

From: matthew Koch <matthewpkoch@hotmail.com>
Sent: Tuesday, May 18, 2021 3:56 PM
To: vcsclerk@coldspringny.gov
Subject: ATTN: STR Comments | Public Comment for Short Term Rental Law

Hi Jeff

Please find below my comment on the proposed Short Term Rental Law.

Thanks & Regards,
Matt Koch
3 Maple Terrace, Cold Spring, NY

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To the Cold Spring Board of Trustees:

At the last hearing regarding Short Term Rentals (STRs) in the Village, there was significant comment from members of the community that they personally rent their house out during the weekend of West Point graduation or for a few days of the year to help fund their own vacation.

In light of these limited use scenarios, I hope the Board will consider a permit waiver process. For owner-occupied homes in the village, I would suggest a permit waiver be available for those that would use their homes as an STR for 7 nights or less per year. All STR regulations as proposed in 100-7 should still apply to a property with an approved permit waiver.

**From:** Contact form at Cold Spring, NY <cmsmailer@civicplus.com>  
**Sent:** Tuesday, May 18, 2021 3:13 PM  
**To:** jvidakovich  
**Subject:** [Cold Spring, NY] WRITTEN COMMENT RE: STR PUBLIC MEETING (Sent by Phil Heffernan, phx1@optonline.net)

Hello jvidakovich,

Phil Heffernan ([phx1@optonline.net](mailto:phx1@optonline.net)) has sent you a message via your contact form (<https://www.coldspringny.gov/user/165/contact>) at Cold Spring, NY.

If you don't want to receive such e-mails, you can change your settings at <https://www.coldspringny.gov/user/165/edit>.

Message:

Dear Mayor and Village Board,

I am writing to point out several crucial points regarding the initial STR proposal before us in the Public Meeting last week.

First of all, I consider myself a friend and supporter of the current VBOT. You have been inclusive, not divisive, accessible, honest and fair. The years under the Merandy ticket have been the most relaxed that I can recall in the Village for many years, and I thank you all for your leadership.

That being said, I feel the VBOT greatly overestimates the negative impacts of current levels of STR home businesses, and underestimates the critical financial support it provides to retired Village seniors and others dealing with financial stress (such as our Main Street merchants, as well those who have been laid off because of the pandemic).

There are two kinds of AirBNB's essentially: Those that are owner occupied and supervised, and those with absentee owners, and are unsupervised. This is a fundamental distinction, and must be paid attention to. In the last three years, 6 homes have changed hands on Church St., and not one of them was bought by speculators; they sold in every case to young families with children. In three years of my renting to short term guests, not one single noise or disturbance complaint was made by my neighbors on this street. In a survey Denise made and sent to all of our past guests, 70% of our guests did not bring a car to the Village, they took the train. This opened up 3 new spaces on the street that formerly were taken by full-time renters.

As for the financial aspect, and this is a crucial point: Though I don't have the exact data, I would bet that most of those hosting STR guests are operated by either retired persons on limited incomes, empty nesters with too much house (or too many repairs), or people whose jobs were disrupted by new technologies or the pandemic. In my 31 years here, there has never been an issue that effects the financial well being of so many Village residents, having a huge impact on their ability to stay in their homes (including myself). Airbnb is a self run/self funded "pension" program, with minimal to no impact in the community, that solves an age old problem: "How do I stay solvent after retirement?".

As for me, I've been a landlord for 31 years here, operating in the red for most of it, the deficit made up by career income. Now that I'm retired, that's gone. I feel very strongly that as a landlord for over 30 years here, that I have a right to continue to rent to whomever (following non-discriminatory EOH guidelines) and not have to submit to bureaucratic regulations and invasive financial investigations. Safety inspections are no problem! My building is completely up to code (including egress windows) as I have spared no expense in insuring the safety of guests and visitors; now I can actually pay for it!

To sum up, Village Mayor and Board: I'm your friend, and I want to get through this. And I want you to win in November! But the first draft Proposal is deeply flawed, in that it continually is 'tilting at windmills' and other supposed threats, and jeopardizing many community members' financial well being and quality of life.

With best personal regards,

Phil Heffernan  
7-9 Church Street  
Village of Cold Spring, NY

**From:** Contact form at Cold Spring, NY <cmsmailer@civicplus.com>  
**Sent:** Tuesday, May 18, 2021 1:40 PM  
**To:** jvidakovich  
**Subject:** [Cold Spring, NY] Short term rentals (Sent by Michelle McCoy, Michmccoydc@yahoo.com)

Hello jvidakovich,

Michelle McCoy ([Michmccoydc@yahoo.com](mailto:Michmccoydc@yahoo.com)) has sent you a message via your contact form (<https://www.coldspringny.gov/user/165/contact>) at Cold Spring, NY.

If you don't want to receive such e-mails, you can change your settings at <https://www.coldspringny.gov/user/165/edit>.

Message:

STR

I appreciate the time and effort the village board has devoted to developing regulations for short term rentals. I spoke at both public meetings to voice my opinions as a village homeowner and neighbor to a STR. Though I do not rent out my village home, I do have three investment properties in other areas that are rentals.

Without regulations people do whatever they want and that can produce an unsafe situation with over occupancy, over utilization, and angry neighbors. Most people can agree that there must be some guidance in place that is equitable to everyone. Our neighbors at 27 Mountain Ave rented out their 3BR/1BA home to 12 adults at one time. Their guests trespassed on our property, knocked on our door late at night looking for their house, had loud parties, parked in the crosswalk, and produced bins of garbage. The homeowners were far away and unresponsive to us and their guests. Only after a complaint at the 2019 meeting did they even realize how disruptive their guests were. We were advised by them to call the police when they couldn't get a hold of their guests on the phone because they were partying too loudly. This is why we need regulations.

I feel the rules the village board has proposed is a great starting place. There are some that points I agree with, some I disagree, and some that I'm not sure about.

I agree that we need all STR registered with the village and fire inspected. A occupancy limit should be set based on fire safety code. Only legitimate bedrooms should be used for sleeping.

I agree a fee needs to be charged to everyone registered and fines levied for violations. The fee should be high enough to cover the cost of inspections and enforcement.

A parking space should be required - but doesn't necessarily have to be a driveway at the house.

If you share a driveway a homeowner should have permission from his neighbor.

