

**Town of Keene Bi-Monthly Board Meeting**  
**January 31, 2023**  
**5:30 P.M. Town Hall**  
**Meeting # 3**  
**Resolutions #60-67,2023**

**Board Members Present:** Joe Pete Wilson Supervisor, Robert Biesemeyer, Christopher Daly, Dave Deyo, Teresa Cheetham-Palen Council Members

**Town Counsel Present:**

**Town Officials Present:** Reginald Whitney Highway Superintendent, Savana Li Water Superintendent, Roger Preston Building and Grounds, Anna Whitney Town Clerk

**Members of the Public:** Mike Carr, Megan Stevenson, DeAnna Brown, Josh Wilson, Peter Slocum, Luke Peduzzi, Betsy Richert, John Schuler

**Call to Meeting to Order** at 7:00 by Joe Pete

**Pledge of Allegiance**

**Approval of Minutes:** Unavailable for this meeting

**Privilege of the Floor:**

Joe Pete wanted to welcome Megan Stevenson and Mike Carr from the Adirondack Land Trust, there is a handout they will be talking about. *Attachment #1*

- **Adirondack Land Trust Presentation:**

Megan wanted to update us on their organization, she stated they are now merged with Lake Placid Land Conservancy. Lake Placid owned a piece of property on Deer Brook Way, so we are now the proud short term stewards of this property which consists of 25 acres, formally owned by Carolyn Fowler. Our plan for this property is to transfer it to the Forest Preserve. When looking at this we found a piece of land consisting of 137 acres, which is in red on the map, was for sale. We contacted the realtor and reached an agreement to purchase the 137 acres. As with all our projects that we plan to transfer to the forest preserve we want to come to the town and let you know about the project. Together these two tracks total 162 acres, they have about half mile of stream frontage, they both have steep, rough terrain which don't make them very suitable for development, and also they are land locked. The State does agree they are good additions to the Forest Preserve.

Mike Carr added we hold it for 5 years.

Dave asked what are you asking from the Board?

Mike added your blessing.

Chris asked is there any concern with the easement for access, is there any concern for St. Hubert's Rd that this may end up with some element of a trailhead or parking?

Megan stated there is no plans for any public access through this sight.

**RESOLUTION TO SUPPORT THE ADIRONDACK LAND TRUST**

**RESOLUTION NO. 60-2023**

**INTRODUCED BY: ROBERT BIESEMEYER WHO MOVED FOR ITS  
ADOPTION SECONDED BY DAVE DEYO.**

RESOLVED that the Town Board supports the decision of the Adirondack Land Trust to hold the 162 acres for 5 years then transfer to the Forest Preserve.

Duly adopted this 31st day of January 2023 by the following vote:

AYES: Robert Biesemeyer, Teresa Cheetham-Palen, David Deyo, Christopher Daly, Joe Pete Wilson

NAYS: None

Joe Pete welcomed and introduced Tammy Lowey from Youth Commission

- **Youth Commission East Branch Community Trails Enhancement Fund request: Attachment #2**

Tammy wanted to talk to us about building this community space. Phase 1 is done and now onto Phase 2 and we are looking for some funding. We would like the Town to invest in this.

Joe Pete said it would be a strong statement if the Town would lead the way.

Bob asked about the ¼-mile piece, why so much?

Dave asked if the \$30,000 was for just Phase 2 or for Phase 3 as well.

Tammy said \$30,000 is for just Phase 2.

Josh Wilson added this trail is going to be useable by the widest variety of people, this makes more work to make it so useable.

Teresa said she has been to many mountain biking trails and this trail is lovely.

Dave asked about maintaining these trails.

Josh said they will recruit volunteers. In each town, we have committees that help with this.

Chris stated his concern is that there is only a budget for Phase 2, I do share some of Bobs concerns but with your explanations I can probably get behind \$10,000 for Phase 2 but I don't really see anything in here that we can really commit to another \$10,000 and another.

Tammy asked what would we need to see for the board to get behind the rest?

Josh did state that this is all good feedback. We did included the master plan in our handout.

We do not have a full budget on the other Phases because we are focused on Phase 2 and also working with the County and State for any funding and grants.

**RESOLUTION FOR THE TOWN TO GRANT \$10,000 FOR 2023 FROM THE  
COMMUNITY ENHANCEMENT FUND**

**RESOLUTION NO: 61,2023**

**INTRODUCED BY : JOE PETE WILSON WHO MOVED FOR ITS ADOPTION  
SECONDED BY ROBERT BIESEMEYER.**

RESOLVED that the Town grants \$10,000 for 2023 from the Community Enhancement Fund for Phase 2 of the Bike Construction.

Duly adopted this 31<sup>st</sup> day of January 2023 by the following roll call vote:

AYES: Joe Pete Wilson, Robert Biesemeyer, Christopher Daly, Teresa Cheetham-Palen

NAYS: Dave Deyo

**Old Business:**

- Covid Updates:

- Water Districts: Savana has proposed an amendment to our water shut off schedule.

Current Law: Between the dates of November 1<sup>st</sup>-March 1<sup>st</sup> there will be no non-emergency water repairs done by the water department.

Proposed Amendment to Current Law: Between the dates of November 1<sup>st</sup>-March 1<sup>st</sup> there will be an additional charge based on labor and materials for any non-emergency turn-off or turn-on.

**RESOLUTION TO AMENDED THE CURRENT LAW FOR WATER SHUT-OFF  
SCHEDULE**

**RESOLUTION NO.: 62,2023**

**INTRODUCED BY: JOE PETE WILSON WHO MOVED FOR ITS ADOPTION,  
SECONDED BY CHRISTOPHER DALY.**

RESOLVED that the Town of Keene amend the current law to read: Between the dates of November 1<sup>st</sup> thru March 1<sup>st</sup> there will be an additional charge based on labor and materials for any non-emergency turn-off or turn-on.

DULY adopted this 31<sup>st</sup> day of January 2023 by the following vote:

AYES: Joe Pete Wilson, Christopher Daly, Teresa Cheetham-Palen

NAYS: Robert Biesemeyer

WD#1:

WD#2: Thursday at 11:00, Hydro Source is meeting Joe Pete and Savana to look at test well locations and see if trees or anything needs to be cut. Liam has the draft agreement he is working on after Joe Pete meant with the school which is a critical part of all this.

- Annual audit of the books: Joe Pete stated that tonight we have Justice Dwyer, Justice Jordan, and Prior Town Clerk/Tax Collector Kimberly Smiths books have been presented. We will do the Code enforcement Officers and the Town Clerk/Tax Collectors our next meeting.

**RESOLUTION TO APPROVE THE ANNUAL AUDIT**

**RESOLUTION NO.:63,2023**

**INTRODUCED BY: TERESA CHEETHAM-PALEN WHO MOVED FOR  
ITS ADOPTION SECONDED BY CHRISTOPHER DALY**

RESOLVED that the Town Board approves Justice Dwyer, Justice Jordan, and Prior Town Clerk/Tax Collector Kimberly Smith's Books

Duly adopted this 31<sup>st</sup> day of January 2023 by the following vote:

AYES: Teresa Cheetham-Palen, David Deyo, Christopher Daly, Joe Pete Wilson, Robert Biesemeyer

NAYS: None

- Highway Department: Reggie wanted to make the Board aware of how things are going. We are into 1 month and the truck we just had fixed for \$17,000 is back in Plattsburgh and probably needs another \$13,000. I have a \$50,000 budget, I probably have \$30,000 left, and we are 1 month in.

Joe Pete stated in the short term we will be able to pay our bills that is why we have a fund balance but I think what Reggie and Dean have been working on is how do we plan for purchases to get us out of this.

Dave said we need to start thinking of purchases instead of repairs, putting \$50-60,000 into 10-year-old trucks is good money after bad, we need to start thinking of payments instead of repair bill after repair bill.

Joe Pete stated Reggie's main concerns is that people are aware we may have to amend the budget to cover these repairs.

Reggie said we need to come up with a cycle to trade these vehicles out before this happens, oldest truck is 2007.

Joe Pete asked us to make a motion to add Robyn Shumer to the youth commission Board. He realized he left her off when he went to submit our Youth Commission Board to the County.

### **RESOLUTION TO ADD ROBYN SHUMER TO THE YOUTH COMMISSION BOARD**

**RESOLUTION NO.: 64,2023**

**INTRODUCED BY: JOE PETE WILSON WHO MOVED FOR ITS ADOPTION  
SECONDED BY TERSEA CHEETHAM-PALEN**

**RESOLVED** that the Town Board adds Robyn Shumer to the Youth Commission Board  
Duly adopted this 31<sup>st</sup> day of January 2023 by the following vote:

**AYES:** Teresa Cheetham-Palen, David Deyo, Christopher Daly, Joe Pete Wilson, Robert Biesemeyer

**NAYS:** None

### **New Business:**

- **July 1<sup>st</sup> Fireworks at Marcy Field sponsored by AMR**

Joe Pete asked to jump ahead to new business and then turned the floor over to John Schuler who is here with a generous offer from AMR.

