercial, Industrial, Institutional Structures

Type	Current Fee	Proposed Fee
New commercial, industrial, institutional structures per gross square foot of available space including porches and decks.	\$0.30/ sq. ft	No Change
Minimum fee	\$475.00	\$525.00

*Includes Certificate of Occupancy.

6.) Addition, Alterations, Renovations, Restorations, Conversions of existing Commercial, Industrial, Institutional Structures

Type	Current Fee	Proposed Fee
Addition/Alterations/Renovations/Restorations/Conversions of existing Commercial, Industrial, Institutional Structures per gross square foot of area involved	\$0.30/sq. ft.	No Change
Minimum fee	\$275.00	\$375.00

*Includes Certificate of Occupancy

7.) Chimney, Fireplace, Woodstove and Boilers Installations

Type	Current Fee	Proposed Fee
Chimney, Fireplace, Woodstove and Boiler installation (9 NYCRR Sub. Chapter H, Part 1260.21)	\$55.00	\$125.00

*Includes Certificate of Occupancy

8.) New Rood or Re-Roofing

Type	Current Fee	Proposed Fee
New Roof or Re-Roofing (NYS-CRR 1231.3 (d))	\$35.00	\$125.00

9.) Demolition Permit

Type	Current Fee	Proposed Fee
Required to demolish & dispose of existing structure	\$55.00	\$85.00

12.) Inspection of Buildings of Public Assembly

Type	Current Fee	Proposed Fee
Part 444, Section 444.3, D(3)	\$35.00	\$85.00

14.) Permit Renewal

Type	Current Fee	Proposed Fee
For each year in arrears	\$25.00	\$100.00

NOW, THEREFORE, BE IT RESOLVED, that the Andes Town Board hereby adopts said fee schedule to go into effect immediately upon passage of said resolution.

Proposed by: Councilman Moshier

Seconded by: Councilman Gabriel

Roll Call:

Councilman Gabriel---Aye

Councilman Cole---Aye

Councilman Hall---Aye

Councilman Moshier---Aye

Supervisor Gladstone---Aye

Approval of Bills:

Motion to approve General Warrants #132-156 totaling \$9,842.14

Highway Warrants #140-163 totaling \$22,019.28

CHIPS Warrants #5-10 totaling \$38,905.31

WWTP Warrants #60-72 totaling \$31,236.90

Water Warrants #30-33 totaling \$2,237.61, made by Councilman Hall,

Seconded by Councilman Cole. All in favor, Motion carried.

Districts:

Water-

Sewer-

Public Comment/Questions:

N/A

Executive Session:

Legal Matter

Motion to enter executive session made by Councilman Gabriel Seconded by Councilman Hall.

All in favor, 8:47PM

Motion to exit executive session made by Councilman Moshier, Seconded by Councilman Hall.
All in favor, 9:34PM

Adjourn:

Motion to adjourn made by Councilman Gabriel, Seconded by Councilman Moshier. All in favor, 10:09PM

June Highway report

Road repairs are in full swing on the 11th of May we made 500 ton of grader patch and started putting it down on dingle hill. Sent broom to weaver hollow. On the 12th continued patching on dingle hill. Finished sweeping weaver and moved to Canada hollow and crescent hills.

13th we finished sweeping crescent hills and started patching Canada hollow and Crescent hill. The freightliner truck 309 fan broke ruining the radiator and shroud's. Started sweeping Gladstone hollow.

17th work on 309. Took down some weight limit signs, check a pipe on Davis hollow. Patch on Buzzy, Jones and Close hollow.

18th finish patching Jones close started perch, work on 309. Borrowed water truck from Bovina for sweeping.

19th patch and sweep work on 309.

20th Patch Fish hollow, sweep, clean culvert on Davis hollow, fix bad spots on Bullet Hole with crusher run. Work on 309

24th work on 309 ditch fish hollow.