There should be a limit to check-in times. We have had renters knocking on our door because they couldn't find the house after 10:30 pm.

Someone needs to be available to respond to renters and neighbors and must be local.

There must be a limit to the number of days a year and the number of units. A lottery seems like the most equitable way, though I don't know the fair number of units or nights per year, maybe less than 1/2 the year.

I disagree that an LLC can't own a rental in a commercial building. But I agree for a residential property it needs to be a private owner.

Renting out your home as a STR because you can't afford to live in your home is not a valid reason. We are lucky that Cold Spring has a strong housing market. If you can't afford your home, sell it and move. Turning your home into a rental does not help make Cold Spring more affordable.

Thank you again for your attention to this matter.

**From:** shelleygilbert@mac.com  
**Sent:** Tuesday, May 18, 2021 12:08 PM  
**To:** vcsclerk@coldspringny.gov  
**Subject:** Short term rentals

Cold Spring Village Board:

Thank you for holding an open comment session on the subject of village short term rentals. The meeting helped me clarify how short term house rentals have affected my quality of life. Like many others who spoke at the meeting, I moved to Cold Spring to live in a village of neighbors, not in a constellation of hotels.

I live at 38 Mountain Ave by the back entrance to Haldane, so I am no stranger to village sounds. Parents drop off and pick up their children during the school year, school buses do the same. My neighborhood is quiet after 3:30 pm on weekdays, on weekends, and during school holidays. The sound of children and families was part of the deal when I purchased my home (don't like the buses as much!), and I am grateful that I have the opportunity to interact with so many families and Village residents.

When the house across the street started short term rentals on weekends, the quiet was disrupted. Many cars and many people (strangers who had no stakehold in the character of the neighborhood) came and went at all hours of the day and night; it wasn't as safe to allow children to play outdoors with the increased and faster traffic. Large and noisy parties were held outside, disturbing our ability to sleep with the windows open. Village homes are very close to one another, and such changes in behavior is felt throughout the neighborhood.

In summary, noise from short term rental property parties needs to be regulated. The Cold Spring Villager who called in and related the Palm Springs noise regulations has offered a possible model that I would like our Village Board to consider. Also, I believe owner occupied rentals may also help in eradicating disruptive noise.

Thank you for taking on the job of maintaining the neighborly character of our lovely Village.

Thank you,

Shelley Gilbert  
38 Mountain Ave.  
Cold Spring, NY, 10516

Michael D. Reisman  
30 Rock Street  
Cold Spring, NY 10516

May 17, 2021

Mayor and Board of Trustees  
Village of Cold Spring  
85 Main Street  
Cold Spring, NY 10516

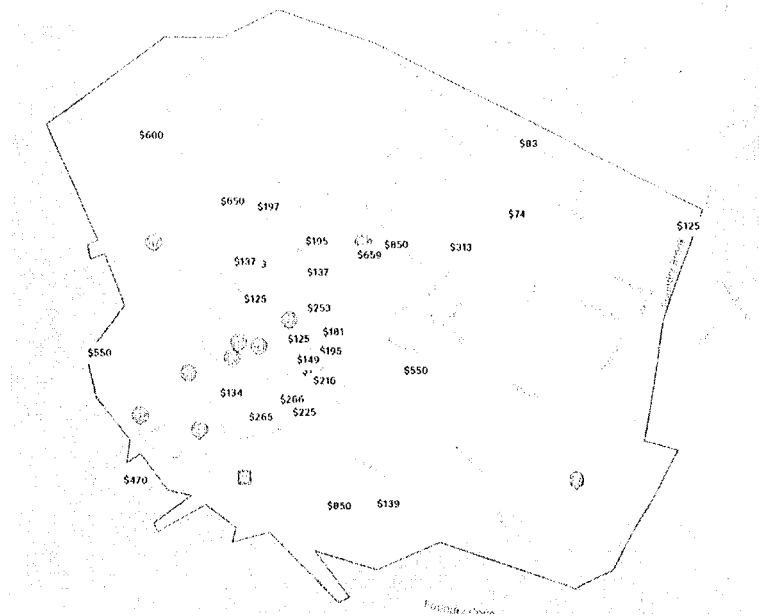
***Re: Proposed Short-Term Rental Law (Chapter 100)***

Dear Mayor and Board of Trustees:

I write in my personal capacity to support the adoption of the proposed Short-Term Rental (“STR”) Law (Chapter 100), which has been years in the making. With my wife, I have been a resident and property owner on Rock Street for almost fifteen years. (We have not, do not, and have no plans to operate an STR business.) These views reflect my service as an appointed volunteer member of the Village Comprehensive Plan Special Board from 2009 through 2014, and on the Village Code Update Committee from 2018 to 2020.

A few points to set the table:

***First***, the STR boom continues in Cold Spring. A query performed on Airbnb.com today for flexible dates in Cold Spring in May and June, for two adults for one night during the week, returned 30 listings within the Village limits, priced from \$74 to \$850:



**Second**, to the extent that these STRs are “Tourist Homes,” which the Village Zoning Code currently defines as “dwelling[s] in which overnight accommodations, consisting of not more than three (3) rooms for such purpose, are provided or offered for transient guests for compensation,” § 134-2(B), any that lack a special use permit or do not have frontage along state highways (e.g., Routes 301 and 9D) are *illegal as of today*. See § 134-16(G)(4)(b). This is not “new” news; it was reported in the Highlands Current in September 2019, see <https://highlandscurrent.org/2019/09/13/cold-spring-ponders-airbnb/>, and has been discussed during meetings of village boards and committees since then.

**Third**, the Economic Policy Institute (EPI), a nonprofit, nonpartisan think tank, concluded in a 2019 report that the economic costs Airbnb imposes likely outweigh the benefits. See <https://www.epi.org/publication/the-economic-costs-and-benefits-of-airbnb-no-reason-for-local-policymakers-to-let-airbnb-bypass-tax-or-regulatory-obligations/>. In particular, EPI noted that rising housing costs are a key problem for American families, and suggested that the presence of Airbnb raises such costs through the reduced supply of housing. EPI cited high-quality studies that indicate that Airbnb in New York City may have raised average rents by nearly \$400 annually for city residents. With at least 30 STRS on the market *right now*, absent regulation there is a significant risk that the Village will become increasingly unaffordable.