John stated his employer would like to sponsor the July 1<sup>st</sup> fireworks at Marcy field. John said they will handle pretty much everything but asked if the Town would engage the Fire Department and help us with the Fire Departments. We will get Atlas here to tell us where the best place is to set everything up, we will handle the Sheriffs and the State Police, we will need help with parking. John stated the ask is from the heart of the Club. The ask is twofold, The Harris family who own the piece of property where they fireworks have been shot all these years, they just don't want to expose their place any longer, also Rusty Hall is concerned there is no water up there if ever needed.

Dave said it sounds like a great idea.

Chris also said it sounds great, only question is insurance make sure it is the right insurance.

John said Atlas would name Town of Keene and Keene Valley on their multi-million dollar policy, the Town will get a copy.

- **Short Term Rental Law Discussion: Attachment #3**

Joe Pete asked Chris to introduce the draft.

Dave asked Joe Pete that this is just something we are going to discuss.

Chris said this is just for distribution for the board, the public that is here, and will be attached to the minutes. This is not an introduction of the law it's a draft in the form of a local law, which is the next step that needs to be taken after the work of the strategic planning committee and the task force follow up committee from last year. I took it upon myself to take the next step, which is to reduce that to a draft law for consideration from the board. What this reflects is all the work that the strategic planning committee and task force did in 2021 and 2022.

Betsy Richert added she was a bit perplexed and wondering how we went from the registration packet and now to a law. Betsy also wanted to know why there has been activity on the goggle docs and if that was used to help produce this the public should know.

Chris stated he has no knowledge of what she is referring to. I can tell you I drafted this law myself and it was based not a 100% on the recommendations of the group, the groups work was a starting point and a fair amount of time on what other local jurisdiction have done and converted it into this draft.

Joe Pete stated we are just getting this out there for everyone to review.

**Executive Session:** None

**Budget Resolutions:**

- Resolution to transfer funds-none
- Resolution to amend the 2023 Budget-

**RESOLUTIONS TO AMEND 2023 BUDGET**

**RESOLUTION NO.: 65,2023**

**INTRODUCED BY ROBERT BIESEMEYER WHO MOVED FOR ITS ADOPTION**

**SECONDED BY CHRISTOPHER DALY**

**RESOLVED** that the following BUDGET AMENDMENTS be approved:

**GENERAL FUND**

to increase Justices EQ Line #A1110.2 by \$211.25 to be transferred from unallocated funds. The justices did not utilize the full \$3,332.97 in 2022 from the JCAP Grant they received. They spent \$3,121.72 on filing cabinets. The Office of Court Administration is asking for the unused funds back.

To increase Cemetery CE Line #A88104.1 by \$15,000 to be transferred from unallocated

funds. This is for the Cemetery expansion project.  
Duly adopted this 31<sup>st</sup> day of January 2023 by the following vote:  
AYES: Teresa Cheetham-Palen, David Deyo, Christopher Daly, Joe Pete Wilson, Robert  
Biesemeyer  
NAYS: None

**Supervisors Report:**

- November 2022 Tabled
- December 2022 Tabled

**Audit Bills:**

**RESOLUTION TO AUDIT THE VOUCHERS 2023-45 THROUGH 2023-107  
RESOLUTION NUMBER: 66,2023  
INTRODUCED BY DAVE DEYO WHO MOVED FOR ITS ADOPTION SECONDED BY  
CHRISTOPHER DALY**

RESOLVED that the Town Board approve the following bills for payment.  
Multi-Fund Vouchers numbered 2023-045 through 2023-107 totaling \$65858.62, as follows:

General Fund Bills \$28994.44  
Highway Fund Bills \$31930.35  
Library Fund \$171.51  
Water District #1 \$1853.22  
Water District #2 \$424.85  
Bike Park Fund \$2400.00  
Trust & Agency Fund \$84.25

Duly adopted this 31<sup>st</sup> day of January 2023 by the following vote:  
AYES: Teresa Cheetham-Palen, Christopher Daly, Dave Deyo, Joe Pete Wilson, Robert  
Biesemeyer  
NAYS: None

**Adjourn:**

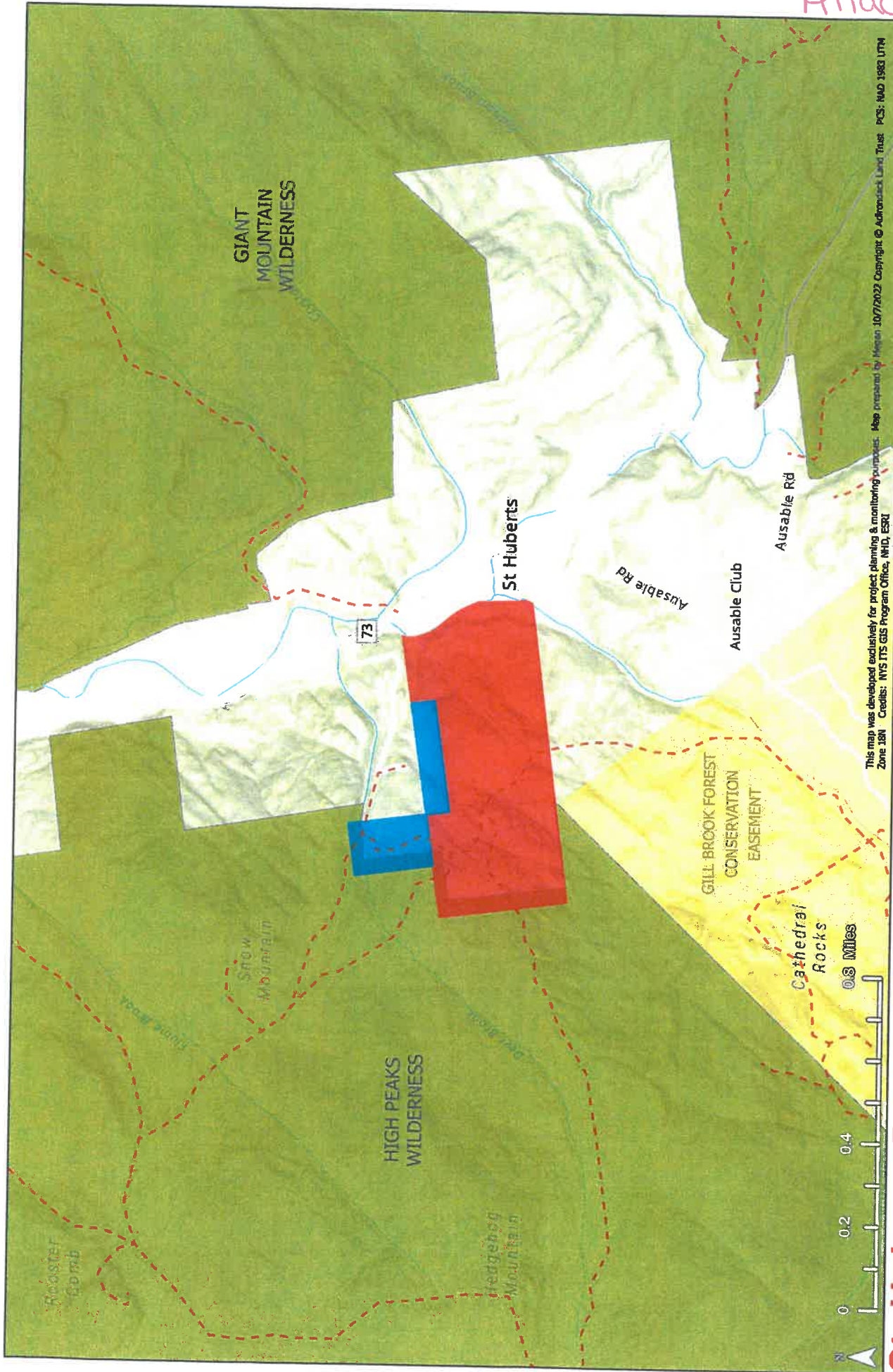
**RESOLUTION TO ADJOURN  
RESOLUTION NO.: 67,2023  
INTRODUCED BY: DAVE DEYO WHO MOVED FOR ITS ADOPTION SECONDED  
BY CHRISTOPHER DALY**

RESOLVED that the Town Board of Keene has completed all business and hereby adjourns the  
Regular Meeting at 6:57P.M.