25th work on 309 ditch fish hollow received water tank for the 04 4x4

26th finish up 309, ditch Stevens's road, set up water tank on 4x4.

27th Put patch on Andes rail Trail parking and road area, finished water truck begin sweeping. Work on fish and Stevens

June 1st fuel system down made calls got here on the 2nd ran tests surge protector burnt out waiting on new to be installed. Old Gladstone hollow wall failure fixed. Work on Stevens rd.

2nd work and crusher run old Gladstone hollow from y to Gladstone hollow.

3rd work fish hollow sweep and mow.

I would like to ask the board to consider an extra Employee. I have two young applicant's interested in the open position we have now. Both are residents of Andes and are ready to come to work. Hiring young employees you have time to train them on the equipment and how to maintain roads. This job is different than most jobs people have because of the wide variation of projects that we encounter. We have numerous pieces of equipment that takes time to learn to use safely and efficiently.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'John Bouton', with a long horizontal flourish extending to the right.

John Bouton

CEDARWOOD ENVIRONMENTAL SERVICES

PO Box 1360, Oneonta NY 13820 • Phone 607-441-3246 • FAX 607-441-3251

**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES
June 4, 2021**

1. Water System

Daily usage of treated water from the water system averaged 20,100 gallons per day for the month of May 2021.

2. Plant Purchases

3. O&M

Changed some filters in May 2021.

4. Equipment

5. Distribution System

6. Library Well

Ran well on May 25, 2021.

CEDARWOOD ENVIRONMENTAL SERVICES

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**TOWN OF ANDES, NY
TOWN BOARD MEETING
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES
June 4, 2021**

1. WWTP Plant

Plant effluent flow averaged 43,000 gallons per day for the month of May 2021.

2. SPDES Compliance/NYSDEC, NYCDEP

The plant discharges treated effluent to the Tremper Kill Brook. The WWTP was in compliance for May 2021.

3. Collection System.

4. Plant Purchases.

Stennar pump from Grainger for MBR air bleed at a cost of \$397.65.

Permeate pump motor from KJ Electric at a cost of \$321.64.

Two bottle oilers from Siewert for permeate pumps at a cost of \$141.40.

5. Plant O&M

All running well.

6. Plant Equipment

7. Gladstone Hollow Septic System

TOWN OF ANDES

LOCAL LAW NO. _____ OF THE YEAR 2021

**A LOCAL LAW TO
REGULATE COMMERCIAL TENT CAMPSITES**

BE IT ENACTED by the Town Board of the Town of Andes:

Section 1: Purpose and Intent: There has been a significant increase recently in the offering of facilities or locations for commercial tent camping within the Town of Andes. In order to better protect the users of these facilities as well as the residents and other visitors, it is deemed necessary and appropriate for the general health and welfare of the citizens of the Town to enact a local law requiring a Permit for commercial tent camping within the Town of Andes.

Section 2: Permit Required: A Commercial Tent Campsite (CTC) Permit is required for the operation of any commercial tent camping site within the Town of Andes.

Section 3: Definitions: For the purpose of this local law, a "Commercial Campsite" shall include any property within the Town upon which tent camping is offered by the owner, or the representative of the owner, in exchange for a fee or other valuable consideration.

Section 4: Permits: The Permit application shall be made upon a form approved from time to time by the Town Board. Permit applications may be obtained from the Town Clerk or Town Code Enforcement Officer and submitted to the Code Enforcement Officer for consideration. Permits shall be issued by the Town Code Enforcement Officer on an annual basis for each calendar year.

Section 5: General Regulations for Permitted Sites:

- There must be adequate off-road parking for all campsite vehicles.
- The campsite entrance must be marked with the local street number to aid emergency services.
- The site must be at least 500 feet from any neighboring dwelling.
- The site must be at least 200 feet from the property line. (Waivers can be issued through the Code Enforcement Officer on a case by case basis)
- Each CTC shall accommodate not more than 8 adults or 6 adults and up to 4 children per site.
- Any property upon which camping is offered must contain at least 8 acres, with an additional 8 acres for each additional campsite up to a maximum total of 3 sites.