**Fourth**, in the 95 years since the United States Supreme Court’s seminal decision upholding a local zoning law as a valid exercise of a municipality’s police power, see *Village of Euclid, Ohio v. Ambler Realty Co.*, 272 U.S. 365 (1926), thousands of American communities – including this one – have enacted zoning laws that balance the rights of individual residents.

**Fifth**, I am not aware of any legal principle that guarantees a right to run an overnight rental business on one’s property without being subject to regulation. I may like to bake, and baking might be a lucrative side hustle, but that does not give me the right to run a commercial bakery out of my kitchen. I may like hanging out in cafés, but that does not permit me to turn my home into Les Deux Magots. I may like hotels, and need the extra cash, but that does not entitle me to become an at-home hotelier. If I want to run any of these businesses, I have to comply with zoning laws – and other laws – that have been on the books for years. Indeed, the Village has several hotels and bed-and-breakfasts, which every day incur the expense of compliance with a panoply of zoning and health and safety laws.

**Finally**, I know people who operate Airbnbs in the Village. They’re good people and they care about the Village. But there are likely others who may buy property here without living in the Village at all, in order to generate significant amounts of revenue from STRs. Perhaps they already have. In any event, good intentions are not enough.

With respect to the specifics of the proposed local law:

1. The Lottery system, which has been adopted by other Hudson Valley communities such as Rhinebeck (see <https://ecode360.com/35551330>), is a fair way to allocate permits.

2. The number of permits – thirty-four (34) – seems high in a densely populated Village, especially given the current clustering of Airbnbs as shown in the above map. In contrast, Rhinebeck annually distributes 15 permits. That said, the provision in the draft law barring STRs within 300 feet of each other does address the density concern.
3. Enforcement is key (obviously). The fees should be sufficient to cover, at a minimum, the costs of enforcement, which are likely to be substantial. In past years, enforcement of local laws has generally been a challenge. Hopefully those challenges have been surmounted, but it should be recognized that a large number of person-hours will be required to process applications and enforce this new law, including through review of documentation, online research, and site inspections.
4. The maximum number of nights – sixty (60) – seems fair. Again, Rhinebeck is much more restrictive, allowing a maximum of sixteen (16) days in calendar year, with a seven-day gap between rentals. On that point, it is worth considering the addition of a gap requirement here. Perhaps five days?
5. The penalties seem fair. Again, contrast Rhinebeck, which assesses a \$1,000 fine for the first offense.
6. The application of the two levels of penalties set forth in § 100-10 should be clarified. It seems that § 100-10(A) is directed to STR Permit holders who do not follow procedures and regulations, whereas § 100-10(B) is directed to those who operate an STR without any permit at all. Such individuals would also be operating an STR without following the procedures and regulations, which would seem to put them into § 100-10(A). But the latter group would seem to warrant the higher penalties.

Thank you for your work on this challenging but important issue.

Yours truly,

Michael D. Reisman



**From:** Contact form at Cold Spring, NY <cmsmailer@civicplus.com>  
**Sent:** Sunday, May 16, 2021 12:35 PM  
**To:** jvidakovich  
**Subject:** [Cold Spring, NY] Short Term Rentals (Sent by Priscilla Goldfarb, priscillabwf@gmail.com)

Hello jvidakovich,

Priscilla Goldfarb ([priscillabwf@gmail.com](mailto:priscillabwf@gmail.com)) has sent you a message via your contact form (<https://www.coldspringny.gov/user/165/contact>) at Cold Spring, NY.

If you don't want to receive such e-mails, you can change your settings at <https://www.coldspringny.gov/user/165/edit>.

Message:

Perhaps I have missed news coverage of health and safety issues related to STRs. STR regulations, if not already in place, should include requirement for working smoke detectors and CO2 detectors and also safe egress in the event of fire, consistent with existing village codes.

Priscilla Goldfarb  
22 Butterfield Road, Apt #304  
Cold Spring, NY 10516  
914.527.5178

Marianne Remy  
5 Cedar St  
Cold Spring, NY 10516  
mariannejremy@gmail.com  
360-239-1487

May 15, 2021

Village of Cold Spring Mayor Merandy  
Village of Cold Spring Board of Trustees  
Cold Spring, NY 10516

Although the Mayor and Trustees outlined specific goals for the regulation of short term rentals (STR's), further clarification on what the Board is trying to fix would be helpful. I participated in the public hearing, listened carefully to comments and recommendations, and reviewed the written public comments. The following are my comments regarding the regulation of (STR's).

I recommend that the code, appropriately fine-tuned according to input, apply only to non-owner occupied STR's. The Board's rationale for the proposed rules is to reduce the negative impacts of STR's. These include noise, disruption of neighborhoods, and the replacement of residential housing with STR's. It is apparent that these impacts are primarily attributable to non-owner occupied STR's. A subsequent evaluation could then reveal the degree to which the problems needing attention have been addressed.

It may be helpful for the Board to have the opportunity to talk with members of the community who are experienced STR hosts to inform their decisions. If there are other concerns that have been expressed by the community that could be ameliorated by the regulation of owner occupied STR's it would be important to have them detailed. Aside from a general lack of interest in accommodating visitors, and a sense of irritation with tourists, I have not heard them.

Thank you for your work on behalf of this lovely community.

Marianne Remy

**From:** Ujeb08 <bigjebsr@gmail.com>  
**Sent:** Thursday, May 13, 2021 10:46 AM  
**To:** vcsclerk@coldspringny.gov  
**Subject:** Short Term Rental Law

No AirBnB should be allowed into our village. I, we purchased our home 40+years ago because of the small town atmosphere. I don't want strangers from who knows where, walking near my house and using my paid taxes to their advantage. You can't change the rules in the middle of the game.  
concerned tax payer

**From:** Contact form at Cold Spring, NY <cmsmailer@civicplus.com>  
**Sent:** Sunday, May 9, 2021 4:10 PM  
**To:** jvidakovich  
**Subject:** [Cold Spring, NY] ST Rentals (Sent by Gretchen Dykstra, gdykstra200@gmail.com)

Hello jvidakovich,

Gretchen Dykstra (gdycstra200@gmail.com) has sent you a message via your contact form (<https://www.coldspringny.gov/user/165/contact>) at Cold Spring, NY.