Duly adopted this 10th day of January 2023 by the following vote:  
AYES: Teresa Cheetham-Palen, David Deyo, Christopher Daly, Joe Pete Wilson, Robert  
Biesemeyer  
NAYS: None

Anna Whitney  
Town Clerk  
Town of Keene





This map was developed exclusively for project planning & monitoring purposes. Map prepared by Horizon 10/7/2022 Copyright © Adirondack Land Trust PCS: MAD 1983 UTM Zone 18N Credits: NYS ITS GIS Program Office, NHD, ESRI

- Trails
- ALT Properties
- Property of Interest
- Forest Preserve

**St. Huberts Property**  
Keene, Essex County 137 acres







**St. Huberts Property**  
 Keene, Essex County 137 acres



▭ Property of Interest  
▭ ALT Properties





*Local youth pedal away from the ribbon cutting event at the East Branch Community Trails, enjoying the first ride on the new multi-use "Leepoff Loop", a trail designed for people of all ages and abilities. © Eric Teed*

**Request for Community Enhancement Funds to support the East Branch Community Trails  
Keene Town Board  
January 31, 2023**

The Keene Youth Commission (KYC), in partnership with the Barkeater Trails Alliance (BETA), respectfully submits this funding request to the Town Board of Keene for your consideration. Since 2021, KYC and BETA have worked with the Town of Keene and Peduzzi Trail Contracting to develop a concept plan for a new trail system, pump track and bike skills park at the county-owned property on Route 9N, following a phased approach to trail development.

**Phase 1 of the new "East Branch Community Trails" was completed in September, 2022**, and included over 2 miles of new multi-use trails that will serve as the backbone of the larger trail system that is planned for the future. These new trails were immediately popular with residents, allowing hikers, mountain bikers, trail runners and non-motorized winter travelers to access key points of the property. The project was "kickstarted" with \$50,000 investment from BETA's *Sterling Watchorn Trail Fund* and a matching grant of \$25,000 from the Stewart's Shops and Dake Family Fund, along with over \$10,000 in grassroots donations raised by BETA and KYC.

**KYC and BETA are now seeking funding for Phase 2** of trail construction on the property, which will expand on the success of the multi-use trails built in 2022, and will feature 0.75 mile of new machine-built trail that provides a downhill-oriented, mountain bike-specific option appropriate for beginner and intermediate riders. See overview map below depicting the trail that is planned for Phase 2, along with the other trails planned for future phases.

**KYC and BETA respectfully request that the Town of Keene make a commitment to provide seed money for the project for the next 3 years from its *Community Enhancement Fund*. We are requesting \$10,000 per year, beginning in 2023.**

This investment in community infrastructure will allow KYC and BETA to leverage additional grant funding, grassroots donations and other fundraising activities to effectively implement Phase 2 in 2023 and future phases of the trail system. In 2023 KYC and BETA will continue working with the Town and Essex County to identify and seek state and federal grant funding that would make it possible to build additional trails and the pump track facility over the next 3-5 years.

## Phase 2 Budget

Please see the attached project financial report for more details about the Phase 2 budget and fundraising goals.

### Expenses:

Peduzzi Trail Contracting - trail construction - \$35,000 (contract w/ BETA)

BETA - trail construction, volunteer coordination, project admin - \$3150

Building materials and signage - \$1500

**TOTAL - \$39,650**

### Funding Sources:

Town of Keene Community Enhancement Fund - \$10,000

Cloudsplitter Foundation - \$7900

Adirondack Foundation - \$5000

Grassroots Donations - \$16,800

**TOTAL - \$39,700**

## Phase 2 and the “Master Plan”

Phase 2 is focused on the construction of the easiest mountain bike specific trail, “Lower Descend”, which will serve as a baseline that brings riders back to the Leepoff Loop without riding down the multi-use climbing trail. The primary goal of this phase is to provide a safe and fun downhill option for mountain bikers as soon as possible, while the remainder of the trail segments can be developed as time and funding allows.

Peduzzi Trail Contracting, LLC has developed an East Branch Community Trails “Master Plan” for all future trail development and the construction of the pump track and bike skills park, including cost estimates and updated maps depicting all existing and planned trails as well as emergency evacuation routes on the property. Please see attached.

**KYC and BETA request that the Town of Keene officially adopt the Master Plan so it may serve as the primary guidance for future trail construction and fundraising efforts in 2023 and beyond.**

Phase 2 and future phases of trail construction at the East Branch Community Trails will expand on the success of the multi-use trails built in 2022. Peduzzi Trails Contracting has planned approximately 4 miles of new trails, with a focus on mountain bike specific options and additional multi-use trails on the upland areas of the property. As with Phase 1, all trails and features will maintain a natural character by being built sustainably and with an effort to blend with the natural landscape.

The “climbing trail” built in 2022 will eventually provide access to the six new trails segments ranging from a beginner-friendly descending trail to intermediate flowing trails and more technical advanced trails. To continue the “stacked loop” orientation of the trail system, the new trails are designed to be easiest at the bottom and will progress to more challenging trails higher in the trail system. Implementation of one-way, mountain bike only trails will be engaging for mountain bikers while helping to avoid potential user conflict as the trail system continues to get more use.

## Keene’s Vision for New Trails

The 2021 Keene Strategic Plan highlighted the need to provide safe, positive and ecologically sound recreation experiences for residents and visitors alike, citing alternative trails as potential improvements to the town’s recreation structure. The Essex County property on 9N between Keene and Upper Jay offers a rare opportunity to implement this vision through the development of the East Branch Community Trails system. The project creates access to multi-use trails designed to be inclusive of people of all ages and abilities, youth-oriented biking opportunities, and it provides an alternative to more rugged backcountry hiking trails on state Forest Preserve land in the community.

Accessible trail systems and adjoining skills parks with pump tracks are the backbone for recreation-based towns that encourage healthy outdoor exercise. The East Branch Community Trails provide a meeting place for local residents and visitors, a venue for after-school activities, and a place for mountain bikers, hikers and skiers to enjoy the outdoors. Safe, accessible community trails provide a healthy outlet for all ages and fosters a sense of community and well-being.



Mountain biking is a growing activity in the High Peaks region. Though there has been a long-standing interest in mountain biking in Keene, there are very few places where bikers are allowed to ride and no specific mountain bike destinations without traveling to Lake Placid, Wilmington or Elizabethtown. With ongoing and increasing interest from Keene students and residents (bike to school day, school owned mountain bikes), there is a strong local demand for creating an outlet for this type of recreation in Keene.

### Impact of the Town's Investment

KYC and BETA greatly appreciate your consideration of a 3-year, \$10,000 recurring grant to support this project in 2023-2025. We have a window of opportunity to continue making an impact in the Town of Keene by securing funding for phase 2 of the project so that work can begin with Peduzzi Trail Contracting in the spring of 2023. This project will help enhance the quality of life in the area by providing more recreational and physically active opportunities for the residents and visitors and connecting them with nature. It will specifically benefit the youth mountain bikers of the community, who will benefit greatly from having a local destination for their growing sport.



**Above Left:** Keene Youth Commission kids participate in a trail work day in Keene, led by BETA. There is increasing demand for youth mountain bike initiatives and facilities in our region, as more and more families discover the joy of the sport.

**Above Right:** The BETA Trail Crew worked alongside Peduzzi Trail Contracting and dozens of volunteers to complete work on Phase 1 in 2022.

**Below Left:** KYC kids join BETA, Peduzzi Trail Contracting, and Keene Supervisor Joe Pete Wilson for a ribbon cutting to officially open the East Branch Community Trails in September, 2022.

**Below Right:** Volunteers contributed over 500 hours of labor toward Phase 1 in 2022, which is valued at approximately \$15,000. This included 5 trail work days and many hours of planning and fundraising meetings by KYC and BETA.



### Trail User & Donor Testimonials

*"I just returned from walking the Leepoff Loop at the East Branch Community trails and I'm in love!! There are just times where your spirit needs a walk... not a hike! To be honest, when it was opened a few weeks ago, I somehow got the idea that it was only for bikers so I didn't pay much attention. But it is available to everyone! I had no trouble walking this trail with just my sneakers and it was so peaceful and lovely ... just what I needed today. Thank you thank you thank you to all who played a role!"*

*"Look forward to sharing many great rides with my children on this new trail system. Well done for all those who have worked so hard to get it done!"*

*"What an amazing project. I look forward to continuing our support and rolling up our sleeves to help this come to fruition."*

*"So inspired by the community's commitment to this new trail system and happy to support it."*

*"This is a wonderful community resource! Keene had a few "community walking" resources already, such as Marcy Field and the "Valley Loop" but these were limited. These new trails are a valuable addition."*

*"I encourage everyone to get out and explore these trails -- they are wonderful! Great for an easy, beautiful hike. I applaud all involved and will be happy to support the future of this project."*

*"I was able to walk the trails in October. They were amazing! I'm not much of a hiker, but I love walking in the woods, so they were just perfect for me. I will gladly support going forward. Thank you!"*

*"So psyched to have this amazing project happening in our community!!!"*

*"Trails like these benefit local communities. I like the phased approach and well thought out design. Luke builds great trails! Excited for the project!"*

*"It is a nice little trail! My husband and I took the dogs to explore it a few weeks ago. I think we found the perfect place to take our grand babies when they visit!"*





# EAST BRANCH COMMUNITY TRAILS

## Trail Master Plan

This document has been made for  
the

Town of Keene and  
Barkeater Trails Alliance

by

Peduzzi Trail Contracting LLC

January 2023



## Trail Overview

Future phases of trail construction at the East Branch Community Trails will expand on the success of the multi-use trails built in 2022. This plan includes approximately 5 miles of new trails, with a focus on mountain bike specific options.