- The CTC must have and implement a plan for proper waste disposal at least on a weekly cycle.
- Any CTC must be at least 100 feet from any stream or wetland.
- No amplified sound is permitted.
- Any campfire must be in a designated fire pit at least 50 feet from any shrub, trees or overhead tree canopy. During dry conditions more restrictive standards may be implemented. NYS DEC requirements for fires must always be followed. NYS issues a burn ban annually from March 16th-May 14th.
- If the landowner does not live on site, a designated agent must be registered and on file with the Town Code Enforcement Officer, together with immediate contact information for that agent, who must be readily available (within 30 miles) to resolve any potential site problems such as more than the permitted people on site, or excessive noise.
 - A Fire Extinguisher must be provided for each campsite.
 - Each permit will be issued for the calendar year, January 1st-December 31st. Fees will not be pro-rated.
 - The Permit Fee is \$125 for the first site and an additional \$50 per additional site. Renewals are \$50 for each subsequent year. The Town Board shall have the power at any time to amend the Permit Fees set forth herein by a subsequent Resolution to that effect.
 - Violations of any of the provisions of the permit, in addition to any other penalty under this local law, may result in a revocation of the permit and a new application having to be submitted.

Section 7: Violations: Any violation of the provisions of this local law shall subject the violator to a fine of not more than Two Hundred Fifty (\$250.00) Dollars or imprisonment for a period not to exceed fifteen (15) days, or both such fine and imprisonment. Every week that the required Permit has not been issued for the property shall constitute a separate violation of this law.

Section 8: Enforcement: The enforcement of this local law, and any regulations promulgated thereunder will be under the authority of the Town Code Enforcement Officer.

Section 9: Effective Date: This local law shall become effective immediately upon filing with the Office of the Secretary of State of the State of New York.

Local Law No. __ of the Year 20__
Transient Rental Regulations

BE IT ENACTED by the Town Board of the Town of Andes, as follows:

Section 1 – Purpose: With the increase in tourism over the past several years in the Town of Andes and adjacent areas, there has been an increase in the number of property owners renting to tourists on a transient basis. The following local law imposes mandatory requirements on all Town of Andes property owners that desire to rent on a transient basis. The purpose of such requirements is to protect the property owners, occupants of such housing and the residents of the Town of Andes.

Section 2 – Authority: This local law is enacted pursuant to the provisions of the Municipal Home Rule Law and the Town Law of the State of New York.

Section 3 – Title: The title of this local law shall be “Local Law No. __ of the Year 20__ : Transient Rental Regulations.”

Section 4 – Definitions and Application: As used in this local law:

- a) Bedroom: Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.
- b) Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- c) Local Manager: The person specifically named on the application and permit who is responsible for the day to day operation of the Transient Rental Unit (as defined below), and who may be contacted, day or night, if there is a problem at the Unit. The local manager may be either the owner or an agent of the owner. The local manager must reside within thirty (30) miles of the Transient Rental Unit.
- d) Non-Resident Owners: Owners whose primary residence is further than twenty (20) miles from the Transient Rental Unit.
- e) Parking Space: A parking space is an area at least ten (10) feet by twenty (20) feet with direct access or legal right-of- way to a public street or highway, intended for the temporary storage of motor vehicles. Off street parking shall not be utilized for any RV parking or camping unit during the permit period.
- f) Transient Rental Unit: Any dwelling unit that is rented or leased for a period of thirty (30) days or less shall be considered a Transient Rental Unit. Motels, hotels and bed & breakfasts are excluded from this definition.