If you don't want to receive such e-mails, you can change your settings at <https://www.coldspringny.gov/user/165/edit>.

Message:

Dear Trustees:

I listened the other night to most of the testimony at your public hearing re: short term rentals and would like to emphasize a point I made in my previous letter.

I do not begrudge people the opportunity to participate in AirBandB but I do believe we are nearing the end of covid and some of the financial pressures will be lifted so I urge you to think long term and worry most about out-of-town investors buying properties.

If single rooms are being rented for 150 nights a year, imagine what an empty, single family house with 2-3 bedrooms would rent for and how often...

Do the math and you quickly see a house in CS is a good investment

I urge you to limit STRs to owner-occupied houses, and to think more creatively about how to define owner-occupied.

Do the owners need to be present and, if not, how many times may they be absent.

It seems that is the easiest way to differentiate between owner-occupied or not.

Commercial real estate people in the City are bracing for major reductions in commercial leases when leases come up for renewal. (Jamie Dimon last week predicted something like 40% less space will be needed.)

Towns like Cold Spring will only become more attractive to investors.

I also urge you to consider my early recommendation about calculating the total number of guests, based on the number of permanent beds and to dramatically increase the annual cost of a permit to reflect the real time it takes to manage such a program. It should be the cost of doing business, not a gift from the village.

Good luck.

**From:** Judith K. Rose <jrose@aya.yale.edu>  
**Sent:** Thursday, May 6, 2021 9:03 PM  
**To:** vcsclerk@coldspringny.gov  
**Subject:** STR comments

I read the proposed code for short term rentals. I thank you for the time and effort that went into it. It covered many bases. Right before the call tonight (May 6) I listened to one of the Woodstock council people talk about their law and how they amended it one year in. I am sure you have been following their efforts and realize that there will no doubt will be tweaks in the future, so allow for that.

I live on a street that for a couple years had two very active STRs. It made living here painful at times. The owners would go away for the weekend and rent to groups. I say groups, but the more accurate term is "drunk and boisterous people." There may have only been two people at times, but the noise level was significant. This was not noise rising to the occasion of calling the police. It was more just enough obnoxious to have to retreat inside with the windows closed. I would complain to the owners but most times the response was "it's late, there is nothing we can do." Or "they will be gone tomorrow." I say this begging that the way to deal with offenders should be as expensive a fine as you can come up with. It has to be painful. My neighbors made so much money that small fines would just be a cost of doing business.

I applaud the insurance and code inspection requirements, and the 300 ft rule. Having two homes on one street rented out weekends, certainly impacted (negatively) our quality of life.

Judith Rose  
7 Marion Ave  
Cold Spring

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Judith

**From:** Trevor Knight <trevorknight@gmail.com>  
**Sent:** Friday, May 7, 2021 12:51 PM  
**To:** Jeff Vidakovich  
**Subject:** HDRB and short-term rentals

Hi Jeff,

Sorry for Ethan's short and blunt emails. With our revised plans, there is no longer any need for a variance, could we proceed with going before the HDRB when they're next available?

Also just wanted to share comments for the short-term rentals, below.

Thanks so much for all your time and help!

-Trevor

Dear Village Trustees,

Thank you for taking the time to solicit public opinion and draft the proposed changes to legalize short-term rentals.

I wanted to add my comments and thoughts:

- As one participant pointed out, there are other options for building in I-1 zoning so I think there's no issue there.
- I generally like the proposed code changes. I like the lottery and the cap on the total number of permits.
- I like the owner-occupied requirement. That seems like a must.
- I like the cap on the total number of nights. If anything, I think it could be lower (60 days is 30 weekends a year. I think it could be lower even. 10% would be 38 days per year and with a 2 day minimum, that would be 19 weekends, all realistically packed into the summer/fall. More than 60 days seems too much. If someone wants to rent a place that much, month or longer rentals seem like a good option?
- There was a good point raised about the difficulty and specifics of measuring the 300 foot limit. Maybe there's another way to specify spacing?
- Just worried about enforcement in general and specifically on the number of days cap. Seems tricky to monitor.

Thank you for your time and attention,  
Trevor Knight  
17 Marion Ave

**From:** Evan Hudson <evan.hudson@gmail.com>  
**Sent:** Wednesday, May 5, 2021 3:34 PM  
**To:** Jeff Vidakovich  
**Cc:** Trustee Early; Trustee Murphy; Dave Merandy; trustee.foley@coldspringny.gov  
**Subject:** Local Law Regulating Short-Term Rentals

To the Board of Trustees:

I commend the Board of Trustees for its willingness to confront some of the issues facing our Village as a result of the short-term rental industry. I regret the dynamic where an online company reaps financial rewards while leaving local communities to pick up the pieces, but there is little I can do about it. What I can do is assure you of the support of many citizens who do not like to see their neighborhoods turned into a turnstile of short-term visitors, but who do not have enough of a direct financial interest to fight it.

You will continue to hear, loudly, from those who make money by bringing what are essentially unlicensed hotel guests into their neighborhoods. Their voices are backed by powerful interests in Silicon Valley, complete with talking points crafted by industry lobbyists.

In my experience, those without money at stake generally do not want to see any short-term rentals in Cold Spring. I count myself among them.

That said, I support the draft law, which is actually quite permissive, because it goes in the right direction.

Let me register the following thoughts, though: The number of permits proposed to be allowed, 34, including in places zoned Residential, is very generous. Most concerningly, the permits as proposed are far too cheap, and the fines far too low. Why should the Village not share in the revenues as long as it suffers the burdens? Perhaps a permit should cost \$1,000. I can imagine some uses for \$34,000, including garbage collection on Main Street and a part-time bathroom attendant. Additionally, I think it too liberal to allow 60 nights of rentals per unit per year. And the proposed occupancy limits, while a good first step, are still too high.

But again, because the draft law goes in the right direction, I support it as written.

Lastly, I apologize to any friends and neighbors who are offended by my position. I am glad that we are all adults who can agree to disagree (mostly) civilly.

Sincerely,

Evan Hudson

**From:** Contact form at Cold Spring, NY <cmsmailer@civicplus.com>  
**Sent:** Tuesday, May 4, 2021 1:41 PM  
**To:** jvidakovich  
**Subject:** [Cold Spring, NY] Air BandBs for all Trustees...please forward (Sent by Gretchen Dykstra, gdykstra200@gmail.com)

Hello jvidakovich,

Gretchen Dykstra ([gdycstra200@gmail.com](mailto:gdycstra200@gmail.com)) has sent you a message via your contact form (<https://www.coldspringny.gov/user/165/contact>) at Cold Spring, NY.

