

MINUTES
Ad Hoc Advisory Committee on Short Term Rentals
JULY 13, 2022, 8:00 PM Village Hall, 85 Main St

Committee Members present: Branis Buslovich (BB), Travis Fyfe (TF), Tom O'Quinn (TO), Marianne Remy (MR), Lara Demberg Voloto (LV), Jennifer Zwarich, Chair (JZ).

Committee Members absent: Megan Shea (MS)

8:05pm Meeting called to order

1. 06/30/2022 Minutes approval

Minutes approval: JZ stated that her job is to keep us on track. Edits/corrections to minutes draft will occur at start of each meeting and members can submit corrections via email before the meeting if they anticipate being absent. JZ requested the addition that Lara and Meghan agreed to share secretary duties. TO requested the addition that Mayor Foley reported that local 5% occupancy tax was approved. Regular meeting schedule set up. No other changes or additions noted. Motion to approve by JZ. MR seconded. Vote to accept minutes draft with edits carried 6-0.

OLD BUSINESS

2. Info from Village Clerk RE: administrative procedures for Ad Hoc committee meetings

Village clerk notified JZ that ad hoc committees are not as a policy listed on village calendar. TO asked for clarification on public comment. JZ noted that at previous meeting we agreed that the public would be able to witness meeting and speak at public comment section.. If we wanted Ad-Hoc meetings specially added to calendar we would need to request it. BB and MR agreed that public notice would be helpful. Discussion ensued around the flow of work and purpose of the committee and best way to keep meetings efficient and on-task . Off-topic clarification ensued on code as law and current status that the STR law enforcement. Consensus was to keep meetings open to public but to keep to normal Village policy and ensure that agenda and minutes are also made available to the public.

JZ: added at end , before public comment, general discussion will be added. If we run late, that time will be limited.

NEW BUSINESS

3. Group discussion and editing of Village Code CH. 100 , § 100-1. PURPOSE.

JZ stated that we want the purposes to be simple and to have broad support and suggested we work toward purposes that we all agree on. These would serve as a guide for editing the law text and for our later discussions about the details of the law.

Discussion of previously circulated worksheet "Purposes" began.

Purpose A: Legalize and regulate str's within V of CS. Previously they were not legal, only tourist homes. One purpose was to make them legal and to regulate them. All agree to proposed language [See worksheet]. . JZ proposed to move the safety language to it's own purpose.

Purpose B: Promote safety and code and fire standards.... move quality of life under purpose D. JZ stated that at intro meeting Mayor noted to that safety was a high level of concern on the part of the VBOT. Propose to make B about safety purposes. BB questions the need. JZ and TO clarified code. TF noted that if use is other than single family code, it is held to higher safety standard. If you use portion of house for different reason, it's different code. MR, we don't have fire code inspection as homeowners. TF commented that previously village did not allow STRs except Tourist Homes under special permit, but if village gives permission the village is obligated to ensure safety on par with the mechanisms for safety of other permitted business uses. TO noted that people are doing it anyway. But people are complaining, so it raises the issue that the village has to address. TF stated that when you charge someone a permitting fee, become party to an action and become responsible. BB disagreed stating that the village doesn't assume any responsibility, would come under homeowners policy as a home use. JZ respectfully disagreed. Increased risk of fire from increased transient use by non-residents of a home is a public issue– it affects neighboring properties' safety at the very least. TO offered his experiences as an owner in Airbnb in Palm Springs which is more restrictive. JZ noted an initial inspection on the permit app. TF: can we make the language of Purpose B "public safety?" JZ agreed that would be a good edit. TF explored the definition of public safety with regard to social fabric as comfortability stating that in CS, we are densely packed and need to offer respect to our neighbors to promote comfortability. MR: leave out "general welfare" b/c it is addressed later on. All agreed to the edit: "Promote public safety by assuring STR..."[See worksheet]