- g) Renewal Applications: The process by which an owner of a dwelling unit that received a transient rental permit the previous year may apply for the short-term rental permit for the next consecutive year. A renewal application will be accepted only when the applicant can document receipt of a transient rental permit the previous year.
- h) Sleeping Room: An interior room other than a bedroom having at least one operable window and furnishings that may serve to afford sleep to a person; however, sleep shall not be the primary function of the room. Examples include a living room, family room, den or great room furnished with a futon or convertible couch.

Section 5 – Authorization: The Town Board of the Town of Andes (‘Town Board’) authorizes the Town of Andes Code Enforcement Officer (‘CEO’) to issue permits to property owners to operate Transient Rental Units according to the provisions of this local law. Applications for a permit to operate a Transient Rental Unit shall be processed under the procedures set forth in this local law. In the event the CEO is unavailable to perform any of the requirements of this local law, the Town Board may appoint the Code Enforcement Office of a neighboring municipality to perform such functions.

Section 6 – Application: All property owners desiring to rent or lease on a transient basis must comply with the regulations of this local law. However, nothing in this local law shall alter, effect, or supersede any regulations or requirements of the Town of Andes Zoning Ordinance, any regulations or requirements imposed by the County of Delaware, or any State or Federal regulations or requirements, and all property owners must continue to comply with such regulations or requirements.

Section 7 – Fee: A nonrefundable permit fee set by Town of Andes Town Board for each Transient Rental Unit shall be submitted with each new application and each annual renewal application. The amount of such permit fee may be changed from time to time by resolution of the Town Board.

Section 8 – Application Forms: Applications for a permit to operate a Transient Rental Unit shall be available from either the Town Clerk or the Code Enforcement Officer. Applicants must file a separate application and tender a separate application fee and obtain a separate permit for each dwelling unit to be used for transient rentals.

Section 9 – Application Process:

- a) The initial permit application to operate a Transient Rental Unit shall be submitted to the Town of Andes Town Clerk along with the application fee. The applicant shall be notified of any additional information required within twenty (20) days of receipt of the application and application fee.
- b) The initial permit application must include the following:
 - 1) Contact information: The names, addresses and day and night telephone numbers of the property owner and local manager must be included on the application. The contact

information for the local manager may be made public as part of a municipally-maintained database.

- 2) Parking: The number of off street parking spaces must be indicated on the application. Off street parking shall be provided to accommodate the occupancy of the structure. Vehicles shall not be parked on lawns, nor shall they be parked at a private, off-premise location without express written permission of the property owner. Such written permission must be provided along with the application. Any vehicles parked along the New York State highway will be subject to winter-related parking restrictions as per New York State Department of Transportation.
 - 3) Occupancy: The occupancy level will be indicated on the application. Occupancy of the entire premises is limited to no more than two persons over the age of two per bedroom, unless further restricted by fire and safety codes. The CEO may also limit the number of occupants in a specific dwelling unit based on the number, size, configuration, and furnishings of the bedrooms and sleeping rooms, and according to the provisions of state laws.
 - 4) Description: Either a floor plan or a written indication of the number of bedrooms, bathrooms, and kitchens associated with the property.
 - 5) House rules: The applicant shall submit a copy of the house rules. At a minimum, house rules must contain the contact information for all emergency services and the local manager; plus information concerning relevant local laws.
 - 6) Jurisdiction: If a property owner does not reside in the Andes area, then he or she must designate a Local Manager as an agent for the purpose of conferring criminal jurisdiction to the local criminal court upon the property owner. Service of an appearance ticket as defined in the New York State Criminal Procedure Law upon the Local Manager, as agent, shall constitute good and sufficient service as if the property owner had been personally served within Delaware County.
 - 7) Insurance and Bed Tax: Applicant shall provide proof of liability insurance coverage and a bed tax identification number.
- c) Upon receipt of the application and fee, the Town Clerk shall refer the application to the CEO to determine if the applicant has complied with all of the requirements of this local law. If the applicant has fully complied, then the CEO shall issue the property owner a transient rental permit. However, if an applicant is required to obtain any other permits required by the Town of Andes, County of Delaware, or State of New York in order to rent or lease their dwelling unit on a transient basis, then the CEO shall not issue the applicant a permit under this local law without sufficient proof that such other requirements imposed by the Town of Andes, County of Delaware, or State of New York have been satisfied. The CEO shall have forty-five (45) days to determine whether the applicant has complied with the requirements of this law. Failure of the CEO to act within forty-five (45) days shall constitute an approval unless the applicant and the CEO mutually agree to extend this time limit.

