

Village of Rhinebeck Board of Trustees

STVR (Short-term Vacation Rentals) Workshop Meeting

Thursday, February 22, 2018

7:00 PM

Attendance: Mayor Gary Bassett, Deputy Mayor Ric Lwit, Trustee John Rossi, Trustee Brant Neuneker, Trustee Howie Traudt, ZEO John Fenton, Committee Chair Kevin Curry and Karen P. McLaughlin, Treasurer.

The mayor opened the meeting at 7:00 pm with the Pledge of Allegiance.

The mayor explained that this committee was formed 8 months ago to develop and incorporate into the code guidelines for STVR (Short-Term Vacation Rentals). It's presented as follows:

Include a definition of "Short-Term Home Rental" in Section 120-64:

SHORT-TERM HOME RENTAL – A dwelling having a registered resident host in an owner-occupied single-family home in which at least three and not more than five bedrooms are provided for overnight accommodation, the rates for which include lodging only and in which no public restaurant is maintained and no other commercial services are offered. Rentals within approved lodging facilities, short-term room rentals, or bed and breakfast establishments are not considered short-term home rentals.

Replace the definition of "Room Rental Home" with a definition for "Short-Term Room Rental," as follows:

SHORT-TERM ROOM RENTAL - An owner-occupied single or two-family dwelling in which at least one and not more than two bedrooms are provided for overnight accommodations, the rates for which include lodging only, and in which no public restaurant is maintained and no other commercial services are offered. Short-term room rental homes shall have a registered resident host, or if non-hosted, a registered name of a licensed agent that has the right to control possession of the dwelling. Rentals within approved lodging facilities, short-term home rentals, or bed and breakfast establishments are not considered short-term room rentals.

Proposed changes to Section 120-17 are as follows:

~ 120-17. Bed and breakfast establishments, ~~room rental homes~~ short-term home rentals and short-term room rentals.

A Bed and Breakfast Establishment **and short-term home rentals**, may be allowed in an owner-occupied single-family dwelling and ~~a Room-Rental Home~~ **short-term room rentals**, may be allowed in an owner-occupied single-family or two-family dwelling, subject to applicable Special Permit and Site Plan approvals and compliance with the following standards:

- A. Each Bed and Breakfast Establishment, ~~Room-Rental Home~~ **short-term home rental and short-term room rental** shall be designed maintained and operated so as to preserve and complement the residential appearance of the site and the existing character of the surrounding area.
- B. **Except for non-hosted short-term room rentals**, a registered resident host of the property shall live on the site throughout the visitors' stay and supervise guests so as not to disrupt the neighborhood. **An owner of a short-term room rental leaving Dutchess County during the rental period must engage the services of and register a licensed real-estate agent with the zoning enforcement officer.**
- C. The guest **bedrooms** shall be limited to the principal dwelling and/or one accessory building. Any guest **bedroom** in an accessory building shall have **approved** sanitary facilities **within that accessory building.**
- D. No guest shall stay for a period of time in excess of 30 days.
- E. The owner shall collect and preserve registration records for a minimum of three years.
- F. The owner or resident host may serve breakfast to guests, but a public dining room, restaurant, bar or other commercial uses are prohibited.
- G. Off-street parking shall be located behind the front plane of the principal structure and shall be consistent with the residential character of the site. Parking shall be consistent with Section 120-16 and Table 3 **and noted on any approved site plan. Any required additional parking should not be allowed in front of a principal structure by expanding use of an existing driveway.**
- H. **For Bed and Breakfast Establishments**, one identification sign is permitted, not to exceed four square feet in area and five feet in height, and shall be otherwise in compliance with Section 120-19, Signs and Supporting Structures.
- I. The owner shall give reasonable access for inspections to be conducted to ensure compliance with the provisions of this Chapter and the NYS Building **and Fire Prevention Codes. An annual satisfactory inspection from the**

Code Enforcement Officer is required for an administrative permit as well as for all rentals pursuant to this Section 120-17. The Village of Rhinebeck permit number must be included in all online and other rental listings.

J. A short-term home rental shall have no more than 10 adult occupants as lodgers at any given time. A short-term room rental shall have no more than four adults or six total occupants as lodgers at any given time, and total non-hosted rentals shall not exceed 40 days per annum.

K. When considering an administrative permit, the Zoning Enforcement Officer may refer the application to the Planning Board for Site Plan approval for those issues involving exterior site changes necessary to meet parking or other standards.

J. For those properties currently in non-compliance with the terms of this Section 120-17 and that are not under review as of the date of adoption of its revisions, enforcement will be delayed for six months to provide a transitional period for permitting.