If you don't want to receive such e-mails, you can change your settings at <https://www.coldspringny.gov/user/165/edit>.

Message:

Dear Trustees:

I plan on listening to the public hearing on Thursday evening, and, assuming you will have many speakers, I opt to write. I will testify if I am still awake.

I am opposed to unregulated AirBandBs. I have seen, repeatedly, how they adversely impact permanent, long-term housing, particularly in small towns and cities with holiday attractions. They incentivize people to take houses off the market; they disrupt a sense of cohesion and community; and they often attract many people out for a raucous weekend.

However, private property owners deserve some lee-way.

Here are my suggestions for finding balance:

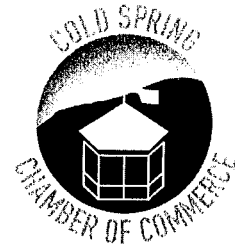
- 1) Remove the lottery system and allow as many that apply annually, but only allow one per owner-occupied building;
- 2) Increase the minimum rental to three days to decrease the overall number of weekend partygoers;
- 3) Limit the total number of such rentals to 60 days;
- 4) Prohibit the transfer of any future residential parking permits to renters;
- 5) Require a registered agent, available 24/7 throughout rental period within 15 minutes of unit;
- 6) Do not allow parties in any rental unit beyond the number of approved guests, based on the number of permanent beds in the unit—cots, sleeping bags and pull-out couches do not count as permanent;
- 7) And, finally, charge what it will cost (all in) to review applications, inspect the property and respond to nuisances plus a 10% overall administrative fee. These are businesses and should be treated as such. Local taxpayers should not underwrite them.



I hope these suggestions are helpful as you continue to refine the proposal. Thank you for tackling this.

May 3, 2021

Cold Spring Chamber of Commerce  
P.O. Box 36  
Cold Spring, NY 10516



Village of Cold Spring Mayor & Trustees  
85 Main Street  
Cold Spring, NY 10516

Re: Code Update for Short-Term Rentals

Dear Mayor Merandy and Trustees:

We are writing in response to the trustees' code proposal on short-term rentals. We support short-term rentals if they are defined in applicable codes, regulated to protect public health, safety, and the environment, and fairly taxed through permitting fees so they contribute to the region's economic growth. We also support code updates that reasonably address the three primary concerns expressed by Cold Spring residents in the public hearing in 2019 and gathered in our community survey: (1) prevent noisy, disruptive parties that disrespect neighbors, (2) prevent safety hazards, and (3) prevent the loss of village housing stock for new full-time residents. The trustees' proposal addresses the first of these concerns by requiring visitors to rent for two nights or more.<sup>1</sup> It addresses the second by requiring permit holders to pass fire and safety inspections. And it addresses the third through three measures that encourage full-time residential use of the housing stock: requiring permit holders to own and live in the residence they rent to guests, limiting the rentals to 60 days per year, and making condo and apartment dwellers ineligible for permits. However, we feel that the proposed STR policy has additional provisions that are unnecessarily complicated, restrictive, and hard to comply with. They do not take into account the natural ebb and flow of home rentals or sufficiently respect homeowners' right to use their property harmlessly. In our [Airbnb Report](#), submitted to the village in February 2020, we suggested commonsense regulations on STRs based on policies successfully adopted by other Hudson Valley communities. We ask the trustees to modify their proposal to make it more equitable and realistic.

The trustees' proposal introduces restrictions more stringent than what has been adopted by most communities in the region. For instance, most Hudson Valley communities limit STRs to 100–180 days a year, while the Cold Spring plan proposes a limit of 60. By slashing the amount of visitor accommodations and shutting off a source of income for many residents, the proposal goes farther than current problems justify and would create new problems of its own. Limiting the number of annual permits to 34 households would reduce the availability of accommodations by two-thirds.<sup>2</sup> This shift would harm the local economy by reducing the incomes of many residents, as well as of the Main Street merchants who serve visitors. It would also complicate the lives of residents who need local accommodations for friends and family members visiting for weddings, graduations, reunions, and similar events.

In addition, the proposal, with its complex application process and once-a-year lottery, fails to recognize that there are two general types of hosts. A cumbersome application and a lottery may make sense for the

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<sup>1</sup> Airbnb studied the issue of pop-up parties and found that hosts could reduce their likelihood by requiring guests to book two nights or more. In any case, Airbnb bans parties, provides a hotline for neighbors to report offenders, and excludes guests and hosts responsible for parties from operating through Airbnb.

<sup>2</sup> There are currently at least 100 hosts in the village, according to figures reported to the Chamber of Commerce by Airbnb and VRBO. Postings during pre-Covid times indicate that 100 hosts altogether provide approximately 35 visitor accommodations a month. Thus, reducing the number of hosts to 34 would reduce visitor accommodations to about 12 a month.

frequent host who intends the maximum number of rentals. But they are inappropriate for the occasional host, someone who wants to rent only once or twice a year, perhaps during trips away from home. For occasional hosts, the complexity of the proposed application process and the obligation to plan far in advance are unrealistic and may push them into noncompliance. The failure to distinguish between the two types of hosts means that the availability of visitor accommodations will vary arbitrarily. If the lottery goes to more frequent hosts, accommodations increase. If it goes to more occasional hosts, they decrease. Public policy should not produce such random outcomes.

If the trustees set a rental limit of 60 days a year, we recommend increasing the number of one-year permits to 50 and allow residents to apply for them at any time throughout the year. In addition, we recommend offering a single-use permit, for occasional hosts. It would allow a one-time rental, could have a limit on how many times an applicant could reapply (say, 3 times a year), provide a limit of how long a period each permit is good for (say, up to 10 days) and would carry a higher fee (say, \$50).