- d) Renewal Permits: To obtain a renewal permit, the applicant will provide the Town of Andes with (i) an affidavit that no change has taken place to the dwelling unit that would affect its eligibility to operate as a Transient Rental Unit; or (ii) an amendment to the initial application that sets forth any changes to the original underlying application for a Transient Rental Permit, together with such required additional documentation as determined by the CEO, along with the current application fee. The applicant will be notified within twenty (20) days of any required additional information. If the applicant has fully complied with the above, the CEO shall issue a permit to operate a Transient Rental Unit. Any applicant who applies for a Transient Rental Permit, and did not hold a permit for the immediate prior year, shall be considered an initial applicant and not a renewal applicant.

Section 10 - Inspections: Each unit shall be inspected by the CEO to determine fire and safety code compliance. Proof of inspection in the form of the certificate of compliance must be included with the application form.

Section 11 – General Permit Regulations:

- a) Copies of the permit must be displayed in the dwelling unit in a place where it is easily visible to the occupants.
- b) The permit to operate a short-term rental unit in any given year will expire on December 31.
- c) A permit for operation of a Transient Rental Unit may be assigned, pledged, sold or otherwise transferred to any other persons, businesses, entities or properties upon written notification to the CEO, indicating the name, address and telephone number of the new owner and local manager, if applicable, proof of insurance and bed tax number, as well as certification that the balance of the information required under Section 9(b) has not changed.
- d) All Transient Rental Units shall have posted on or about the inside of its front or main door a card listing emergency contact information. Such information shall include, but not be limited to: the name, address and phone number of the building owner, if local, or a local manager, who will be available for problems or emergencies that may arise, and instructions on dialing 911 for emergency/fire/ambulance assistance. A local agent shall be able to arrive at the Transient Rental Unit in person within forty-five (45) minutes of being notified an emergency.
- e) All applicants, both renewal and new, must notify, in writing, via regular first class mail, all property owners within a 200-foot radius of the proposed Transient Rental Unit and must include in such notification the name, phone numbers and addresses of the property owner and local manager, if any, who will be available for problems or emergencies that may arise and whom neighbors may contact in the event of complaints or problems with the Transient Rental Unit. This will not serve as an official complaint.
- f) In all zoning districts, no person or persons may be housed separately or apart from the Transient Rental Unit in any tent, trailer, camper, lean-to, recreation vehicle or non-dwelling unit.

Section 12 - Complaints:

- a) Complaints regarding the operation of a Transient Rental Unit shall be in writing and shall be delivered to the Code Enforcement Officer.
- b) In the event of a complaint alleging violation of this Local Law, the CEO shall investigate to determine the presence of a violation. Upon finding to his or her satisfaction that a violation was or is currently occurring, the CEO shall issue to the Transient Rental Unit owner and the local manager a notice detailing the alleged violation(s) as determined by the CEO. Such notice shall also specify what corrective action is required, and the date by which action shall be taken.
- c) Notices required by this section shall be issued by the CEO either by personal service to the owner or the local manager, or by certified mail to the address of the property owner or local manager as shown on the permit application.
- d) If the landowner does not comply with corrective action by the date given by the CEO, the Town of Andes may initiate procedures to revoke the permit, or the Town of Andes may begin a criminal action against the property owner or pursue any other relief permitted by law.

