



VILLAGE OF COLD SPRING
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Village of Cold Spring Board of Trustees
Meeting Minutes
May 18, 2022

The Board of Trustees of the Village of Cold Spring held a Meeting on Wednesday, May 18, 2022 at Village Hall and via videoconference as per Chapter 1 of Local Laws of 2022. Present were Mayor Kathleen E. Foley, Trustees Laura Bozzi, Cathryn Fadde, Eliza Starbuck and Tweeps Phillips Woods. Also in attendance via videoconference was Village Attorney John Furst. The meeting was called to order at 7:04 pm by Mayor Foley.

Moment of Silence

The Board observed a moment of silence for the victims of shootings in the past week in Buffalo and California.

Workshop for Short Term Rentals

K. Foley provided background and the issues relating to the Short-Term Rental code:

- Chapter 100 Short-Term Rentals was adopted on 7/29/2021
- Only 4 applications for a permit were submitted
 - 3 issued. One did not qualify
- On-line search of most common sites (Airbnb, Vrbo) indicates dozens being advertised in the Village
 - Operating without permits, safety inspections
- 2 complaints received involving 19 properties
- Enforcement of the Code as written is problematic

E. Starbuck drafted revision to the Code (attached). K. Foley circulated the revised code to and sought input from Code Enforcement (Inspections), Police (enforcement) and Clerk (administration).

Based on the revisions, K. Foley presented a list of the major topics under consideration. These include:

- Types of STR's allowed
 - Current Code identifies 3 types: One-time, Hosted, Un-hosted
 - Proposed Code eliminates Un-hosted from annual permits and limits Un-hosted to one-time use permits
 - Un-hosted are the primary problem
 - No property owner oversight
 - Creates "ghost" houses
 - Reduces housing stock
- Limits on the number of permits issued
 - Current Code limits the number of permits to be issued annually to 33 Hosted and 16 Un-hosted with no limit on One-time use permits
 - Proposed Code has no limits on the number of permits to be issued. The Board members were in agreement with this.

- Limit on the number of nights a STR can operate
 - Current code has a limit of 90 nights
 - Proposed code has a limit of 180 nights
 - T. Woods commented that 180 days seems like a lot in a one-year period
 - E. Starbuck noted that 180 nights could be needed in some hardship cases
 - After a brief discussion that did not end in consensus, it was agreed that input from the Ad Hoc Committee will be requested and further Board consideration is required.
- Lottery for permit eligibility and spacing requirements
 - Current code requires a lottery be held to determine which applications would be considered. Additional requirement in the code calls for 300 linear feet between properties with a permit
 - Proposed code eliminates both requirements. Board was in agreement.
- Permit Period
 - Current Code limits the permit to one-year
 - Proposed Code sets the limit at up to two years
 - The Board agreed that this item needs further discussion
- Application and Permit Fees
 - Current Code calls for \$50 Application Fee and Permit Fees of \$100 for a One-time use permit and \$250 for Hosted and Un-hosted permits
 - Proposed Code calls for \$100 application fee for a hosted application and \$75 for a One-Time use application with Permit Fees of \$250 for a One-time permit and \$700 for a Hosted permit.
 - The Board was didn't reach consensus, but agreed that further discussion is needed and the Ad Hoc Committee should provide input on fees
- Allowable Districts
 - Current Code allows STR's in R1 and I1 Districts
 - Proposed Code also allows STR's in B-1 Districts
 - L. Bozzi commented that by including B-1 then home owners on the west side of the tracks can also participate
 - The Board was in agreement to include B-1 District
- Application Submission Period
 - Current Code limits application submissions to August
 - Proposed Code allows for applications to be submitted and processed anytime
 - The Board was in agreement with the proposed Code
- Enforcement and Fines
 - Current Code dictates enforcement by the Cold Spring Police Department and the levying of fines for operating without a permit as well as fines for procedural and regulation violations
 - Proposed Code calls for enforcement to be shifted to Code Enforcement Officer and the Village Court. Proposed fines range from \$2,000 for operating without a permit to up to five-year suspension of a permit for repeat procedural and regulations offenders
 - John Furst offered the following:
 - The Code should allow for various levels of enforcement
 - Administrative: Notice from Code Enforcement Officer or letter from Village Board
 - Judicial: Summons. Fine TBD by judge
 - The Code should specify the circumstances that dictate Administrative vs. Judicial enforcement
 - The Code should differentiate between Operational and Permitting violations
 - J. Furst and E. Starbuck to work further on violation and enforcement issues
- Parking
 - Current Code requires the availability of off-street parking