In Section 120-6, table 1, Allowable Use Groups Chart, Room Rental Home will be deleted and replaced with a line for Short-Term Room Rental. Change "p" in the Village Center and Residential districts to "a/p". Medical and Professional will be "sp" and Gateway Business will be "X." A new use "Short-Term Home Rental" will be added to the table and in the "Village Center" and "Residential" Districts, and "Medical and Professional" districts, "sp" needs to be added. In the same use category "X" will be added to the "Gateway Business" Districts. In Section 120-6-B, add a sentence that states, "In the Residential and Village Center Districts, the symbol "a/p" means "administrative permit with site plan approval not required."

In Table 3, Off-Street Parking Chart, delete the category "Room rental home," and replace with a category—having the same standards—"Short-term room rental." Add a category for "Short-term home rental," having the same standards as the existing category "Bed-and-Breakfast establishment."

Note: In Section 120-64, the definition of Lodging Facility should read, **"Any hotel, motel or inn providing sleeping accommodations for transient guests, with or without a dining room or restaurant, excluding short-term home rentals, short-term room rentals and bed-and-breakfast establishments."**

Replace the definition in Section 120-64, "Owner-Occupancy," to read, **"Where owner-occupancy is required, the lot and dwelling unit must be the owner's legal home where the owner resides on a permanent basis for at least 240 days of the year."**

Add a definition in Section 120-64, Administrative Permit to read, "A discretionary permit with site plan approval not required for the use of short-term room rentals that is issued by the Code Enforcement Officer and Zoning Enforcement Officer pursuant to Section 120-17."

The mayor thanked Trustee Neuneker and Kevin Curry, who worked diligently on the committee. He explained to the public that this meeting is for the committee to present the code recommendations to the Village Board and to please keep the discussion on the code not particulars with STVR, at this time.

Trustee Neuneker explained that the draft presented is prepared with the underlined items as additions and a line through is a deletion to the code. A definition of owner-occupied has been added. Neuneker explained that the reason an administrative permit is issued so you do not have to go to the planning board, and there is a register of these uses in the village. The administrative permit would be re-newed annually and be coordinated with an annual Fire inspection.

When a rental is non-hosted and the owner leaves Dutchess County, they need to have a licensed real estate agent in charge of the dwelling and available in case of an emergency.

Trustee Neuneker stated that the village has a lot of accessory units in which the host is there but in another dwelling. He stated that the intent of the code is to manage transient rentals.

Currently, a non-hosted short-term rental are not permitted.

John Fenton, ZEO stated that we are adding Short-term rentals to the code and identified that a Bed and Breakfast is not a short-term vacation rental and is already in the code.

Committee Member Kevin Curry asked how the village will know if more than 2 bedrooms will be rented out for Short-Term room rentals. John Fenton explained that the enforcement aspect will be if a neighbor complains, it gives probable cause to inspect the home and that is when the enforcement would happen.

Kevin explained that the best way to understand it is if you strike out the Short-Term home rental from the debate as they are required to be hosted and are almost just like a bed and breakfast. Single-family with an accessory would be a short-term room rental. It can be hosted or non-hosted. It's the number of occupants that changes the classification.

Trustee Neuneker explained that for Short-term room rentals, one can rent out weekends up to 40 nights a year and for up to 6 people a stay.

Committee Member Curry explained that "You have a home and if you live there, you can rent it out, if you are not there it is a non-hosted rental". Short-term home rental has

no bedroom restrictions, you can rent out your home. The difference between this and a Bed and Breakfast is that you are not serving breakfast and you do not have a sign.

John Fenton, ZEO explained that the foundation is that you always live there. It is hosted if you are on the property and non-hosted if you are not there and the limit is up to 40 days a year maximum. If you want to rent more than 2 bedrooms (the limit of people is 6) it becomes a Short-Term Home rental and it has to be hosted. If you have 2 or less bedrooms, there is one set of rules and if you have 3 or more bedrooms it's a Short-Term Home rental with another set of rules.

The mayor opened the floor for questions:

Pat Strong, 11 Chestnut Street stated that she didn't know what a real estate agent means in the code. If you are not there you are not supervising (you leave the County). She thinks there should be clarity that if you own a house and you do not live there you cannot rent out the whole house. She stated that there are a lot of them in the village. She asked about the enforcement of it. John Fenton said that there would be fines and if they are not paid, the unpaid fines would be put on their taxes and that there are "teeth" in the code.