Several other elements of the proposal are unduly restrictive. We fear that they will push residents into noncompliance, thus increasing community dissension and the village's enforcement burden. The provision that "no STR permit will be allowed ... within three hundred (300) linear feet in any direction from a property where a current STR permit has been issued" seems unnecessary. Given the limit of 60 rental days a year, adjacent permit holders may not often have guests at the same time. The requirement that "STRs in an R-1 zoning district ... have one (1) off-street parking space" is inconsistent with other regulations. Residences with no off-street parking are common and legal in the village. The occupants of such residences may park an unlimited number of vehicles on the streets. Denying that right to visitors staying in those residences seems unjustifiable. Moreover, a requirement of one off-street parking place does not necessarily reduce on-street parking because it does not mandate use of the off-street space. And when homeowners who park in the street rent their house, they often go elsewhere, so there is no net increase in on-street parking. The requirement of one off-street parking place is thus arbitrary and discriminatory, depriving some residents (those with no driveway) of a right to rent enjoyed by others, for no objective reason. Restrictions like these are out of place in the STR policy. They aim to address problems (noisy neighbors, lack of parking) that are not caused solely by STRs and that are better dealt with through broader village policies.

We respectfully encourage the trustees to consider the needs and behaviors of residents who rent their homes and to make the new regulations easy to comply with and easy to enforce. We suggest starting with a more lenient policy and then increasing the restrictions later if problems arise.

Respectfully submitted,

Eliza Starbuck, President  
& Cold Spring Chamber of Commerce Board of Trustees

Marianne Remy  
5 Cedar St  
Cold Spring, NY 10516  
360-239-1487

May 3, 2021

Village of Cold Spring Mayor Merandy  
Village of Cold Spring Board of Trustees  
Cold Spring, NY 10516

The following are my comments and recommendations on the proposed Village Code regulating short term rentals (STR's). I purchased my home on Cedar Street in 2019 and reside in the Village full time. I have volunteered around Covid issues and I currently serve on the Village Zoning Board of Appeals. I intend to apply for a STR permit for two adjacent rooms in the basement of my home.

As an invested, full time Village resident and homeowner, I appreciate the interest in limiting the negative impacts of STR's on the community while supporting visitors and income for residents and local businesses. Potential undesirable impacts are reduced, however, when the STR is a portion of a residence as opposed to an entire residence. These are further reduced when the full time resident is present during the short term stay.

When the full time resident is present during the short term stay, there is oversight on the use of the rental. Issues such as additional vehicles, inappropriate parking, unauthorized people, noise, parties and trash are immediately dealt with. These issues are less likely to occur when short term tenants are aware there is oversight immediately present. In addition, a portion of a residence available for a STR does not limit the availability of full time residential housing or residents invested in the community.

In light of the above, I recommend that the Mayor and Trustees consider the following changes to the proposed code.

- Differentiate STR's that are an entire residence from those that are a portion of a residence where the full time resident/owner is present during the rental periods.
- For STR's that are a portion of a residence, increase the number of rented nights from 60 to 180. There is much less potential for neighborhood disruption and the residence is owner occupied.

In addition, I recommend that the Mayor and Trustees consider the following changes to the proposed code.

- Waive the requirement that the property be owner occupied for three years prior to offering a STR for current Village residents. Moving forward, the 3 year requirement would discourage individuals from purchasing property for the purpose of offering a STR. This does not apply to current Village residents.

- Reduce liability coverage to \$1,000,000. The proposed \$2,000,000 liability coverage is above the norm for STR's and excessive.

The Village of Cold Spring is a lovely locale and it draws visitors. When visitors stay in a STR they are less likely to add to congested vehicle traffic on Main Street and more likely to support local businesses than those visiting for the day. STR's that are a portion of a residence support the Village Comprehensive Plan by creating accommodations for visitors without reducing the number of full time Village residents to participate in the community. In fact, STR income has the potential of enhancing the stability and diversity of this community.

Thank you for considering these recommendations.

Marianne Remy

**From:** drena@nycreativetherapists.com  
**Sent:** Monday, May 3, 2021 10:01 AM  
**To:** vcsclerk@coldspringny.gov  
**Subject:** short term rental comment

I am a homeowner in the lower village. I typically AirBnb my house while I am away on summer vacation for 3-4 weeks. The new restrictions seem designed to prevent me from doing so. I would not want to take a lottery spot from others who rely on the income from their short-term rentals or who made investments in property to operate as AirBnb's. This would leave me in violation of the new rules.

I support limits on AirBnb, particularly those that have removed previous long term rental units from the market. We are in desperate need of affordable rental housing in our community. Unfortunately, the new regulations strike me as too restrictive and somewhat arbitrary.

**I should be able to rent my home when I am away for a few weeks without jumping through regulatory hoops.**

Thank you for your consideration of my concerns.

Drena Fagen  
19 Church Street, Cold Spring



TO the Village Clerk of Cold Spring  
FROM: Ethan Timm, Nelsonville, NY  
RE Proposed Chapter 100  
DATE: 2021/05/04

To whom it may concern:

As a long time village resident, volunteer on various boards, and land/building owner in the Village, I am writing to express concern regarding proposed Chapter 100 of the Village Code of Cold Spring, NY.

I understand the desire to maintain the Character of the Village. The problem is, that despite anyone's efforts, the character of any place is forever in flux. The building which my family owns on Main Street was once a boarding house. It was also once a movie theater. Now it houses two apartments, an antique store and a professional office. I remember when the Post Office moved to Chestnut St. I remember when the fence went up along the train tracks so we could no longer flatten pennies under train wheels. One thing is certain: the Village will change.

That being said, I have visited neighborhoods in NYC which have been radically transformed by the overabundance of short term rentals. I understand the desire to maintain Village neighborhood qualities by keeping out, limiting, and dispersing STRs. My fear is that this law (Chapter 100), as proposed - while well meaning - is redundant, onerous, and overly cumbersome. My fear is that in focusing on the technical enforcement of a complicated lottery system, the real problems you are attempting to address may remain or even be exacerbated.

I have four broad areas of concern.

**1. The stated “quality of life” concerns could and should be addressed by enforcing existing Village Code regulations.**

For example:

The Village should be and from what I understand is already enforcing building code compliance. The Building code already regulates bedroom sizes, egress requirements, etc. (*IRC R303 – R310, etc*) Furthermore, parking, noise and trash concerns are already addressed in the village code. For example, *CS Village Code Chapter 76* regulates noise in Residential areas, limiting noise to 55 decibels (at 25') from 7AM to 10PM and 50 decibels from 10PM to 7AM.

