

MINUTES - DRAFT
Ad Hoc Advisory Committee on Short Term Rentals
OCT 26, 2022, 7:30 PM, Village Hall, 85 Main St

Committee Members Present: Branis Buslovich (BB), Travis Fyfe (TF), Megan Shea (MS), Lara Demberg Voloto (LV), Jennifer Zwarich, Chairperson (JZ).

Absent: Marianne Remy (MR), Tom O'Quinn (TO),

1. 10/5/22 Minutes approval moved to next meeting.

OLD BUSINESS

2. Report of the chairperson; occupancy tax progress. Updates on occupancy tax process and schedule for completion of Ad-Hoc committee work given. JZ also shares with committee news of recent ruling in federal court striking down part of a New Orleans STR law related to "primary residency" requirement and there was brief discussion of possible need to make changes as case law is solidified in future.
3. Finish Section § 100-4. Short-Term Rental Requirements, Permits. Continued discussion of STRs as they relate to multi-family housing and accessory structures.

JZ: Current CH 100 §100-4 L. states that only one unit in a multi-residence property can be permitted to obtain an STR permit. Discussion of whether this unit must be the owner-occupied unit. In context of two-family and recalling multi-family properties outlined on JZ map from 10/5/2022 meeting. TF: If you're the owner of a two family, it seems weird to tell the owner which unit they can rent out. It seems to go against our supplementary income goal. LV: Maybe "In a multi-family residence, only one residence can be rented at a time." There is consensus among MS, BB, TF, and LV. JZ does not agree, points out that the problem is that it conflicts with another of our goals, which is to preserve housing diversity and protect residential housing stock levels. A consequence of allowing two family houses to turn one half into a full-time STR is reduction in long term rentals. TF points out that the long term rental issue would likely be mitigated by keeping lower number of permits. MS points out that the law requiring rentals to be owner-occupied potentially puts more units on the long term rental market

than currently exists. LV wondering about “one-at-a-time” so that people can rent out the space of their choosing. JZ: questions if that language would enable work-arounds that would go against our goals and notes that all STR units would need to be inspected. LV: it would only be allowed to have one permit at a time. Discussion ensues about inspection for people who might apply for both One-Time permit for a specified week (e.g. West Point graduation) as well as hosted STR permit. MS: agrees that limiting the amount of permits makes the concern about reducing long term rental numbers moot. Several committee members point out that if STR is limited to wonder occupied unit only, then people in two-family or multi-family housing could/would likely go through process to change their tax status to single-family and then could still get an STR permit for the space in their house that was formerly the second dwelling unit. Much of the group feels the restriction on multi-family to only be allowed a permit for the owner-occupied unit is not reasonable and can be easily worked-around and as long as the host is on the property that likely mitigates many of the potential negative impacts. BB, TF, LDV, and MS think that two-family and multi-family should be allowed to obtain STR permit in one unit. JZ notes her objection for the record, citing potential loss of long-term rentals.

Group moves on to discussing Accessory Structures. JZ notes that Accessory Dwelling Units are not currently part of CS Zoning Code. The discussion is about Accessory Structures which currently must have CO and use is restricted to a list allowed under definition of accessory use. “Tourist Homes” are specifically prohibited as an accessory use. JZ noted to group that some members of the VBOT suggested considering the idea of allowing STR in accessory structures but to balance that restricting the unit in multi-family allowed to obtain an STR permit to only the owner-occupied unit. The idea being that this would protect housing diversity and long-term rentals. LV: requested clarification if this was an instruction to us. JZ replied that this was only one board member’s suggestion for consideration and not an instruction. Group discussion ensued about perceived use patterns of accessory structures and whether bedrooms are

allowed in accessory structures under current code. JZ noted that she is against allowing Accessory Structures to be used as STR stating most accessory structures in the village are essentially in the rear yards of one property but right on the property line and in the side yard of neighboring properties. MS agreed, citing the example of her accessory structure which very near neighbor's living space. JZ: This could create a potentially significant negative impact with one neighbor operating a business with negative impacts occurring much closer to their neighbors' living space than their own. The abundance of narrow lots and tight spacing within the village requires special consideration here. Potential loss of privacy was discussed. Group all agree to leave the language outlawing STRs in accessory structures.