- Proposed Code requires on-site parking where possible and encourages use of public transportation
 - C. Fadde suggested a parking impact fee be added to each Hosted application
 - J. Furst commented that some municipalities have used off-street parking requirement as a means to curb proliferation of STR's
- The Board did not achieve consensus but agreed that the Ad Hoc Committee should provide input on parking and more Board is needed.

Next Steps

- The Board will continue the discussion at the 6/1/22 meeting
- Select members of the Ad Hoc Committee
- When completed, present to the public, hold requisite public hearings and submit revised code to Putnam County Planning Department

Board Business

Request for advancement of PTO days

K. Foley made a motion to advance Kyle Van Tassel 10 PTO days. C. Fadde seconded the motion and it passed by a vote of 5-0

Filling of Vacancies

K. Foley made a motion to fill vacancies on the following committees and areas of work:

- Laura Bozzi to the Audit Committee
- Cathryn Fadde to the Insurance/Risk Management Committee
- Cathryn Fadde to Budget and Financial Management
- Laura Bozzi to Water and Sewer

E. Starbuck seconded the motion and it passed by a vote of 5-0

Approval of Bills

C. Fadde made a motion to approve Batch # 6471 in the amount of \$105,641.75. T. Woods seconded the motion and it passed by a vote of 5-0.

Public Comment

None

Adjournment

C. Fadde made a motion to adjourn the meeting. E. Starbuck seconded the motion and it passed by a vote of 5-0. The meeting adjourned at 9:15pm

DRAFT 1: Chapter 100 Short-Term Rentals
4/24/22, Revised 5/16/2022

§ 100-1. Purpose.

§ 100-2. Definitions.

§ 100-3. Registration Required.

§ 100-4. Short-Term Rental Permit Classifications, Fees.

§ 100-5. Short-Term Rental Regulations.

§ 100-6. Permit Application Procedure for All Short-Term Rental Classifications.

§ 100-7. Verification of All Short-Term Rental Permit Applications.

§ 100-8. Violations and Enforcement.

§ 100-9. Appeals.

§ 100-10. Effective Date.

GENERAL REFERENCES

Zoning - See Ch. 134.

Noise - See Ch. 76

Peace and Good Order – See Ch 87

§ 100-1. Purpose.

The purpose of this article is to:

- A. Legalize and regulate short-term rentals in the Village of Cold Spring and assure that short-term rental units meet all applicable health, fire and safety standards.
- B. Regulate and minimize the impacts of the increased traffic, noise, trash, and neighborhood disruptions which are sometimes attendant on short-term rentals.
- C. Preserve the residential and community character of the Village.
- D. Preserve housing stock for full-time residence.
- E. Provide lodging for visitors to the Village and support the local economy.

§ 100-2. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

AGENT – In the case of a One-Time Short-Term Rental, when the host is absent, the Agent is the Person designated by host to act on host's behalf

EVENT – Inviting or otherwise hosting six or more non-occupants at short-term rental property, by, on behalf of, or for the benefit of, a short-term rental guest or tenant, for purposes of celebrating or commemorating a particular person, occurrence, or occasion or otherwise for socialization.

GUEST – A person who, for considerations, uses, possesses or has the right to use or possess any room subject to the terms of this chapter; a person occupying a residence rented as a short-term rental.

HOST – The person who owns the property being offered for short-term rental.

HOSTED SHORT-TERM RENTAL (STR) – A Short-Term Rental during which the host remains in occupancy of the residence during the term of the rental.

ONE-TIME SHORT-TERM RENTAL (STR) PERMIT – A hosted or un-hosted, one-time permit issued for up to fourteen (14) consecutive nights.