Trash pickup is generally scheduled by the Highway Dept and Littering is regulated in *CS Village Code Chapter 59*. “The owner or person in control of any private property shall at all times maintain such premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for periodic collection by the Village authorities.”

The items in 100-7 D: Noise, disturbance of peace, disorderly conduct, abuse of alcohol and illegal drugs are also all addressed in other local and state laws and likely subject to CS Village Police enforcement.

**2. Many assumptions are made about the impact of Short Term Rentals on the Community, with no method given to characterize the relative benefit of increased local income or other ancillary benefits. Nor is there any way to measure the success or efficacy of this law in these respects.**

While it is the stated desire of increased volunteership from Village Residents is laudable, I see no evidence given for the assertion that limiting STR will increase Volunteerism. Could it not be the case that reducing residents' cash-flow while creating a mountain of paperwork for them to fill out on a semi-annual basis will in fact reduce volunteerism? Is there evidence that renting out space in one's home periodically, rather than, say, taking a second job or commuting more days per week, leads specifically to reduced volunteerism? Stated intents should have sound statistical or sociological basis, lest we take action with unintended consequences. Why could this not be addressed by a simple residency requirement - even just a Village (or Town?) residency requirement (as many volunteers do not live in the Village) - rather than the system proposed in Chapter 100 as written? Could an prolific village volunteer provide affidavits of community involvement and be granted a special waiver to Chapter 100's onerous requirements?

**3. Application, Lottery, Geometric and Numerical Requirements will overburden an already overextended local government and volunteer committees**

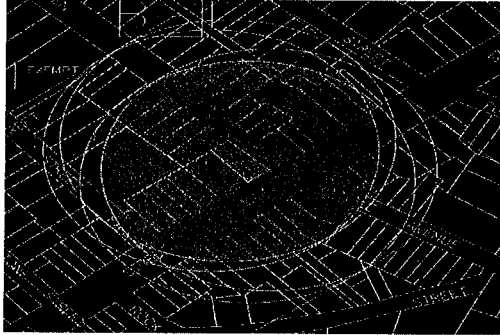
Here are items which might be subject to appeal to the Village – thus overburdening local regulatory bodies and volunteer committees (ZBA, etc)

- What is the impact to a lottery number which was drawn, rejected as “too close” and then the “too close” STR is subsequently denied a permit due to failed inspection?
- What is the effect of voluntarily giving up or not using/exercising an STR Permit to “too close” neighbors?
- What is the impact to existing lottery winners if a nearby (<300’) resident wins an appeal?
- Some homeowners hold their property as a pass-through LLC entity for tax or estate-planning purposes – what is the justification for denying a permit based upon private property ownership structure and would this stand up to appeal?
- How is the 300’ measured – from the center of the property, the actual bedroom being rented, or the furthest property line? How can the Village determine these distances without requiring a boundary survey from each applicant showing the effect of this radial exclusion?
- This law seems to benefit large landholders at the expense of small landholders. Large lots create huge areas of STR-free zones in their wake.





- Conversely, areas of more densely spaced, small lots, area almost entirely excluded from hosting STRs if there is just one STR on their midst:



- What is the governing body for the measurement of these lot line distances, and what is the appeal process for this measurements? Will property owners need professional boundary surveys to complete applications? Will these boundary surveys need to extend 300' from all property lines?
- Does shared-driveway regulation (100-4 C.13) supersede existing easements, deed restrictions, etc?
- Application is due August 31. Village will have 1 month to verify an unknown number of submitted applications, including within that time period a notification of incomplete application and – one must assume – re-submission of the amended applications.
  - What is the time frame for the inspection listed in 100-6 D? Are there provisions for owner rectification of issues addressed in this inspection?
  - Is this one-month period sufficient for appeal of the Village Clerk or board or committee which is reviewing the applications?
  - If at any time the number of STR in the village falls below 34, can an applicant appeal for a permit or do they have to wait until the lottery system resets?
  -

#### 4. Enforcement

100-11 states that *“Other than the annual inspection of the STR unit by the Code Enforcement Officer, it shall be the duty of the Police Department of the Village of Cold Spring to enforce this Chapter.”*

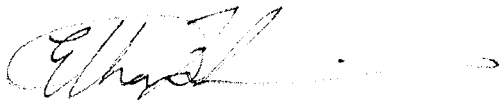
*In addition to 100-7 D and E, which are arguably already enforceable Village Code ordinances, Village Police will be enforcing, among other STR minutia, the following:*

- *that a suspected STR is registered and current in regards to Chapter 100 of the Village Code, appurtenant appeals, etc.*
- *that there are only 2 adults and 1 child in each bedroom (max of 4 adults, 4 children)*
- *exterior lighting requirements*
- *no parties or “other gatherings”*
- *check in times and procedures*
- *permit numbers on listings*

How will the CS Police enforce these items? Will CS Police be tasked with perusing online listings to ensure that permit numbers are listed? Will Village Police be dispatched to local homes suspected of hosting STR occupants?

As a Licensed Architect who has served on Village Boards and Committees and worked in the field of Urban planning, I urge you to reconsider moving forward with this proposed Code Ammendment as written. It is well-intentioned, yet poorly executed.

Thank you for your time and consideration,

A handwritten signature in black ink, appearing to read 'Ethan Timm', with a horizontal line extending to the right.

*Ethan Timm*  
*Nelsonville, NY*

April 27, 2021

***Cold Spring Union of Hosted-AirBNB Residents***

Cold Spring Mayor & Board of Trustees  
85 Main St.  
Cold Spring 10516

Dear Mayor & Board of Trustees:

I am writing to you directly on behalf of a group of Owner-Hosted STR operators residing in Cold Spring Village regarding the proposed regulations recently published by the Village Board (the "Proposal"). We are rapidly forming a group of existing, Owner-Occupied and locally hosted/resident operated Airbnb businesses, because until the Proposal's publication, we have been unaware of the overall substance and impact of the entirety of the Board's proposed regulations. We also were never previously consulted individually or otherwise about the propriety or acceptability of such regulations. With the exception of having the opportunity to merely "listen in" on prior Village Board meetings, where specific provisions were discussed in a piecemeal way and largely out of context, we have not been able to fully assess the likely impact of such regulations upon our existing businesses.