The climbing trail built in 2022 will provide access to the six new trails segments below the power line, ranging from a beginner-friendly descending trail to intermediate flowing trails and more technical advanced trails as well as 2 new trails above the power line. To continue the “stacked loop” orientation of the trail system, the new trails are designed to be easiest at the bottom and will progress to more challenging trails higher in the trail system.

Implementation of one-way, mountain bike only trails will be engaging for mountain bikers while helping to avoid potential user conflict as the trail system continues to get more use. The easiest mountain bike specific trail, “Lower Descend”, will serve as base line that bring riders back to the Leepoff Loop without riding down the climbing trail. “Flow Trail” and “Upper Technical” will both merge with “Lower Descend” while “Upper Descend” and “Extra Trail” will direct rider back up the climbing trail for a short section before they reach “Lower Descend”. In addition to directional signage, the design and construction of each intersection should encourage riders in the right direction.

As with the Phase 1 trails, all trails and features will maintain a natural character by being built sustainably and with an effort to blend with the natural landscape.

## Recommended Trail Signage Updates

**“Trail name, MTB Only”** - At the top of mountain bike specific trails

**“DO NOT ENTER, One Way Trail”** – At the bottom of mountain bike specific trails

**“MTB To Parking Lot”** – At the top of “Lower Descend” and at the bottom of “Extra Trail” and “Upper Descend”, directing riders toward “Lower Descend”

## Pumptrack/ Skills Area Overview

The skills park will include numerous individual freatures for riders to practice on. The features can include (but not limited to) shaped piles of soil, boardwalk style features and purposely placed natural materials (logs, rocks). These features should offer challenges for riders of all ability levels without presenting unnecessary risk.

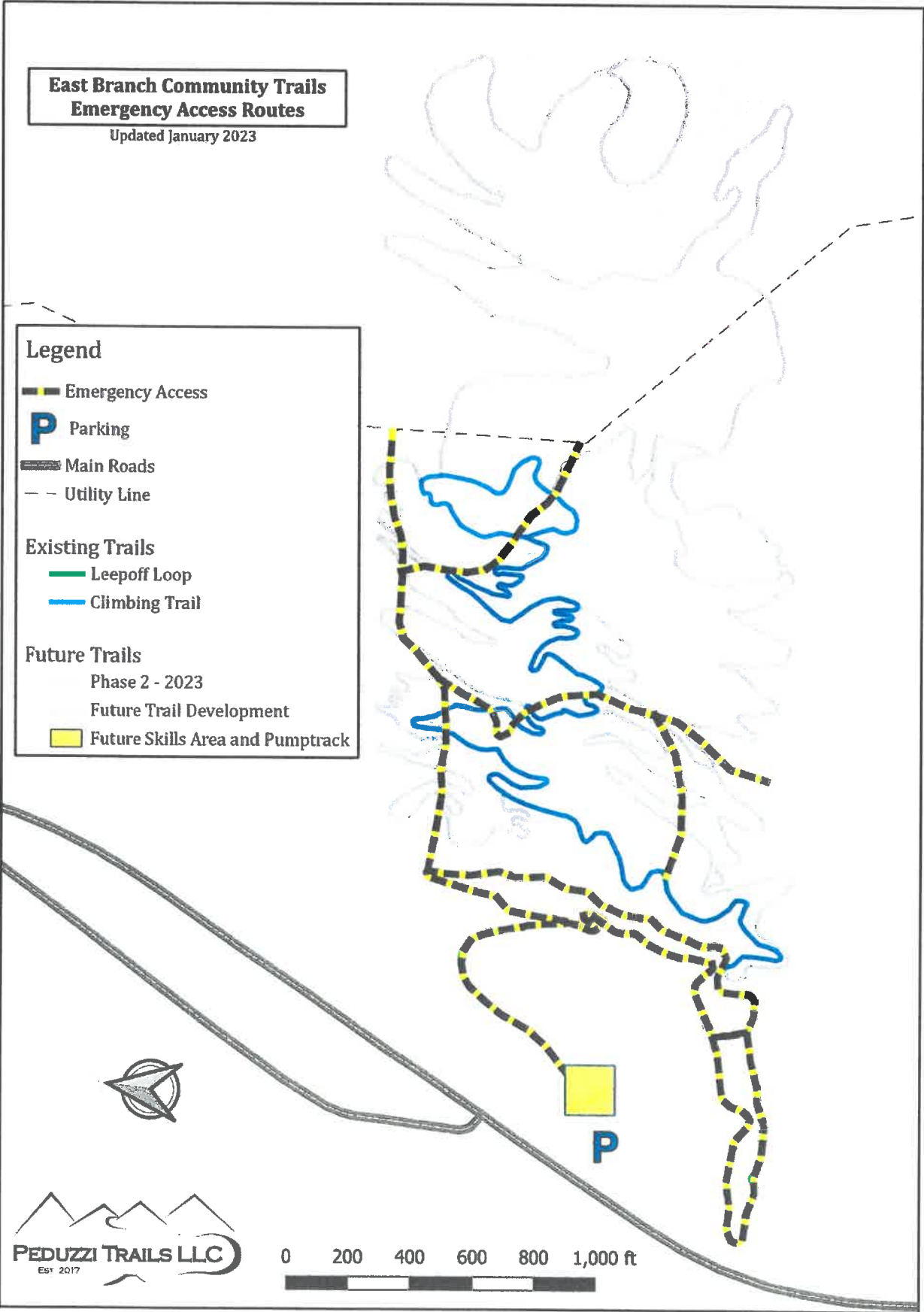
The pumptrack should be constructed with a specific mixture of soil that will provide a firm and fast riding surface and will resist erosion. Ideal soils are mostly clay with some sand to prevent a slippery surface. Like the skills features, the pumptrack should be progressive, offering easy lines for beginners and more challenging lines for the more advanced riders.

The approximate size of the pumptrack and skills area is 120' x 120' and includes space for sitting and shade trees. The size of the pump track and number/ complexity of the skills feature can be adjusted based on fundraising and avialable materials.

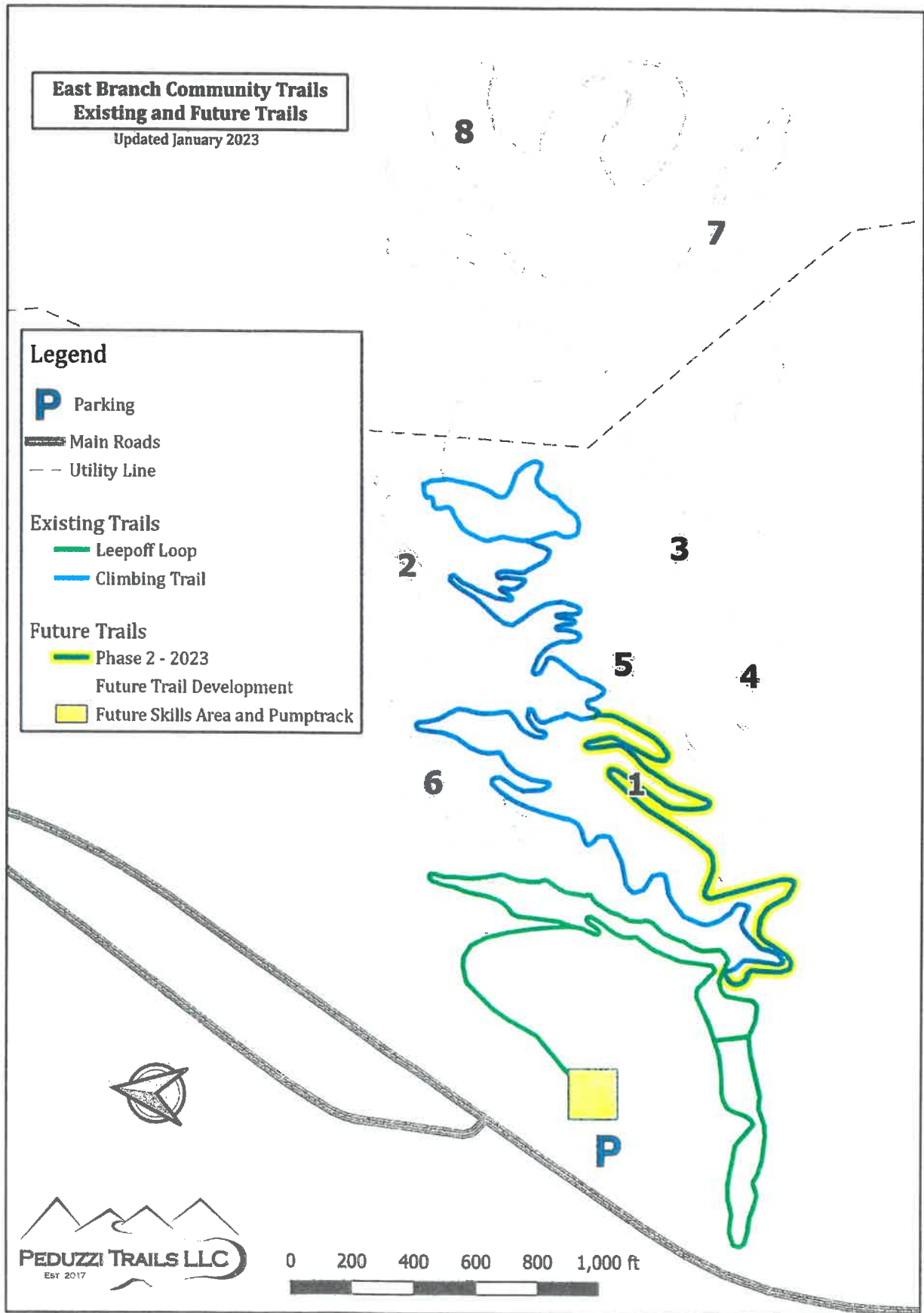
A detailed design of the skills area/ pump track may be appropriate for fundrasing and planning purposes.