Purpose C: JZ noted C through H are getting to the larger qualities we want in our village. JZ recommends edit to language of C from the Comprehensive Plan that was broadly agreed upon by their surveys and their work. Residential character was moved to D in a more specific way. Provision 2 of VBOT suggested revisions to Ch. 100 proposed that there should be no limit on hotels rentals. TO: commented on previous

public comment around how things change. If it's not growing its dying. But how to keep CS from becoming like other developed towns and keep our neighborly feel. TF suggested that we are not "preserving". JZ asked for clarification as the purpose of the law is indeed to preserve. TO: we're creating code to keep order and maintain laws. We are indeed preserving in this way. BB: guests are a small percentage of the character of village life. JZ: are we in agreement of Preserving small town, neighborly character of village life. TO asked if C and D should be combined? JZ disagrees as residential zoning is a larger discussion. TF suggests that the word "protect" rather than "preserve" is stronger and should be substituted. All agree on the proposed change [see worksheet].

Purpose D: JZ suggested removing statement portion and re-wording to make this purpose begin with an action verb. JZ suggested starting with "preserve and protect the residential character..." This would align the STR law with the intent/purpose of village's current Zoning code. For example, in R-1 zones certain kinds of home occupations are an allowed use if they don't create burdensome impacts that change the residential character of the neighborhood. As the impact of STRs in other places are becoming clearer—regulations should seek to minimize the negative impact. All agreed to language of D, "Preserve and protect the residential character of..." [See worksheet]

Purpose E: JZ proposed removing statement and replacing it with a combined purpose to encourage economic diversity and affordable housing by protecting residential housing stock levels and allowing residents supplementary income. With the addition of "village residents" instead of just "residents", all agreed. TF noted the word "supplementary" is adequate and addresses problems he had with previous language—it acknowledges that the income is not primary. JZ added that the line recognizes economic diversity as a good.

Purpose F: JZ noted that the issue of reduction in community service and volunteerism was one of her key concerns. LV noted that full-time residences was a possible problematic phrase. TO contributed that our goal isn't to create full-time residents. Feels off base to call out volunteerism as a direct benefit from this law. It feels too specific. JZ replied that she felt it was included b/c it is a very important impact—reduction of full-time residents leads to reduction in numbers of community members invested in the community and living here with time and commitment to volunteer. Discussion ensued about current Ch 100 doesn't define "fulltime residences." Primary residence is defined as 260 days per year. MR: can it be more specific to "adding back to the community." JZ: are full-time residences to the good of the community? TF: the impact is the important part. TO: the end of E says almost the same thing as F overall. It just feels a bit granular and is just one of the possible negative impacts. BB: wonders why F was separated out? JZ: it distills what was already

there in original code. Could move the focus of this goal to minimizing loss of full time residents stemming from the impact of STRs. TF: we can only promote volunteerism. Any promotion of full time residents protects volunteerism. He noted that part time residents aren't necessarily negatively impacting the community but are less likely to volunteer. JZ noted that part-time residents pay taxes and don't use as many of the services (i.e. school) so there is some support there, but volunteerism depends on people living here day-in day-out. TF: advertising of STR stays feature many local events and community amenities that rely on local volunteerism to organize and run them; if they are going to promote these as attractions, there should be a balance in what is offered back to the community. TO: Purpose F as written feels like it is not the main goal. Maybe flipping the phrase around foregrounds the main purpose more--full-time residency.. JZ proposes: "Maintain levels of full-time village residency and resident involvement, investment, and service in the community." Group agrees.

Purpose G: JZ moved up to Purpose E and group agreed. . TF: "village" excluded B1 owners who may own buildings and not live in village. This would exclude them from the discussion. If as a village, I charge them a permit to use their home as a business, but can I limit business owners from doing the same? JZ: There are already special avenues for B-1 building owners to form a hotel or B&B etc. TF: discussion of Tourist Home special permit as applying only to state roads but not Main St. JZ: let's table this for the zoning conversation.