We are reaching out at this early stage to alert you (and the entire Board), that there are very serious concerns with the overall scope and substance of the Proposal and to urge the Board to work with us on what we see as overreaching and unnecessary regulations, particularly in that they place an undue burden on currently existing Owner-Occupied STR's. In some instances specific provisions appear to be arbitrary and capricious regulations that extend beyond the legal authority of a Village Board to impose upon residential private property owners. These concerns are of a serious enough nature that, should our requests fall on deaf ears or result in an unwillingness by the Board to work with our group to resolve these concerns, we are poised to initiate legal action to prevent what I consider as *ultra vires* administrative rulemaking, possibly via an Article 78 cause of action in NY State Supreme Court.

First, we completely reject the (false) premise stated in the Proposal's "Purpose" provisions (Para E) that:

*"Short-term rentals have the potential of removing full-time residential housing, which can minimize the number of full-time residents affecting the number of volunteers for such functions as emergency workers, board members, scouting leaders, athletic coaches, etc. Regulations limiting the number of short-term rentals can minimize this effect."*

Our Airbnb businesses are operated by long-term residents of Cold Spring Village, who have contributed to the community in multiple ways for decades (and continue to do so). Speaking for our own family situation, we have resided in Cold Spring Village since

1999 (22 years), have raised three children here, all of whom attended and graduated from Haldane Central School, and all of us have contributed to and volunteered for multiple village causes and institutions throughout the past 2 decades. More recently our personal and economic situations have made the operation of an Airbnb business an essential supplement to our income in order to allow us to remain as residents of Cold Spring Village, where taxes and living expenses continue to rise significantly. In other words, from our perspective the exact opposite premise is true, whereby the *unavailability or severe restriction* of Owner-Occupied, resident hosted STR's could tend to actually decrease the number of *bona fide* Village residents who contribute positively to village life. Indeed, we have seen no empirical evidence, other than unsubstantiated anecdotal opinion expressed by certain Board members and a few members of the public that in any way support Para E as a real concern.

We also have serious objections to the factual premise behind Para D, which is again open to serious debate and supported by no more than anecdotal opinion. In short, STR's have and continue to pose little to no detrimental impact upon village life, but rather benefit the village and business community in many significant ways. Speaking for our own business, we have spent 2+ years of hard work building a reputable and highly regarded service for visitors to Cold Spring and during that time we have received 5-star reviews and not a single complaint from local neighbors. The other members of our group operate similar high-quality STR's.

Second, and with the above points in mind, the Proposal appears to adopt a mean-spirited sledgehammer approach to unduly restrict all currently existing Owner-Occupied and hosted STR's and more closely resembles regulations composed by other municipalities intended to restrict "non-hosted"/absentee-owner STR properties (as contrasted with our Owner-Occupied and resident-hosted STR's). Reference has been made in Board meetings to regulations used by the town of Rhinebeck (which upon review of recent regulations apply only to non-hosted STR's).

Specifically, we vigorously object to the following provisions of the Proposal, which need to be removed from the Proposal or substantially amended and which potentially constitute arbitrary and capricious, and therefore invalid, rulemaking by the Board<sup>1</sup>:

1. Sec's 100-3 A & B:

*A. No more than thirty-four (34) registered STRs (i.e.5% of the total R-1 plus B-1 properties which is 655 at the adoption of this local law) shall be allowed at any one time throughout the Village.*

*B. STR Permits shall be decided by Public Lottery.*

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<sup>1</sup> Please note that these specific objections to the overall Proposal are not exhaustive and are subject to comments and objections from other members, as group membership is still being formulated and is currently in process.

There exists no legal or evidentiary basis for barring the continued existence or allowance of a currently existing Owner-Occupied and hosted STR by a "game of chance" or limiting the total allowed STR's to an arbitrary number. Currently existing, Owner-Occupied and resident-hosted STR's, which comply with local fire & safety laws should be permitted to remain in business as long as they continue to comply with such laws and rules.

2. Sec 100-3E:

*E. STR Permit will be good for one (1) year.*

For similar concerns to those raised above, currently existing, Owner-Occupied and resident-hosted STR's, which comply with local fire & safety laws and rules should be automatically renewable each successive year.

3. Sec 100-3G:

*G. An Accessory Building cannot be used as an STR.*

There is no basis for prohibiting the use of adjacent buildings on an Owner Occupied STR property as long as that structure complies with local fire & safety laws.

4. Sec 100-3J:

*J. STRs in an R-1 zoning district will be required to have one (1) off-street parking space.*

As long as a guest of an Owner-Occupied STR property complies with village curbside parking laws there should be no further parking restrictions applied (eg. off-street parking required during Winter months, such as in municipal parking spaces). In addition, many residential houses have no off-street parking, so to impose off-street parking on STR properties, creates a different and unfair legal standard against property owners who operate STR's.

5. Sec. 100-3 K & L:

*K. The maximum number of nights a Short-Term Rental Unit may be rented out as an STR is sixty (60) nights per calendar year*

*L. Rentals shall be a minimum of two (2) nights.*

Sec. 100-7H:

*H. Check-ins are not allowed between the hours of 9 pm and 8 am.*

These restrictions are arbitrary and constitute legally invalid limitations on the operation of a privately-owned business. Both constitute pure business decisions subject to complete discretion by a respective business owner. There is no legal basis for a village board to impose limitations on the operation of a properly run business to a maximum

number of days of operation or to impose a 2-night minimum stay on guest accommodations, in essence unduly limiting its revenues. Imposing a curfew on guest check-in, which entails simply walking to an access door and entering, is an unfair and unnecessary prohibition of a private business, and presumably not equally applied to hotels, B&B's and longer-term rental properties located in Cold Spring Village.

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We have additional concerns, particularly with the permitting process and levying of fees and fines contained in the Proposal, which appear overly complicated and indeed punitive in nature and potentially disguised as a levying of local tax, which the Board lacks the legal authority to enact.

We sincerely hope to resolve these and other concerns in order to avoid any future conflict with the Board on this very important matter. Please feel free to contact me to discuss the content of this email or to answer any questions you may have (my mobile # is 845-797-4796).

Sincerely,

s/John R. Lane

John R. Lane

Cc: Lara Demberg-Voloto  
Denise Friedly  
Phil Heffernan  
Melia Marzollo  
David Marzollo  
Charlotte Palmer-Lane  
Craig Roffman  
Steve Voloto