

**Code Committee Meeting
October 5, 2015
236 Third Street, Greenport, NY 11944
Village Hall Conference Room**

Attendance: Mayor George W. Hubbard, Jr., Trustee Mary Bess Phillips, Trustee Jack Martilotta, Deputy Clerk Jeanmarie Oddon, Village Attorney Joe Prokop, At-Large-Representative Michelle Schott, Historic Preservation Commission Chairman Frank Uellendahl, and **Other attendees:** Zoning Board member David Corwin, Trustee Doug Roberts, John Winkler, Lisa Finn of Southold Local, Ellen Schnepel, and Virginia Ludacer.

Call to Order:

The meeting was called to order at 4:03 p.m. by Mayor Hubbard, Jr.

Approval Minutes of last meeting:

Motion made by Mayor Hubbard, Jr. and seconded by Trustee Phillips to approve the minutes of the last meeting (as held on September 14, 2015) with a revision on page two from "Members of the public were invited to speak" to "Mayor allowed public comment".

Short Term Rentals – Owner Occupied:

Please note that Zoning Board of Appeals Chairman Moore was unable to attend the meeting. However, one hour before the meeting, he distributed (via email) nine comments on the September 30, 2015 version of the proposed short-term rental law.

Trustee Phillips spoke about a recent news article concerning memos from the NYS Taxation and Finance Department that new regulations are in process to start collecting proper State taxes for short term rentals. This State measure could possibly change the outcome of the Village structuring of a short-term rental law.

Michelle Schott brought up that the current draft short-term rental law is only allowed for a two-family home that has a separate rental living space. In previous discussions, members agreed that residences that have the proper certificate of occupancy, which includes accessory buildings, would be considered in the owner-occupied definition.

The law will affect those residents with owner-occupied homes who would rent their home for a two month period or longer.

Members discussed the evolution throughout the year to create the structure of the current short-term rental law. Most agreed that the long-term rental law has been an "onerous" process and was delayed in "rolling out".

The Village has now become a "destination" location rather than having "traditional" long term rentals. This will eventually whittle away the volunteerism efforts, such as for the Fire Department and Rescue services.

Mayor Hubbard, Jr., stated that owner-occupied means that the homeowner is required to be "living on site". This will aid in enforcement because it would be "self-policing," instead of a neighbor reporting possible violations to the Village. All agreed that the Village Code is to ensure the safety and welfare of "quality of life" for overall residents.

Trustee Martilotta expressed concern, and wondered if any neighboring municipalities that have incorporated a short-term rental code have experienced "push back," in terms of being inundated with lawsuits.

The Mayor requested that the Village Attorney complete minor adjustments discussed to the proposed draft and take into account the nine comments from Zoning Board of Appeals Chairman Moore. These minor adjustments include:

- Language for "check all possible means," for criteria to verify true owner-occupied homes; such as, but not limited to, the Star Exemption certification.
- A change in the wording to allow residences instead of limiting the wording to "two-family."
- Utilizing the term "parcel" in lieu of "dwelling."

Residents interested in renting individual rooms would fall under Bed and Breakfast code. The key to the proposed code is "owner-occupied" with not limiting frequency of rental time frames.

Upon completion of the minor adjustments the Village Attorney will provide a "clean copy" of the final proposed law for circulation to the Code members and Village Board.

The Mayor allowed public comment, which resulted in concerns regarding enforcement costs, as well as concerns that the proposed legislation will prohibit freedom regarding home rentals.

Signage Code:

Planning Board Chairman McMahon will submit signage comments to the Code Committee, from the Planning Board Regular Session meeting of October 1, 2015.

SEORA:

The Village Attorney suggested that properties with the same use evaluation (such as retail clothing to retail clothing) would not need to be reviewed. [However, if it were retail clothing to night club, the Planning Board would need to review the use as a Type II action.]

The Village Attorney proposed to add a Type II action as a policy change, and then incorporate it into the Village Code.

Recommendations to Village Board:

The general consensus of the Code Committee was to recommend to the Village Board the current draft of the proposed short-term rental law (with agreed-upon minor adjustments). The Village Board will discuss the draft at the upcoming Work Session Meeting and begin the process of scheduling a date for a Public Hearing.

Close Meeting:

Motion made at 5:07 p.m. by Mayor Hubbard, Jr., and seconded by Trustee Phillips to close the meeting. The next meeting will be held on **Monday, November 9, 2015, at 4:00 pm** at Village Hall, 236 Third Street, Greenport, NY 11944.