Purpose H: JZ: On the local economic situation she is surprised current hotels/ B&Bs have not included themselves in the conversation. TF: The verbiage of the original and the proposed Purpose E is problematic in suggesting we support the local economy. LV read from existing comprehensive plan speaking to the need to improve overnight lodging. JZ: supporting the local economy is a benefit for all who live here in her opinion and providing additional lodging for visitors as long as impacts on others are negligible is reasonable. TF: we need a balance b/t limits and too many. Supporting the local economy should not be in the language.. Supporting private businesses is not on par with supporting volunteerism. TO: in talking with business owners it feels like the town doesn't grow. More guests supports that growth. Growth is not necessarily bad. How to we phrase it to regulate it? MR: is the comp plan adopted? JZ: yes, and offers us a good guide to balancing growth and community. TF: suggests "supplement" as a more agnostic verbiage. "Support" is not the purview of govt.. Village govt is not the Chamber of Commerce and shouldn't place the market above the neighborhood. It's a great ancillary benefit but not village government's concern. JZ respectfully disagreed, stating that residents, business owners, visitors alike are all beneficiaries of a strong local economy and a healthy "main st", but understood that we don't want to trade off economic growth for the erosion of beloved aspects of the community and would accept a language change. Suggests flipping the phrasing. TF: suggests the word

“enable”. JZ: maybe “facilitate” Suggests the phrasing “Facilitate a diversity of lodging to visitors to the village” and remove economy phrasing. Group agreed.

Purpose I: Group agrees this doesn’t fit into the section and agrees to remove this language as a “purpose” and place it for consideration and discussion in a later section of CH. 100 that would be more appropriate for defying the limit on number of STRs.

JZ asked if any member had any additional purposes to propose or any other additions or subtractions to discuss.

TO: 5% tax that State legislature passed.. Now that we’re aware of that, should it not be an additional goal of CH. 100 to provide revenue for the village? First instinct is that it’s a benefit to non-str residents; ancillary benefit to entire village. JZ: unclear on the details of the Bill as it applies to the village STR law. Does village have to pass a separate law to enact the Bill ? Can the percentage change? TO: Palm Springs allowed it to generate income at the municipal level was a huge benefit to the residents. TF: expressed concern with speaking about percentages as imprecise—how much benefit are we talking about here? TO: to me, it’s a bonus and another thing to consider. JZ: Expressed concern that making revenue generation as a purpose of Ch. 100 could justify too great an impact on our neighborhoods and infrastructure. Gave the example of the debates over the Seastreak docking and private event rental of our local public parks.. If revenue generation by private entities trumps public enjoyment and use of public resources, that is a definite problem. She acknowledged that the village needs revenue and besides charging for parking there has not been a way to capture municipal revenue from tourists to offset their impacts. . The occupancy tax could definitely be another way. However she is unsure how to balance the need to capture tourist revenue to offset impacts with the need to actually limit or put a ceiling on the impacts themselves. MR: the issue with revenue is that Putnam County does not share sales tax. . I take exception with trying to solve that problem on the backs of airbnb. Tourists will come whether they have a place to stay. TO: occupancy tax would be a pass-through tax so would be paid by tourists not by hosts. MR: that seems like a win-win JZ: Is goal related to revenue really appropriate? Let’s start next meeting with that. TO: One goal of the village should be to find ways to make money. Offsetting money from tourists isn’t a bad goal. Ancillary benefit is for the village to make money. JZ: that’s more of a statement than a goal. JZ: I understand if the governor signs the bill, it gives permission to village to levy a tax and sets a max percentag but I don’t understand how it would then be levied or how it relates to the STR Ch. 100 . I will check in with Mayor Foley and report back next meeting. TO: it has passed in state legislature. I’m open to many options; how do you find benefit for non str hosts? The occupancy tax is a benefit for everyone. In palm springs, residents consider the financial benefit to all as a good. If the public can receive financial benefit from STR activity it feels like an important thing to consider as a goal. TF: disagree that it’s a village’s main purpose is to make money. They do have a fiduciary responsibility but not to maximize

revenue..

JZ: Noted the late hour, and proposed we accept the purposes as amended and pick up on this discussion about adding an additional purpose at our next meeting. All agreed.

4. Group discussion and apportionment of information gathering tasks and rough timeline.

Tabled until next meeting.

5. Calender work: Next meeting date confirmation.

July 27, 2022, 8PM Village Hall.

6. Public Comment

None.

Meeting adjourned 10:02. Next meeting 7/27 at 8pm.