4. Review of § 100-9. Regulations for all Short-Term Rentals.

- A. No objections to keeping section A as is.
- B. Questions come up about section B—the rule for max number of short term renters per bedroom and per entire residence allowed. BB: this seems overly restrictive. TF: suggests this part is likely derived from or governed by building code or other code. Asks where writers of current CH 100 got these numbers. JZ: Is there maximum occupancy for a residence in NYS Building code? Discussion continues over opinions on max occupancy correlating to number of legal bedrooms in home. What if you have a 5 bedroom home? JZ states that answer to TF's question seems prudent here. Will research and report back next meeting. Section B tabled.
- C. Discussion ensued. Question raised as to whether this requirement, particularly as it relates to disorderly conduct or illegal consumption of alcohol or drugs, is already covered in another part of village code. JZ: Suggests idea may be to clearly lay out prohibition on activities that would be likely to create negative impacts to put hosts on notice. These may be buried or hard to find in code elsewhere. Group disagrees on whether this section is needed or is redundant. JZ

- will look up in village code and report back. If it is redundant, the general feeling of group is to streamline and simplify.
- D. Group discussion as to whether these lighting requirements adhere to current village code or supersede them. JZ reads aloud relevant language of § 81-6 Outdoor Lighting Standards for residential areas. Notes that residential must adhere to light trespass standards, height and shielding but is not restricted in lumens like multi-family or commercial. There is also a commercial time limitation for non-essential lighting—not past 11:00pm. Discussion of potential increase in lighting for STR's run as a business and potential negative impact. Point was raised that all houses in R-1, R-2, R-3 etc zones should, in fairness, adhere to same restrictions on other structures in that zone. Group agreed to use language of the village code CH 81 here instead of new language. JZ to edit and bring back for approval next meeting.
- E. Group agreed to keep.
- F. Question is raised about definition of “gatherings,” which seems undefinable. LV suggests ‘may not be hosted for the purpose of having parties.’ JZ wonders how to define the parties/events. Discussion of how to handle the question of “gatherings/parties/events.” TF suggests: ‘may not be rented with the express purpose of making events or parties.’ And then a separate letter for “gathering.” JZ notes that visitors renting short term are more likely to be on vacation time/schedule as opposed to the typical schedule of residents not on vacation and this could potentially significantly change the use pattern of properties in close proximity. MS suggests that we are not trying to regulate the people renting as much as we are regulating the STR owners and requiring them to minimize negative impacts. TF says that guests are held to a higher standard than a homeowner. JZ suggests that this section comes under the goal of minimizing negative impacts of STR activity—minimizing the commercial aspects that would affect others. JZ suggests that typically guests, tourists, vacationers don't care as much about being a good neighbor. LV: notes that as the host you

are responsible for the guests. TF says that it is okay to hold guests to a different standard. JZ suggests going with “may not be rented with the purpose to host parties or other gatherings or events during any rental period.” All agree.

- G. Tabled for discussion next meeting due to disagreement and time running out.
- H. Tabled for discussion next meeting due to disagreement and time running out.
- I. All agree to keep as is.
- J. On to J. Group agrees to remove “agent” since unhosted no longer allowed for regular STR permits. TF asks if an “agent” is necessary for one-time permits which can be unhosted. Group agrees to retain “agent” for one-time permit.
- K. Group agrees to revise this section to line up with the previous group agreement to require keeping of such records and to make such records available upon request. “The Host of the STR shall maintain a record of the number of Guests and the beginning and ending dates of each Short-Term Rental and shall make such record available upon request by the code enforcement officer or other officer of the village.”
- L. JZ suggests rewording to combine that we would like a “best practices” posted.
All agree. JZ to circulate language at next meeting.

Discussion of whether to add a section M for parking stipulations here instead of elsewhere ensued. Re-opened discussion of parking space requirements. TF: is in favor of, if you are going to increase visitation, then you would have to increase spaces. You’re inviting more cars. JZ points out that in several areas of the village parking is a precious resource, while in others there is currently more abundant parking. TF: I did not agree to previous discussion of parking spaces. Group discussion ensues. JZ notes that parking as a topic is reopened but due to meeting running more than 30 minutes over time, continued discussion on this topic will have to happen next meeting along side § 100-11 and § 100-13.

NEW BUSINESS

5. § 100-11 Penalties and § 100-13. Enforcement.

Moved to next meeting.

6. Calendar work: Next meeting date, Wed Nov 9, 7:30, Village Hall.

7. Public Comment

None.

Meeting adjourned, 9:20pm.