OWNER-OCCUPIED PROPERTY – Property on which the record owner maintains as his or her domicile/primary place of residence.

SHORT-TERM RENTAL (STR) – Offering any residential dwelling, or space therein, to persons in exchange for a fee or compensation, whether monetary or otherwise, for a period of less than 29 days, including, but not limited to, rentals

SHORT-TERM RENTAL PERMIT – A permit granted by the Village's Code Enforcement Officer for use of property for short-term rentals.

SHORT-TERM RENTAL UNIT – The residence rented for use as a short-term rental. A short-term rental unit may be the entire residence, or it may be specific bedrooms in the residence.

UNHOSTED SHORT-TERM RENTAL (STR) – A type of one-time short-term rental in which during which the host is not present on-site during the full term of the rental.

VILLAGE – The Village of Cold Spring.

§ 100-3. Registration required

No short-term rental is permitted to be established, maintained, operated or advertised unless it complies with the regulations of this article.

§ 100-4. Short-Term Rental Permit Classifications, Fees

A. The Village of Cold Spring will allow two (2) classifications of short-term rentals. The classes of short-term rentals allowed in the Village are:

1. **HOSTED SHORT-TERM RENTAL** - Rental for a period of no more than twenty-nine (29) consecutive nights per guest booking while the host continues to reside on the property. Hosted STR permit holders may provide over-night boarding to different guests for up to one-hundred, eighty (180) nights per year.
2. **ONE-TIME SHORT-TERM RENTAL** – Hosted or unhosted rental for one-time only use on specified dates for a maximum of fourteen (14) consecutive nights for one guest or guest group. All short-term rental permit and application fees shall be listed in the

Village's Master Fee Schedule. These may be changed from time to time by resolution of the Village Board of Trustees.

§100-5. Short-Term Rental Regulations.

All STR operators must comply with the following requirements:

- A. All STRs must have a Village short-term rental permit to operate in the Village of Cold Spring.
- B. Each property/tax ID within the Village can only be used for one (1) STR unit at any given time.
- C. Short-term rental permits shall have a term of no more than two years and shall expire on December 31 of the calendar year following the year in which they were issued.
- D. STR Permits are not transferable.
- E. If owner/host advertises their rental, the Village permit number must be included in any and all listing services.
- F. Short-term rentals will be allowed only in the R-1, I-1 and B-1 zoning districts.
- G. The host and/or agent must be available at all times to address and respond within thirty (30) minutes to any issues that may arise regarding the condition, operation, or conduct of guests of the STR.
- H. All short-term rentals shall be offered to only one party of short-term renters at a time; not rented as separate bedrooms, beds, or spaces to separate parties.
- I. No more than eight (8) guests can occupy any one short-term rental unit; provided, however, that maximum occupancy under the State Building and Fire Safety Code cannot be exceeded.
- J. Only owner-occupied structures may be used for a STR.
- K. If a building contains multiple residences, only the owner-occupied residence unit in the building shall be permitted to obtain a short-term rental permit.
- L. Properties owned by corporations, LLCs, and other such entities cannot be used as an STR, unless the property is the owner-occupied residence of an individual who holds a minimum of 51% ownership interest in the entity.
- M. Any accessory dwelling unit in which the STR host provides guest bedrooms must remain a part of the owner-occupied living quarters with shared housekeeping facilities, including but not exclusive to kitchen and laundry facilities, in common with the owner-occupied primary residence.
- N. Temporary structures, tents, trailers and recreational vehicles are prohibited for the purpose of STRs.
- O. An STR property may not be used to host parties or events during any rental period.
- P. No signage is allowed that defines the property as an STR.
- Q. The house number of the STR must be displayed on the STR property and easily read from the street at all times.
- R. A Host shall prominently display inside the STR unit, at all times, the contact names and phone numbers of both the host and the agent, along with a written notice, provided by the Village with permit, which contains information about relevant Village quiet hours, parking and snow removal laws, and garbage and recycling rules and schedules.