PURPOSE WORKSHEET 7/13/2022 EDITS

Ad Hoc Advisory Committee on Short Term Rentals

Committee Members: Branis Buslovich (BB), Travis Fyfe (TF), Tom O’Quinn (TO), Megan Shea (MS), Marianne Remy (MR), Lara Demberg Voloto (LV), Jennifer Zwarich, Chairperson (JZ).

§ 100-1. Purpose.

The purpose of this article is to:

	CURRENT CHAPTER 100	JZ PROPOSED EDITS (Meant as a starting point for committee discussion).	7/13/2022 GROUP AGREED EDITS
A	Legalize and regulate short-term rentals in the Village of Cold Spring and assure that short term rental units meet applicable Village of Cold Spring and NYS fire and safety standards.	Legalize and regulate short term rentals within the Village of Cold Spring. <i>(Move safety to it's own purpose below).</i>	Legalize and regulate short term rentals within the Village of Cold Spring.
B	Regulate and minimize quality of life impacts, such as parking, noise and trash, sometimes associated with short-term rentals.	<i>Move this language to come under PURPOSE D and make new PURPOSE B: Promote the safety and the general welfare of village residents and village visitors by assuring short term rental units meet Applicable Village of Cold Spring and NYS fire and safety standards.</i>	Promote public safety by assuring short term rental units meet Applicable Village of Cold Spring and NYS fire and safety standards.
C	Preserve the residential and community character of the Village and its neighborhoods.	Preserve the small town, neighborly character of Village life.	Protect the small town, neighborly character of Village life.

D	<p>Short-term rentals have the potential to be incompatible with the character of the neighborhood, especially when several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full-time residents. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential neighborhoods and will not harm and/or alter the neighborhoods they are located within.</p>	<p>Preserve and protect the residential character of the existing residentially-zoned neighborhoods within the village by minimizing the neighborhood quality-of-life impacts of short term rentals, and ensure impacts in other non-residential zones which are compatible with current zoning laws and uses.</p>	<p>Preserve and protect the residential character of the existing residentially-zoned neighborhoods within the village by minimizing the neighborhood quality-of-life impacts of short term rentals, and ensure impacts in other non-residential zones which are compatible with current zoning laws and uses.</p>
E	<p>Short-term rentals have the potential of removing full-time residential housing from the housing market, driving up market rates and creating housing shortages. Limiting short-term rentals will safeguard, preserve and protect residential housing stock in the Village of Cold Spring.</p>	<p>Encourage economic diversity and affordable housing within the village by: a) protecting residential housing stock levels and b) allowing residents to enjoy the benefits of supplementary rental income where such activity does not negatively impact fellow residents or village services.</p>	<p>Encourage economic diversity and affordable housing within the village by: a) protecting residential housing stock levels and b) allowing village residents to enjoy the benefits of supplementary rental income where such activity does not negatively impact fellow residents or village services.</p>
F	<p>Short-term rentals have the potential to minimize the number of full-time residents, thereby reducing the number of available volunteers for such functions as emergency workers, board members, scouting leaders, athletic coaches, etc. Regulations limiting the number of shortterm rentals can minimize this effect.</p>	<p>Maintain and support levels of volunteerism and volunteer organizations within the village by preserving and encouraging full-time residences.</p>	<p>Maintain levels of full-time residency and residents' involvement in, investment in and service to the community.</p>
G	<p>Provide economic support for Village residents who would benefit from rental income.</p>	<p><i>Move G to come under PURPOSE E.</i></p>	<p><i>moved to E</i></p>
H	<p>Provide lodging for visitors to the Village and support the local economy.</p>	<p>Support the local economy by encouraging a diversity of lodging to visitors to the Village.</p>	<p>Facilitate a diversity of lodging for visitors to the village.</p>

I	The limit on certain types of short-term rentals is based on seven and one-half percent (7.5%) of the total R-1, I-1, and B-1 properties which is six hundred fifty-five (655) at the adoption of this local law.	<i>Move to another section later in the chapter- this not a purpose.</i>	<i>moved out of Purposes section to later section of chapter</i>