Section 13 – Violations:

- a) Any person or entity found to be renting or leasing a Transient Rental Unit without a permit issued shall be in violation of this law.
- b) The CEO shall issue a ticket to any dwelling unit owner that, after having been notified of non-compliance, fails to become compliant with this Local Law by the end of the time period set by the CEO. In the event the health and safety of individuals are at risk, the CEO shall take immediate action to rectify the violation, including but not limited to, initiating proper legal steps to discontinue the operation of said Transient Rental Unit and the removal of the occupants from the premises until such time the violation is rectified.
- c) A violation of this local law is an offense punishable by a fine not exceeding three hundred fifty dollars (\$350.00), for conviction of a first time offense.

Conviction of a second offense committed within a period of five years of the first offense, is punishable by a fine not less than three hundred fifty dollars (\$350.00) and not more than seven hundred dollars (\$700.00).

Conviction of a third or subsequent offense committed within a period of five years of the first offense is punishable by a fine not less than seven hundred dollars (\$700.00) and not more than one thousand dollars (\$1,000.00).

For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- d) Compliance with this chapter may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this

chapter shall also be subject to a civil penalty of not more than \$500, to be recovered by the Town of Andes in a civil action.

- e) In the event that the Town of Andes is required to take legal action to enforce this chapter, the violator will be responsible for any and all necessary costs relative thereto, including attorneys' fees, and such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the dwelling unit.

Section 14 – Enactment: This Local Law shall take effect immediately.

Section 15 – Severability: If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

RESOLVED BY _____ and seconded by _____, that the above Local Law No. ____ of 2021 be adopted.

Letter to the Town Board of the Town of Andes

Re: Proposed Transient Rental Regulations

Date: May 18, 2021

As homeowners in Andes, my husband and I have concerns regarding a proposal to regulate transient rentals. We purchased our home together along with a close family friend approximately seven months ago, and intend on spending as much time as possible in Andes, but due to our current employment situation, we must split our time in Brooklyn, New York. We have been successfully renting our home on Airbnb in order to offset the cost of improvements we did to the home. During the short time that we have been renting out our home (four months), we have had nothing but glowing reviews about our home, the property, the Town of Andes, and the local restaurants and businesses. As part of our "House Manual" we include information on many of the local businesses in Andes and the feedback has been just one example of how rental properties like ours are bringing notoriety and commerce to the town.

We are concerned because this recent proposal to regulate transient rental properties like ours creates an application process that is too restrictive and will create insurmountable barriers for our family and for others in town who rent out their homes. These restrictions may force many homeowners to stop engaging in transient rental business and sell their property, which will in turn hurt the economy in Andes, effecting local businesses and decreasing tourism.

We also recognize, however, that the safety of the town and its residents is paramount and understand that the Town Board has an interest in ensuring that properties operating transient rentals are safe places for their guests to stay. Our hope in writing this letter is to address some of the restrictive provisions of the proposed regulations and come to a workable compromise with the Town Board.

The following are a list of concerns and proposed amendments to the Transient Rental Regulations drafted by the Town Board on May 4, 2021:

Section 4, paragraph (c): The requirement of a local manager that must reside within thirty miles of the Transient Rental Unit is overly restrictive and would prevent property owners who don't live within the Town of Andes, or neighboring towns, from using their properties for transient rentals.

Section 4, paragraph (d): Defining a non-resident owner as someone whose primary residence is further than twenty miles away is also overly restrictive and discourages owners who live farther away from using their properties for transient rentals.

Section 4, paragraph (h): Defining a sleeping room restricts how the homeowner chooses to set up their home. If the Code Enforcement Officer is going to inspect the home, they can make a determination as to what the acceptable occupancy number is.

Section 7: Homeowners should not be required to pay a fee to the Town for application to rent out their own home. Homeowners already pay property taxes to the Town and County?? The rental listing companies (such as Airbnb) also remit occupancy taxes to the town. Also, requiring that this fee be paid annually is overly burdensome for the homeowner. These extra costs will discourage homeowners from renting out their homes. Homeowners may also be forced to increase their rental

prices in order to offset this permit fee. Either way, this will have a chilling effect on transient rentals, which will in turn effect commerce and local business in the town of Andes and surrounding areas.