- S. Wherever possible, STR hosts must provide one (1) off-street parking space on the STR property; if a STR property has no off-street parking, hosts are required to inform guests of the Village parking regulations that apply to the property location. Additionally, the host must, in advertising the rental encouraged travel to the Village by public transportation.
- T. The short-term rental tenants and their guests shall not block or otherwise impede ingress or egress over the street on which the short-term rental property is located and/or to or from any shared or unshared driveways of other property on the said street. Hosts with shared driveways are required to include, with the application for and STR permit, a notarized statement of agreement from each property owner who shares a driveway with the host, confirming their consent to share the driveway with STR guests. Additionally, the Host must communicate to guests that the driveway may not block neighbors' right of way passage.
- U. Hosts are required to communicate to guests trash and recycling disposal procedures
- V. The short-term rental guests shall not engage in any conduct which violates the Village's Noise Ordinance (ref. Ch. 76) or which would otherwise constitute disorderly conduct or creation of a public nuisance (ref. Ch. 87).

§ 100-6. Permit Application Procedure for All Short-Term Rental Classifications.

- A. Applications will be accepted quarterly, during the months of January, April, July, and October for a permit which is sought for beginning in the following quarter application date, or within ninety (90) days from the application submission.
- B. Application forms for short-term rental property permits are provided by the Village Clerk by the Village clerk. An application must be accompanied by the non-refundable application fee as prescribed in the Village's schedule of fees, and must include the following annexes:
 - 1. A floor plan indicating the placement and size of each guest bedroom, exit and fire-protection system.
 - 2. A notarized statement of the off-street parking provided on the short-term rental property demonstrating that sufficient parking exists for at least one guest vehicle, or a statement that guests will be required to arrive by train.
 - 3. A notarized statement that there are no known open Village Code violations on the short-term rental property.
 - 4. Proof of proper insurance - short-term rental host must provide proof of personal liability insurance of not less than two-hundred, fifty thousand dollars (\$250,000). They must also provide proof that their carrier has no coverage restrictions in relation to short term rentals in the form of a letter from the insurance provider.
 - 5. If needed, notarized statement of consent from each neighboring household that would access a shared driveway.
 - 6. Proof that the STR property is owner-occupied by the person applying for a STR permit in the form of three (3) documents that confirm the STR property is the owner's primary residence. Any combination of the following with a Village of Cold Spring address will suffice:
 - a. Registered Voter in the Village of Cold Spring
 - b. NY State ID/Driver's License

- c. Passport
 - d. Paystub with home address or other verification from employer
 - e. FED income tax page 1 with financials redacted
- C. Re-applications for one-time short term rental permits within the same year are only required to provide annex materials in first submission, and are only required to have a building inspection once per year if they provide a notarized letter expressing that no changes to the property, building structures, accommodations, and safety features have been made to STR property.

§ 100-7. Verification of All Short-Term Rental Permit Applications.

- A. Upon payment by the property owner of such application and permit fees as the Village Board shall prescribe in the Village's schedule of fees and application verification, within thirty (30) days of application receipt, the Code Enforcement Officer will contact the applicant to schedule an inspection of the short-term rental property for fire and safety inspection and off-street parking verification for applicants with off-street parking.
- B. If any of the application information cannot be verified, the person who submitted the application will be notified that their application is not yet considered properly completed. That person will have thirty (30) days to correct their application and/or correct the condition.
- C. Upon completion of an inspection of the short-term rental property and ascertaining that the property meets the Village Code's requirements, the Code Enforcement Officer shall issue a short-term rental permit and provide the host with required display materials for guests.
- D. The Code Enforcement Officer may deny an application for short-term rental permit if the application is incomplete or the property otherwise fails to meet the criteria for grant of a short-term rental permit.
- E. If the Code Enforcement Officer determines that a property owner has falsified or otherwise failed to provide accurate information on the permit application, they shall refer the matter to the Village Board as a violation of this chapter for further proceedings under this chapter.
- F. In the event that the Code Enforcement Officer denies an application for a short-term rental permit, the property owner has thirty (30) days to remedy the identified issue and have the premises re-inspected.
- G. In the event that there is any change in the information provided by a property owner in their application for a short-term rental permit, they shall advise the Code Enforcement Department in writing of such change no later than 48 hours after such occurrence. Failure to timely advise the Code Enforcement Department of a change in the information provided by the property owner in their application shall constitute a violation of this chapter.
- H. Short-term rentals are subject to any intervening changes in the Village Zoning Code, the New York State Uniform Fire Prevention and Building Code, and the Property Maintenance Code of New York State, including discontinuing them as a permitted use. Renewal of registration shall be denied if short-term rentals are no longer a permitted use or if the short-term rental no longer qualifies under the requirements of this Chapter.