Donna Warner, resident asked if both categories have to be owner-occupied. She stated her concern about non-hosted rentals and that the burden of the non-hosted dwelling becomes the burden of the neighbor to report if there is a problem and that's not fair to the neighbors. Have you given consideration to how many Air B & Bs and Bed and Breakfasts are in any one area or district? It is about having an intact neighborhood. What number is too many. How many? How often? How much?

Tom Darby explained that he has a condo unit at the Glen. He owns the condo but does not live there, his son does and in order for us to afford it, we rent it out. He is not there when it is rented. He is listed as a member of the LLC that owns it. John Fenton said, "As long as you don't rent it out over 40 nights a year."

Gwen Bardon, S. Parsonage Street explained that she rents her house out, however it's very small, only 975 sq ft. Her small house would be out of code because of the number of bedrooms. Would beds or the size of a house be a consideration? John Fenton, ZEO reported that part of the code is up for discussion.

Barbara Ballinger, 6356 Mill Street reported that she is paying the Dutchess County occupancy tax and her short-term rentals are under the 40 days a year. She has 4 bedrooms, does not allow children and in her house the limit is 6 adults no children. She wants 6 total occupants not identified as 4 adults.

John Fenton stated that when he inspects a restaurant he gives an Occupancy load. He may suggest that the Short-Term home rentals be treated the same way at the registration and the Administrative Permit can be revoked for violating the occupancy load.

The mayor discussed that parking and that there is no front of the house parking. He asked John Fenton how that would be handled. Fenton replied that the law says you cannot park in front of the house, make the drive way wider or park on the property. John reported that the Planning Board is taking a look at that. The Planning Board will take into account the provision of parking. If you do not increase the non-conformity you can operate as is.

Trustee Neuneker added that when you take the home rental to the Planning Board, the parking will be established.

John Fenton, ZEO stated that if you cannot comply with the provisions, you could go to the ZBA for a variance. The ZBA will take into consideration that it is a pre-existing non conforming situation.

Trustee Lewit asked if occupancy is limited by the square foot size and the parking.

J. Fenton- "There is an overcrowded provision that identifies what is a violation."

Dara Jensson stated that she has a loft apt in the village and she rents it occasionally. Are there any parking restrictions? John Fenton replied, Not on the street during the snow ordinance. Long-term rental does not require parking- This is preexisting."

Rudy Younger, a license realtor stated that in the code you should define the agent that will step in. Can it be a manager? "You need to be able to touch someone when the owner is out of town. The problem is that a superintendent may not have skin in the game and not be responsive." He explained that he was just pointing out some ambiguity.

John Fenton reported that Air B & Bs have been expanding and operating with no oversight from a safety standpoint. Are the dwellings safe? Are there too many in at a time? Defining what short-term and long-term is? and being respectful to the neighborhoods?

Doug Meyer stated that it is because of an Air B & B that he is here and he bought the house he rented. He just wants to bring more good people to Rhinebeck.

Delise Berry spoke and reported that she, too is a real estate agent. She has facilitated over 1000 renters. She does not believe the code should say 4 adults but total of 6 people. Regarding the bedroom situation. she doesn't see how a large house with 2 bedrooms is the same as a small house with 3 bedrooms. Also, why can't the parking be straight forward, how ever many is available is what is allowed.

John Fenton, ZEO also brought up that a septic system is based on bedrooms and it is designed for family use not renting and high use. His information came from Dutchess County.

Trustee Lewit asked if everyone renting out a room or house has to be registered with the village. John Fenton - yes.

James from "the art of building" stated that, "The septic system is no more taxed on a 2-day a week higher use, we looked at this." John Fenton explained that the engineer from the State brought it up, and the concern is the volume of use during that 2-day period not the duration. James also stated, "I think you should have a variance process to allow people do this as things happen like a parent gets sick and the additional income is needed but not all the time. That person should have an option to do this.

James makes the point for the non-hosted.- in that many of us have been doing this for a long time. Grandfathering in existing ones would say, "you have been doing this and not against any law. You cannot pull the rug out from under us and you shouldn't legislate something to pull the rug out from under us."

Pat Strong got back up and reported, "I have had a Bed and Breakfast for 20 years. Before I started, I came to the village and found out the rules and regulations. People should need to come to the village and find what they need to do."

Trustee Brant stated that the committee has been working to make this more permissive. Trustee Lewit complimented the committee on all the work on the code and a terrific effort.

The committee will address suggestions brought up by the public. The board will look at the code, make some changes and then schedule another workshop.

ADJOURN

Motion made by Mayor Bassett, seconded by Trustee Lewit and all were in favor to adjourn. Meeting adjourned at 9:15 pm.

Respectfully Submitted,

Karen P McLaughlin, Treasurer