East Branch Community Trails: Trail Master Plan [January 2023]



# East Branch Community Trails: Trail Master Plan [January 2023]



**Trail Specifications**

<b>Trail Name</b>	<b>User Group</b>	<b>Difficulty</b>	<b>Mileage</b>	<b>Experience</b>
Lower Descending (1)	MTB Only	Easy/Intermediate	0.7 miles	This trail will be the easiest descending option from the climbing trail. Mid-wide tread with moderate grades and a generally predictable tread surface. This singletrack style trail will require moderate bike handling skills and fitness.
Upper Descending (2)	MTB Only	Intermediate	0.5 miles	An intermediate descending trail from the top of the climbing trail. Mid-wide tread with moderate grades and a mixture of groomed and natural tread surface. This singletrack style trail will require intermediate bike handling skills and fitness to navigate natural terrain, tighter turns, and short sections of steep grade.
Long Loop (3)	Shared Use: Hike, Winter, Bike	Intermediate	0.5 miles	Narrow tread with moderate grades and a mixture of groomed and natural tread surface. This singletrack style trail will require intermediate bike handling skills and fitness to navigate natural terrain and tight turns.
Upper Technical (4)	MTB Only	Difficult	0.3 miles	Narrow tread with steep grades and a mixture of groomed and natural tread surface. This singletrack style trail will require intermediate- advanced bike handling skills to navigate natural terrain, off- camber trail, tight turns and steep grades.
Flow Trail (5)	MTB Only	Intermediate	0.4 miles	A wide and smooth tread surface with rolling features, banked turns and optional jumps through the entire trail. A moderate overall grade and wide turns with open sightlines will minimize the need for pedaling and braking while descending this trail. This flow style trail will require intermediate bike handling skills to negotiate rollers and banked turns.
Extra Trail (6)	MTB Only	Intermediate	0.6 miles	The many switchbacks on this intermediate descending trail present the opportunity for a berm-oriented trail. Mid-wide tread with moderate grades and a mixture of groomed and natural tread surface. This singletrack style trail will require intermediate bike handling skills and fitness to navigate natural terrain, tighter turns, and short sections of steep grade.
Upper Loop (7)	TBD	Intermediate/ Difficult	1 mile	Narrow tread with some steep grades and a mixture of groomed and natural tread surface. This singletrack style trail will require intermediate to advanced bike handling skills and fitness to navigate natural terrain and tight turns.
Top Trail (8)	TBD	Difficult	0.7 miles	Narrow tread with steep grades and a mixture of groomed and natural tread surface. This singletrack style trail will require advanced bike handling skills and fitness to navigate natural terrain, steep grades and tight turns.

East Branch Community Trails: Trail Master Plan [January 2023]

Trail Name	Tread Width	Average Grade	Maximum Grade	Corridor Width x Height	Features in Tread	Unavoidable Obstacles	Trail Side Features
Lower Descending (1)	36" - 48"	5%	8%	5' x 8'	Limited to Drainage Features	<2"	Natural and manmade features, optimized for mountain bike use, including jumps, ramps and rock rides. These features should not appear to be the main trail and should not create user conflict or confusing intersections.
Upper Descending (2)	36" - 48"	8%	12%	5' x 8'	Some naturally occurring roots and rocks	<6"	Natural and manmade features, optimized for mountain bike use, including jumps, ramps and rock rides. These features should not appear to be the main trail and should not create user conflict or confusing intersections.
Long Loop (3)	24" - 36"	5%	12%	4' x 8'	Naturally occurring roots and rocks prevalent	<6"	Natural features with minimal improvements only. These features should not appear to be the main trail and should not create user conflict or confusing intersections.
Upper Technical (4)	24" - 36"	12%	>20%	4' x 8'	Naturally occurring roots and rocks prevalent	<12"	Natural and manmade features, optimized for mountain bike use, including jumps, ramps and rock rides. These features should not appear to be the main trail and should not create user conflict or confusing intersections.
Flow Trail (5)	60" - 96"	8%	10%	10' x 12'	Manmade features including tabletop jumps, doubles and large berms	<2"	Natural and manmade features, optimized for mountain bike use, including jumps, ramps and rock rides. These features should not appear to be the main trail and should not create user conflict or confusing intersections.
Extra Trail (6)	24" - 36"	8%	12%	5' x 8'	Some naturally occurring roots and rocks	<6"	Natural and manmade features, optimized for mountain bike use, including jumps, ramps and rock rides. These features should not appear to be the main trail and should not create user conflict or confusing intersections.
Upper Loop (7)	24" - 36"	10%	15%	4' x 8'	Naturally occurring roots and rocks prevalent	<6"	Natural and manmade features, optimized for mountain bike use, including jumps, ramps and rock rides. These features should not appear to be the main trail and should not create user conflict or confusing intersections.
Top Trail (8)	24" - 36"	12%	20%	4' x 8'	Naturally occurring roots and rocks prevalent	<8"	Natural and manmade features, optimized for mountain bike use, including jumps, ramps and rock rides. These features should not appear to be the main trail and should not create user conflict or confusing intersections.

## Construction Methods

**Sustainable design and construction-** This trail system should be designed and built using the best management practices relevant to the modern trail building industry. Appropriate construction methods, sustainable grades and frequent drainage will prevent trail deterioration and excessive erosion.

**Benching-** Bench cut trails are aligned across hill sides, rather than straight up and down, and are cut into the sideslopes to create a sustainable tread surface. This technique is accommodating to a wider variety of trails users and allows the trail to maintain sustainable grades as it gains elevation.

**Full bench construction-** The full width of the tread should be cut into the hillside whenever possible to prevent erosion of the downhill edge.

**Outslope-** Benched sections of trail should have a 3% - 5% outslope to keep surface water from gathering and running down the trail. Exclusions to this include sections of trail where other drainage solutions apply such as insloped turns, rollers or rock armored sections.

**Grade reversals-** Grade reversals are short sections of trail that descend while the trail is climbing or vice versa. This creates natural drainage points along the trail and prevents water from running down the trail and gathering speed. The natural terrain should be used to create grade reversals whenever possible. These features add natural “flow” to a trail are a highlight of modern multiuse and mountain bike trails.

**Rolling Dip Drain-** When grade reversals cannot be used to break up the flow of water along the trail (ie: a long, straight climb), rolling grade dips can be used to force water off the trail. These drainage features work much like waterbars but have the added benefit of accommodating mountain bikes.

**Frequency of tread drainage-** In general, the steeper the running grade of the trail, the more frequent drains should be. As a baseline, the following intervals are used. Sections of trail with a running grade between 0% and 8% grades should have a grade reversal or dip drain every 100'. 8% - 10% should have reversals every 75' and 10% - 12% should have them on 50' intervals. Specific soil types may require more or less frequent drainage.

**Backslope-** Backslopes should be free of loose materials and be cut back to the angle of repose for the specific soils. This will prevent erosion of the backslope into the tread.

**Spoils-** Excess soils from bench cuts may be used to elevate other sections of trail, create features, fill in borrow pits or be dispersed where it will not be prone to erosion. Spoils that are not used in construction of the tread should be covered in native, organic material (such as duff/ detritus, topsoil, leaves and limbs). This helps to stabilize the spoils and promote revegetation.

**Natural anchors-** Anchors, especially natural anchors; on the downhill side of the trail, help to support the tread and define grade reversals. Generally, these anchors are trees with undisturbed root system or large rocks that are well bedded in the ground.

**Elevated Tread-** Some sections of low or flat terrain may require the tread to be elevated with additional soil to stay dry and achieve the desired tread quality.

**Native materials-** Material for elevated tread should be found on site whenever possible and can come from nearby bench cuts, drainage features or borrow pits.

**Crowned tread-** Elevated tread surface should be crowned, allowing water to sheet off to either side of the trail.

**Swales/ interceptor drains-** These can be installed in areas with perpetual ground water or where the trail tread is vulnerable to large amounts of sheet flow (ie: when crossing logging roads). Often parallel to and uphill of an elevated tread these swales protect the tread by redirecting water to a reinforced drain such as a culvert or armored drain. The bottom of the swales should be at least 1' below the height of the adjacent tread. These features should be at least 3' wide as terrain permits. Wide swales with low angle backslopes are less prone to erosion and look more natural over time.