§ 100-8. Violations and Enforcement.

- A. Violations. Any person who rents out or offers to rent out their premises as a short-term rental without first obtaining a permit in accordance with this article, or who is granted a permit and violates any other provision of this article, shall be in violation of this article.
- B. Presumptive evidence of operating a STR without a permit. The presence or existence of the following shall create a rebuttable presumption that a property is being utilized as a short-term rental:
 - 1. The property is offered for lease or rent on an online or other marketplace for lodging or other listing website. provided by an online or other marketplace for lodging
 - 2. The property is offered for lease or rent for less than 29 days by the use of any other advertising mechanism.
- C. It is the responsibility of the property owner/host to comply with all terms and provisions of this chapter and to ensure that their short-term rental tenants, guests and invitees comply with this chapter and the terms and conditions of the short-term rental permit. Any gross failure of short-term rental guests to comply with this chapter and the terms and conditions of a short-term rental permit shall be attributed to the failure of the property owner to discharge his or her responsibility to communicate and ensure such compliance.
- D. Upon receipt of a complaint or upon their own initiative, the Code Enforcement Officer may investigate any property for failure to comply with the terms of this chapter.
- E. If, upon investigation, the Code Enforcement Officer determines that a violation of this chapter and/or of the terms and conditions of a short-term rental permit has occurred on a property within the Village, they shall issue a written notice of the violation/appearance summons to the property owner and shall provide a copy of the same to the Village Justice Court.
- F. Upon receipt of such notice, the Village Justice shall set a date at which the property owner shall be heard in regard to the Code Enforcement Officer's findings of a violation. Standard Village Court procedures for notifications will be followed.
- G. Suspension or revocation of short-term rental rights. If, after affording such an opportunity to be heard, the Village Justice confirms the existence of the violation of this chapter, the Village Justice shall act as follows regarding continuing operations of the STR:
 - 1. For a first violation, the Village Justice Board may issue a warning to the property owner or may suspend the right to conduct short-term rentals at the subject property for a period of up to six months.
 - 2. For an additional violation within one year of a prior violation, the Village Justice may suspend the right to conduct short-term rentals at the subject property for up to one year.
 - 3. For more than two violations within a twenty-four-month period of the first violation, the Village Justice may suspend the right to conduct short-term rentals at the subject property for a period of up to five years.
- H. Provided, however, that if the Village Justice finds that any violations of this chapter also involved violation of any provision of the Penal Code of the State of New York, then the Village Justice Board may, in its discretion, revoke the right to conduct short-term rentals at the subject

property may permanently revoke the permit for the property owner to operate an STR in the Village of Cold Spring

- I. Fines for violations without a STR permit. Any person found to be operating an STR, as defined in this chapter, without the proper STR Permit, will be issued an appearance summons by the Code Enforcement Officer. The Village Justice may assess penalties up to the following maximums:
 1. **First offense** - the fine will be two thousand dollars (\$2,000.00), and requirement to remove STR guests within three (3) days of the discovery of the offense. The owner will also lose the ability to apply for an STR permit for the next year.
 2. **Second offense** - the fine will be five thousand dollars (\$5,000.00), and requirement to remove STR guests within three (3) days of the discovery of the offense. Additionally, owner will forfeit all rights to use property as an STR for four (4) years.
- J. The penalties for violation of this chapter shall be in addition to any penalties imposed for violation of other provisions of the Village Code and the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code.

§ 100-9. Appeals.

Any person aggrieved by the provisions of this Chapter may apply to the Village Board for relief. The Trustees shall hear the matter and make final decisions. Appeals to fines and loss of operating privilege may be made to the New York State Court of Appeals.

§ 100-10. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Village Board of T