Section 9, paragraph (b)(3): Restricting occupancy of the rental home based upon the number of bedrooms limits the homeowner from setting up the home in different ways. For example, you could have a larger guest bedroom that contained a full bed and a daybed or a full bed and bunkbeds. There are many configurations and to limit occupancy to 2 persons over the age of two, would inevitably prevent a parent(s) from sleeping in the same room with their child(ren). As I noted earlier, the definition of bedroom and the occupancy definitions can be removed and the CEO can make the determination as to what the appropriate occupancy number is.

Section 9, paragraph (b)(6): As noted earlier, requiring a local manager is extremely limiting for homeowners who split their time outside of the Andes area. The contact information of the homeowner should be all that is required. There should be no need to confer criminal jurisdiction on a local manager or registered agent for several reasons: 1. A local address is not requirement to notify someone that they are in violation of the Town's transient rental regulations, just as a local manager is not needed for notice of other town code violations. 2. The proposed regulations seek to make non-compliance punishable by a criminal offense, specifically a misdemeanor, as outlined in Section 13. This is simply unnecessary and would obviate the need to confer criminal jurisdiction on anyone. Any violation of these proposed regulations should be treated as a civil violation only.

Section 9, paragraph (b)(7): The homeowner already has homeowner's insurance and rental listing companies (such as Airbnb) provide additional host insurance protection. Airbnb's host insurance program provides up to \$1,000,000 USD in liability coverage for a host's legal responsibility to a guest or third party that gets hurt or has their property damaged due to an incident related to an Airbnb stay. The homeowner should not have to provide proof of liability insurance coverage or a bed tax identification number in order to receive a transient rental permit.

We sincerely hope that the Town Board will consider revising the proposed transient rental regulations as suggested in this letter. From what we have learned about the town and its residents so far, we are confident that there can be a reasonable compromise and resolution to this matter.

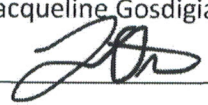
Very Sincerely,



Mark Gosdigian (Homeowner)



Jacqueline Gosdigian (Homeowner)



Jason Ostrow (Homeowner)

Dear Board members,

I live on Weidick Rd. in Andes and approached the Planning Board some time ago about a Tent RR type camp ground that a neighboring property owner wanted to put on a 7 acre parcel across the street from my house. I have been following the progress of the proposed new law through the Planning Boards meetings and the Town Boards meetings and have been in contact with both the past and present Code Enforcement Officers. I believe that the new law, as written, presents a reasonable set of rules and does a good job of dealing with newly proposed and already existing campsites. I fully support it as it has been proposed.

David Levesque

Skip here...

My Best to all!

I just wanted to add my 2 cents regarding the proposed Local Law.

Please know that I love Andes and try to promote a win win for all who call it home.

I feel exactly the same way about you all and the way you take great care of this town's business.

With that said, here's my input now that I've seen the proposal.

1. The Purpose of the proposal at the end of the first paragraph is ambiguous. "...to protect the property owners, occupants of such housing and the residents of the Town of Andes."

From what specifically?

2. If there are specific incidents, what are they that current local, state and federal laws cannot handle?

3. What measures will be put in place to determine whether this Regulation will have had the intended effect on these incidents going forward?

I believe that any proposed regulation or law should be able to answer these 3 questions. Especially one that imposes penalties and fines.

Again, this comes with complete respect to you all and the fear that the Town of Andes may open itself to possible liability issues in the future.

An alternative measure may be to deem all Transient rentals as a Home Business and everyone must go through the existing permitting process as we did.

I'm not looking for any response to this letter. Just wanted to give my input in writing to everyone before the meeting.

My best to you all,
Skip Parcell