**Frequency of drainage-** Swales should not extend 100' in length before allowing water to cross the trail to prevent changes in downslope hydrology.

**Support edges-** The edges of elevated tread should be supported by additional material and covered in organic material to prevent the elevated tread from eroding to the sides of the trail.

**Compaction-** All exposed soils in the tread and on backslopes should be compacted by hand or machine to prevent erosion.

**Mechanized impact-** Every effort should be taken to limit the impact of mechanized trail building to construction of the desired tread and associated features.

**Trees-** Trees that are not being removed in the trail building process should not be struck with any equipment during the construction process.

**Access roads-** Any roads or routes that are used to access the construction site should be returned to their original condition when they are done being used. This may include rebuilding berms, check dams or swales that were deformed while accessing the construction sites.

**Borrow pits-** Borrow pits may be used to generate native soils for the purpose of elevating tread or creating features along the trail. Sites for these should be selected in areas that will not cause erosion or seeps into the trail. All pits should be filled in to a reasonable extent and graded to an angle of repose. The end product should not visibly detract from the trail experience or present a new hazard to trail users.

**Corridor-** Corridor should be cut to the dimensions listed in the Trail Specifications table. Removal of living trees should be limited to those necessary for the construction of the trails and associated features. Standing dead trees within or near the trail corridor may be removed for the safety of workers and trail users. Branches protruding into the tread corridor should be cut at the trunk of the tree and the bark of the surviving tree should not be damaged unnecessarily. Stumps that are not removed during the construction process should be cut flush with the ground.



**Crossing wet areas-** Numerous structures may be used to harden or bridge wet areas.

**Stone armoring-** Flat stones found on site can be used in confined areas of wet soil. These armoring sections should take the shape of a drain that allows water to flow across and away from the trail. Stones should be large enough that they will not be moved from their position by trail traffic or freeze thaw cycles.

**Culverts-** There are many culverts on the property (not in use) that are left over from past activities. These may be used to drain swales, insloped turns, or small seasonal drainages. Culverts should be outsloped at 3%, have stone headwalls on both sides and be covered in at least 6" of soil.

**Bridges-** Trail bridges should be used to cross drainages that hold water through more than half of the year. These are generally 10' – 16' in length and should have a width that matches the specified width of the trail. Bridges should be as close to the ground as possible to reduce exposure while allowing the bottom of a bridge to be at least 12" above any water. Deck boards should be spaced between ½" and ¾".

**Boardwalk-** Longer areas of wet ground may require a boardwalk. These should be the same width as the specified trail width and may be as long as necessary. On multi direction trails, boardwalks should not exceed 100' without passing areas. Boardwalks should be elevated just enough to allow airflow under stringers. Deck boards should be spaced between ½" and ¾".

**Berms/ Banked Turns-** Berms may be appropriate on mountain bike optimized trails to help riders negotiate tight corners and increase the "flow" of the trail.

**Size of Berm-** The height, duration and steepness of a berm is dependent on the approach speed and the radius of the turn. A tight radius turn with a high approach speed will be steeper and taller than a berm on a wide turn with a lower approach speed.

**Complete Turns-** Berms should direct riders into the following section of trail and not taper off before the turn is complete.

**Drainage-** There should be adequate space at the inside of the berms to allow for water to gather and flow without eroding the inside riding line. Water may flow to a down-trail grade reversal if applicable or be crossed under the trail with a culvert. A swale above the berm may be used to protect the feature from sheet flow or ground water if necessary.

**Riding Surface-** The riding surface should be wide enough to allow for different approach speeds and increase in steepness toward the outside of the turn. The riding surface should be compacted in layers, or lifts, to help with the longevity of the feature.

**Outer Edge-** Soil on the outsides of berms should be compacted and covered in native, organic material (such as duff/ detritus, topsoil, leaves and limbs). This helps to stabilize the spoils and promote revegetation.

**Rollers-** Rollers may be added to trails to increase the flow of the trail and help riders maintain speed through flat sections through the motion of pumping. Rollers should have a length to height ratio of 10:1 at the minimum, with larger ratios in higher speed sections of trail. Similar to grade reversals and rolling dip drains, rollers help promote drainage and direct water off the trail.



**Jumps-** Jumps may be appropriate on mountain bike specific trails to add a fun and challenging element to the trail. The size, shape and style of a jump should be appropriate for the type of trail, surrounding terrain and speed that an average rider would carry on that section of trail.

**Tabletops and Doubles-** Tabletop and double jumps provide options for riders to roll over the feature without jumping. These jumps are commonly found in intermediate, mountain bike specific trails as they allow riders room to progress their jumping abilities.

**Gaps-** Gap jumps challenge more advanced riders to clear a distance between the take off and landing. On an intermediate trail, these jumps may be appropriate as an alternative to a tabletop or double jump if they are on the side of the main trail and do not appear to be the main riding line. Trails that have mandatory gaps in the main riding line should have signs indicating the location of these features and generally be designated as advanced trails.

**Safety-** Common safety considerations related to jumps include; removing debris from the sides of the landing/ runout; matching the angle of the landing to the angle of the takeoff; provide an open corridor with good sightlines and no overhanging branches; sustainable slopes supporting both the landing and take off to prevent the feature from deforming over time.

**Sensitive areas-** The sustainable methods of design and construction that are outlined in this plan will produce long-lasting trails that have minimal impact to the surrounding environment and inherently deter erosion. Additional measures that may be taken when working near sensitive areas (ie: wetlands) include:

**Vegetation buffer-** Natural vegetation buffers between the trail corridor and sensitive areas should be left undisturbed by the construction process. This will help anchor the tread surface and prevent erosion.

**Slope stabilization-** Erosion prone slopes adjacent to sensitive areas must be stabilized with measures appropriate to the situation. These measures may include compaction, grading to angle of repose, mulching and seeding slopes with native materials, installation of erosion control netting, installation of rip rap and/ or other retaining structures.

**Spoils-** Excess soils that are generated during construction near sensitive areas should be moved along the trail to improve the tread surface or hauled away from the sensitive area to be dispersed where they will not erode.

**Bridge placement-** Bridges or boardwalks built near sensitive areas should not impact the natural flow of water. The bottom of the bridges should be 12" or more above moving water. Deck boards should be spaced at  $\frac{3}{4}$ " to allow airflow and sunlight through the bridge without making an unpleasant surface for bikers. Stone cribbing should be used as necessary to support bridge sills and retain earthen access ramps.

**Silt fence-** Silt fence may be placed between the work site and sensitive areas during the construction window if required.

Keene East Branch Project\_Financial Report

	2021 Notes	2022 Notes	Short Term - 2023 Notes
<b>INCOME</b>			
Grants/Budget Items	Adk Foundation (\$2500) + 5000 ACRA (\$2500)	Stewart's (\$25k) + BETA 75000 Trail Fund (\$50k)	12900 Cloudsplitter (\$7900) + Adk Foundation (\$5k) 10000 KYC - Cmty Enhancement Fund request 2022-23
Town of Keene		0	
<b>Grassroots Donations</b>		5000 x1 donor	
\$5000 and up		0	2500 x1 donors @ \$2500
\$2500 - \$4999		2000 x2 donors	4000 x4 donors @ \$1k
\$1000 - \$2499		1000 x2 donors	3000 x6 donors @ \$500
\$500 - \$999		500 x2 donors	2000 x8 donors @ \$250
\$250 - \$499		2450 x30 donors	2800 x10 donors @ \$100   x20 donors @ \$50   x20 donors @ \$25
\$25 - \$249		0	2500 x3 @ \$500   x4 @ \$250
Community Partners		0	
Fundraiser		0	
<b>TOTAL INCOME</b>	<b>5000</b>	<b>89950</b>	<b>39750</b>
<b>EXPENSES</b>			
Planning & Design - Contractor	5000 Plan by Peduzzi Trails	0	
Trail Construction - Contractor		74500 Peduzzi Trails	35000 Phase 2 final budget from Peduzzi Trails - Lower DH Trail (\$35k)
Trail Construction - BETA		6294 Trail Crew Staff	1400 BETA Trails Coordinator - 7 days FT @ \$25/hour
Admin - BETA		0	Admin - 5% of contractor budget - overhead (insurance, office expenses) 1750 + staff time (fundraising, donor mgmt, communications)
Bridge Lumber + Fasteners		3317 8 bridges (\$500 discount from Ward Lumber)	500 Bridging
Kiosk & Sign Lumber + Fasteners		921 trailhead kiosk	
Signage		201 kiosk signage	1000 Permanent trail signs, markers and information signage
<b>TOTAL EXPENSES</b>	<b>5000</b>	<b>85233</b>	<b>19650</b>
<b>SURPLUS/DEFICIT</b>	<b>0</b>	<b>717</b>	<b>50</b>

**DRAFT SHORT TERM RENTAL LAW - FOR DISCUSSION**

**THIS DRAFT SHORT TERM RENTAL LAW BRINGS FORWARD AND BUILDS UPON THE IMPORTANT WORK OF THE SHORT TERM RENTALS WORKING GROUP IN THE TOWN'S 2021 STRATEGIC PLAN AND THE SUBSEQUENT SHORT TERM RENTALS TASK FORCE SUBCOMMITTEE IN EARLY 2022.**

**AT THE OUTSET OF THE TOWN'S STRATEGIC PLANNING PROCESS, RESIDENTS OF KEENE VOTED SHORT TERM RENTALS AS ONE OF THE TOP 5 ISSUES THEY WANTED TO BE ADDRESSED IN THE TOWN'S STRATEGIC PLAN.**

**THIS DRAFT CONVERTS, IN LARGE PART, THE RECOMMENDATIONS FROM THE STRATEGIC PLANNING PROCESS INTO A PROPOSED SHORT TERM RENTAL LAW FOR CONSIDERATION AND DEBATE BY THE TOWN BOARD AND THE RESIDENTS OF KEENE**

**LOCAL LAW NO. \_\_\_\_\_ OF 2023**

**A LOCAL LAW TO REGISTER, AND IMPLEMENT PUBLIC SAFETY STANDARDS FOR, SHORT TERM RENTAL PROPERTIES**

***BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF KEENE AS FOLLOWS:***

**SECTION 1. PURPOSE AND AUTHORITY**

A. The purpose of this Local Law is to establish comprehensive permitting regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, oversight and maintenance of short-term rental properties.

B. The Town Board reserves the right to adopt regulations by Resolution to carry out the provisions and purposes of this Local Law.

C. This Local Law is adopted pursuant to the New York Municipal Home Rule Law.

**SECTION 2. DEFINITIONS**

“CHANGE IN OWNERSHIP”: a transfer of ownership whether by deed of real property, by transfer of membership interest in the case of a limited liability company, by transfer of partnership interest in the case of a partnership, or by transfer of shareholder interest in the case of a corporation. Neither the death of an owner leaving one or more surviving joint tenant(s) with right of survivorship, nor real property conveyances, without consideration, from individuals to an entity of which the transfers are principals, shall constitute a change of ownership.

“ENFORCEMENT OFFICER”: the Code Enforcement Officer for the Town of Keene.

“OWNER”: any natural person, limited liability company, partnership or corporation which owns or has an ownership interest in a property or dwelling unit used as a short term rental.

“OWNER” shall include the members, partners and shareholders of any limited liability company, partnership or corporation, respectively, that has an ownership interest in the the property or dwelling unit.

“PROPERTY OR DWELLING UNIT”: any single-family dwelling, two-family dwelling, condominium unit, co-op unit, townhouse, residential apartment, guest house, cottage, cabin, accessory dwelling unit or other dwelling unit of any kind, including lean-tos and other campsite structures used as living quarters.

“RENTAL”: granting use or possession of a property or dwelling unit, in whole or in part, to any person, group of persons or entity in exchange for consideration valued in money, goods, labor, credits or other valuable consideration.

“SHORT-TERM RENTAL” : rental of any property or dwelling unit, in whole or in part, to any person, group of persons or entity for a period of less that thirty (30) consecutive nights. Neither time-share units, hotels, motels, bed and breakfast establishments, nor use of a short-term rental by a record owner or family member of a record owner of a property or dwelling unit shall constitute a short-term rental.

“SHORT TERM RENTAL PROPERTY”: any property or dwelling unit used for short term rental, including the parcel of land on which the property or dwelling unit is located.

“OCCUPANT”: any person, including children, located on a short term rental property between the hours of 10:00pm and 6:00am, prevailing time.

### **SECTION 3. SHORT TERM RENTAL PERMITS.**

- A.** An owner shall obtain a revocable short-term rental permit prior to and whenever a property or dwelling unit is to be used for short-term rental.
- B.** No property or dwelling unit may be used for short term rental without a short term rental permit.
- C.** A short term rental permit shall be valid for two (2) years from the date of issue and must be renewed prior to expiration for so long as the property or dwelling unit is used for short term rental.
- D.** Short term rental permits are not transferable in the event of a change in ownership of the property or dwelling unit.
- E.** Only one (1) short term rental permit may be issued per property or dwelling unit.
- F.** No short term rental permit shall be issued or renewed unless and until: (i) the property or dwelling unit complies with all applicable laws, rules and regulations, including, without limitation, this Local Law, and any regulations promulgated hereunder, the Town of Keene Site Plan Review Law, the Town of Keene Water Law, and the New York State Building Code; and (ii) the property or dwelling unit is registered with the Occupancy Tax Program administered by the Essex County Treasurer's Office:

**G.** Violations of any provisions of a short term rental permit or this Local Law or any regulations promulgated hereunder may result in a revocation or suspension of the short term rental permit and the owner shall be subject to the penalties set forth herein.

**H.** A list of short term rental permits may be published and updated quarterly by the Town of Keene [on the Town's webpage]. Information included shall be limited to permit number, physical address, maximum occupancy and number of parking spaces.

#### **SECTION 4. SHORT TERM RENTAL PERMIT APPLICATION REQUIREMENTS.**

**A.** An application for issuance or renewal of a short term rental permit shall be submitted to the Enforcement Officer, signed by all owners of the subject property or dwelling unit, accompanied by (i) payment of the permit fee in the amount set from time to time by Resolution of the Town Board, and (ii) a copy of the current vesting deed to the property or dwelling unit evidencing how title to the property or dwelling unit is currently held.

**B.** The application shall be in a form prescribed by the Enforcement Officer and shall provide, at a minimum, the following information:

1. A list of all owners of the short term rental property including, names, addresses, telephone numbers and email addresses. If the short term rental property is owned by a limited liability company, partnership, corporation or other entity, the list shall include the names, addresses, telephone numbers and email addresses of all members, partners, shareholders and other principals of such entities.

2. The name, address, telephone number and email address of an owner, principal of owner, or an agent of the owner, authorized to act on the owner's behalf, who shall be available



to promptly remedy any violation of this Local Law or of the short term rental permit. The owner, principal of owner or agent of owner must be located within sixty (60) minutes by car of the short term rental and must be available 24 hours a day, seven days a week.

3. A completed affidavit, in a form prescribed by the Enforcement Officer, signed by all owners of the short term rental property and properly notarized.

Such affidavit shall certify compliance with the following minimum standards:

(i) owners shall at all times maintain one (1) functioning smoke detector in each bedroom and at least one (1) functioning smoke detector in the main room of each level, one (1) functioning fire extinguisher on each level and in each room with an open flame source, and at least one (1) functioning carbon monoxide detector on each level;

(ii) at all times all exterior doors shall be operational and all passageways to all exterior doors shall be clear and unobstructed;

(iii) all electrical systems shall be serviceable with no visual defects or unsafe conditions;

(iv) all sanitary facilities, including latrines, shall be properly maintained and in working order;

(v) all septic systems shall be properly maintained and in working order, shall be in compliance with all applicable regulations of the New York State Department of Health, and shall have been pumped out within the last two (2) years prior to the date of the application;

(vi) all fireplaces, fireplace inserts and other fuel burning heaters and furnaces shall be properly installed and vented, flues and chimneys shall be cleaned annually, and proper written operating instructions for such equipment (excluding furnaces) shall be provided in each short term rental property;

Such affidavit shall also certify (i) the number of bedrooms within the short term rental property that comply with this Local Law, and regulations promulgated by the Town Board hereunder (ii) the number of parking spaces on the short term rental property that comply with this Local Law and regulations promulgated by the Town Board hereunder; (iii) that the applicant has complied and will continue to comply with the requirements of this Local Law and all regulations promulgated by the Town Board hereunder.

## **SECTION 5. PROCEDURE UPON FILING OF APPLICATION.**

- A.** Upon filing with the Enforcement Officer the permit application, permit fee, and all documents required in connection with such application, the Enforcement Officer shall have thirty (30) days to review the application and issue the short term rental permit, with or without conditions as hereafter provided, or notify the applicant in writing that the application has been denied, along with the reasons for the denial.
  
- B.** In reviewing the application, the Enforcement Officer shall have the right to inspect the short term rental property for purposes of ensuring compliance with the requirements of this Local Law and all regulations promulgated by the Town Board hereunder, after obtaining the express consent of the property owner or the agent designated by the property owner in the application.

**C.** In issuing a short term rental permit, the Enforcement Officer may impose such reasonable conditions and restrictions as are directly related to the use of the property or dwelling unit as a short term rental property, provided such conditions are consistent with the requirements of this Local Law and any regulations promulgated by the Town Board hereunder.

**D.** The Enforcement Officer may deny an application for any of the following reasons:

(i) if the application is incomplete, the information required by this Local Law or any regulations promulgated by the Town Board hereunder was not included with the application, or the full permit fee, in an acceptable form of payment, was not included with the application;

(ii) if the Enforcement Officer previously issued any short term rental permit to any of the owners of the property or dwelling unit and any such owners had any short term rental permit revoked within the previous year or any such owners had any short term rental permit suspended more than one (1) time during any annual period;

(iii) if the affidavit submitted, or an inspection conducted by the Enforcement Officer, evidences that the subject property is not in compliance with the requirements of this Local Law and any regulations promulgated by the Town Board hereunder.

(iv) if access is not granted to the subject property for purposes of an inspection by the Enforcement Officer.

## **SECTION 6. ISSUANCE OF PERMITS; DISPLAY AND NOTIFICATION**

**A.** All short term rental permits issued hereunder shall specify the following:

- (i)** the physical street address of the short term rental property;
- (ii)** the names, addresses, telephone numbers and email addresses of every person and every principal of every entity that has an ownership interest in the short term rental property and of the primary contact person who shall be available to respond within 60 minutes and investigate complaints during the entire time the short term rental is being rented;
- (iii)** the maximum occupancy and vehicle limits for the short term rental property;
- (iv)** identification of the number and location of parking spaces available;
- (v)** any conditions imposed by the Enforcement Officer;
- (vi)** the short term rental expiration date; and
- (vii)** a statement that the short term rental permit may be revoked or suspended for violations.

**B.** The validity of a short term rental permit is subject to continued compliance with any conditions contained in the short term rental permit, the requirements of this Local Law and all regulations promulgated by the Town Board hereunder.

C. Prior to any occupant taking occupancy of the short term rental property, a hard copy of the short term rental permit shall be prominently displayed within the interior of the short term rental property in an area easily and readily viewable by the occupants.

D. It shall be the obligation of the owners of a short term rental to ensure that current and accurate information is provided to the Enforcement Officer and the owners shall notify the Enforcement Officer promptly upon any change in information contained on the short term rental permit. If, based on such changes, the Enforcement Officer issues an amended short term rental permit, the owners shall replace the displayed permit with the amended permit.

E. The Enforcement Officer shall, with the issuance of each short term rental permit, provide a packet of information, including "Good Neighbor Guidelines" to be developed by the Enforcement Officer and approved by the Town Board, summarizing the restrictions, requirements and guidelines applicable to short term rentals. All owners of short term rentals shall provide a copy of the information packet to occupants of the short term rental.

## **SECTION 7. SHORT TERM RENTAL STANDARDS.**

A. The maximum number of occupants for each short term rental property shall be the most restrictive of the following:

- (i) two (2) times the number of bedrooms that are in compliance with the New York State Building Code plus two (2) additional occupants; or
- (ii) maximum capacity of the septic system for the short term rental property.

The maximum number of occupants for the short term rental shall be clearly and prominently displayed in all listings or advertisements.

**B.** The number of vehicles permitted overnight on the short term rental property shall be limited to one (1) vehicle per bedroom. The allowable number of vehicles on the short term rental property shall be clearly and prominently displayed in all listings or advertisements.

**C.** The street address number of the short term rental property shall be maintained and clearly visible from the street or road on which the short term rental property is located.

**D.** A written notice of the following information must be posted in a highly and clearly visible area near the main entrance of the short term rental property:

- (i)* physical street address of the short term rental property;
- (ii)* dial 911 instruction for fire, police and EMS services; and
- (iii)* a drawing showing the approximate size and location of the buildings on the short term rental property and the location of designated parking.

**E.** All standards set forth in the affidavit submitted by the owners in connection with the application for a short term rental permit shall at all times be complied with.

## **SECTION 8. COMPLAINTS AND VIOLATIONS**

- A.** Owners, operators, managers, marketers and occupants of short term rental properties shall comply with all applicable federal, state and local laws, rules and regulations, including, without limitation, the provisions of this Local Law and any regulations promulgated by the Town Board hereunder.
- B.** The following process shall apply in the event of a complaint alleging a violation of this Local Law, any regulations promulgated by the Town Board hereunder, or a short term rental permit issued hereunder:
- (i)** In the event of violations that are emergency in nature, the complaining party may contact an appropriate law enforcement agency, and the owner or designated agent of the property owner shall, within sixty (60) minutes of receiving a complaint, respond to the complaint and remedy as promptly as possible any violation of the short term rental permit, this Local Law or any regulations promulgated by the Town Board hereunder. The complaining party shall also notify the Enforcement Officer of its complaint to law enforcement and the nature of the complaint as soon as reasonably practicable.
  - (ii)** In the event of violations that are not emergency in nature, or if the response to a complaint under clause (i) above is not satisfactory to the complaining party, the complaining party may file a written complaint with the Enforcement Officer. The form of complaint shall be established by the Enforcement Officer and may be filed in person, by mail or by email. The complaint shall provide pertinent information including the date, time and nature of the alleged violation.

(iii) If the Enforcement Officer finds a violation of the short term rental permit or this Local Law or any regulations promulgated by the Town Board hereunder, the Enforcement Officer may:

1. Attach reasonable conditions to the short term rental permit;
2. Issue a warning or a violation;
3. Suspend the short term rental permit;
4. Revoke the short term rental permit.

In the event a short term rental permit is revoked, none of the owners or principals of owners may obtain a short term rental permit earlier than one (1) year from the date of such revocation. In the event a short term rental permit is suspended more than (1) time during any one (1) year period, the short term rental permit may not be renewed earlier than one (1) year from the date of the second suspension.

(iv) The Enforcement Officer or the Town of Keene may initiate enforcement proceedings at any time following receipt of a complaint or discovery of a violation.

(v) Decisions of the Enforcement Officer will be provided to the parties and may be appealed, as provided herein, within thirty (30) days of receipt of the decision, by the owners of the short term rental property or by the complainant.

## **SECTION 9. APPEALS PROCESS.**

**A.** The STR Appeals Board shall hear all appeals of decisions by the Enforcement Officer. The Town Board shall constitute the STR Appeals Board. The STR Appeals Board shall have all of the powers and duties prescribed by law and may reverse, affirm or modify in whole or in



part, any order, requirement, decision or determination of the Enforcement Officer, in its discretion.

**B.** The decision or determination of the Enforcement Officer appealed from shall not be stayed unless the STR Appeals Board, in its discretion, agrees to grant appellant such stay upon appellant's application for such stay.

**C.** A party who wishes to appeal the decision or determination of the Enforcement Officer shall make a written request for a hearing to the Town Clerk and the STR Appeals Board shall endeavor to hear the appeal within 15 days of the request. At the hearing, the STR Appeals Board shall not be bound by strict rules of evidence and may accept evidence, including reliable hearsay evidence, offered by the short term rental property owner, the complaining party, the Enforcement Officer and any other witness with relevant evidence. The STR Appeals Board shall render its decision within 10 days of the hearing.

## **SECTION 10. PENALTIES.**

**A.** A short term rental permit may be revoked or suspended as provided in Section 8.

**B.** Any person or entity that violates, or assists in the violation, of any provision of this Local Law, any regulations promulgated by the Town Board hereunder, or the terms of a short term rental permit, or that owns or operates a short term rental at which a violation occurs, shall be subject to the following criminal or civil penalties:

*(i)* by a fine or civil penalty of \$1000 for a first violation;

(ii) by a fine or civil penalty of \$2000 for a second violation, both of which violations were committed within a period of two (2) years;

(iii) by a fine or civil penalty of \$3000 for a third violation, all of which violations were committed within a period of two (2) years.

Each violation that continues for a period of one (1) week shall constitute a separate additional violation for each week such violation continues.

In the event of the occurrence of more than three (3) violations during any two (2) year period, the fine or civil penalty shall be \$5000 and the short term rental permit shall be permanently revoked and not eligible for renewal.

**B.** The Enforcement Officer may bring a criminal or civil proceeding in Town Court for enforcement of this Local Law and any regulations promulgated by the Town Board hereunder.

**C.** The Town of Keene may seek injunctive relief, civil penalties and any other relief available to enforce the provisions of this Local Law and any regulations promulgated by the Town Board hereunder through commencement of an action in the New York State Supreme Court. Such action must be authorized by a resolution of the Town Board. As part of such action, the Town of Keene may seek and obtain an order from the Court requiring the defendant to reimburse the Town for its attorney's fees and costs related to the action.

**D.** Enforcement remedies available are not exclusive and may be sought cumulatively.

E. Any Owner determined to be in violation of any of the provisions of this Local Law, or any regulations promulgated by the Town Board hereunder, shall be obligated to reimburse the Town of Keene for its enforcement costs, including its reasonable attorneys fees.

## **SECTION 11. MISCELLANEOUS.**

A. The invalidity of any clause, sentence, paragraph, provision or part of this Local Law shall not invalidate any other clause, sentence, paragraph, provision or part hereof.

B. All Local Laws or ordinances, or parts of Local Laws or ordinances, in conflict with any part of this Local Law are hereby repealed.

C. This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State as provided in New York Municipal Home Rule Law Section 27, subject to a six (6) month grace period for existing short term rental properties to comply with this Local Law.