

Town of New Lebanon  
Zoning Re-Write Committee  
Minutes – February 25, 2020

Present: Jesse Newton, Deb Gordon, Tony Murad, Greg Hanna, Jim Carroll, Cynthia Creech, David Farren, Jeff Hattat, Ted Salem

The meeting was called to order at 6:30 PM.

1. Proposed Local Law 1-2020

At its February meeting, the Town Board accepted the committee's zoning recommendations fully intact. It referred the proposal to the town and county planning boards. It deferred setting a hearing date until the March meeting, wishing to obtain feedback from those two boards before setting the hearing.

Following discussion, the committee agreed to recommend deletion of subdivision 4 in the ponds section, based on feedback from the town Planning Board. The committee will not recommend adoption of other suggestions from the Planning Board. Ted will communicate these recommendations to the Town Board.

2. Farm Definitions / Right to Farm (RTF)

At its previous meeting, the committee agreed that the most common Agriculture and Markets Law definitions replace those in the town's RTF law. Jeff reported that a word search of the current zoning code found no other farm terms used in the code that require definition.

Jesse and Cynthia reported that over 300 NYS towns regulate density for non-commercial farms in some fashion. While the committee agreed that such regulations protect the "farmers" as well as community, it determined that it would seek to adopt specific standards but rather provide in the code for building department enforcement of recommendations made by NYS Ag. and Markets in situations that it is called upon to assess a non-commercial farm operation. Jesse and Cynthia will draft language to this effect.

3. 2020 Priorities

Upon review of the remaining items on the committee's agenda, members agreed that the next items to be considered will be: Short Term Rentals (the most current rough-out proposal accompanies these minutes); Food Trucks; and Site Plan Review/Special Permits – expedited process.

Other future items include: RVs as temporary dwellings, Outdoor Sales, Driveway setbacks, Subdivisions, Hamlet Overlay and PUD/Floating Zone.

.The meeting adjourned at 7:20 PM

The next ZRC meeting is Tuesday, March 24 at 6:30 PM in Town Hall.

Respectfully submitted,  
Ted Salem, Chair

## Short Term Rental Requirements v2.2\_10/17/2019

**Framework:** Place current B&B and Boardinghouse provisions in 203-13 under general category of lodging facility. Incorporate requirements below that are applicable to all lodging facilities. Add provisions that are applicable to just short term rentals.

### Definitions:

**Lodging Facility:** Any hotel, motel, inn, bed and breakfast, boarding house or short term rental unit or other establishment providing sleeping accommodations to transient fee paying guests.

**Short Term Rental:** The rental or lease of any dwelling unit to transient fee paying guests for a period of thirty consecutive days or less. The short term rental use only includes occupancy; other activities such as group gatherings (e.g. weddings) are a separate use

**Short Term Rental Unit:** A dwelling space within a residential property the primary use of which is the rental or lease to transient fee paying guest(s) for a period of thirty consecutive days or less. ~~Generally~~ Such units *may or may not* be owner- or operator-occupied. Units that are rented for an aggregate total of thirty days or less over a 365 day period are not included in this definition.

**Transient Fee Paying Guest:** Any person visiting or residing in the Town of New Lebanon for a period of thirty days or less.

### Requirements applicable to all lodging facilities:

SP/SPR allowed in all zones except Comm/Rec and Comm/Ind

No ~~short term rental~~ *lodging facility* may be operated in the town without a permit issued by the ZEO/CEO. An application for such permit will be on a form approved by the ZEO/CEO and must contain the following information and documentation:

- Valid and current certificate of occupancy or certificate of compliance.
- Certificate of Insurance/insured as the applicable lodging facility for each short term rental unit
- Certificate of liability insurance for the owner and any property management company acting in behalf of the owner
- Sketch plan for each ~~short term~~ rental unit that also shows the parking area and each parking space
- Floor Plan of the dwelling unit, including dimensions
- Certified statement that:
  - for B&B properties, the property is the owner's domicile
  - for non-owner occupied short term rentals, the name, address and contact information including 24-hour contact phone number designated by the owner as the Contact Person.

- all means of egress are clear of obstructions and comply with all applicable provisions of the NYS Uniform Code,
- all smoke and carbon monoxide detecting devices are maintained in compliance with the Uniform Code
- the property and the building are in compliance with all the provisions of this Zoning Law, other applicable provisions of the Town Code, the NYS Uniform Code;
- required building permits and certificates of occupancy are in place for all existing structures on the property;
- neither the property nor any buildings thereon are subject to an existing written Notice of Violation, Order to Remedy or Cease and Desist Order issued by the CEO or is being otherwise
- the owner will notify the CEO/ZEO in writing of any permit application information changes within required timeframes.
- owner and, if applicable, property management agent, sign the application certifying the accuracy of the information provided and agreeing to comply with all regulations

Permit must be renewed every three years from the date of the initial/last renewal permit issuance. Application for a renewal permit is due 60 days prior to expiration of the last issued permit and be on a form approved by the ZEO/CEO and at a minimum, specify any changes to information/documentation provided on the prior initial/renewal application.

The owner shall amend the application at any time there is a change to the information provided in an initial/renewal application within 30 calendar days of the change, except that a notification of a change to the designated Contact Person must be made within 5 business days of the change. .

Inspection: ~~Short term rental properties~~ *Lodging facilities* are subject to inspection prior to the issuance of an initial/renewal permit. .If the Town has reasonable grounds to believe that a violation to these regulations and other applicable codes or regulations has occurred; the CEO/ZEO *shall conduct* an inspection of the property ~~without advanced notice to the owner.~~

Fees: The application fee for an initial/renewal permit, if any, shall be set by the Town Board and shall be payable prior to the issuance of an initial/renewal permit.

Total number of conventional bedrooms shall not exceed the number indicated on the C of O or cert of compliance and the filed building plans for all structures on the premises.

The total number of occupants shall not exceed the number indicated on the Special Permit issued to the lodging facility

The owner shall be responsible to ensure that the occupants and/or guests do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any provision of the Town Code or any state law.

Other requirements (see current code)

- Preserve character and integrity of surrounding area
- Off street parking Off street parking in driveway, rear and side yard Minimum = 1/each room used for renters and 3 for resident/owner family
- Outdoor lighting
- Signs
- Minimum lot size (boarding house)

Any advertisement for the lodging facility (on or offline) and all rental contracts must specify the maximum rental capacity of the property expressed in number of renters and the maximum number of vehicles to be allowed on the property. Such advertisement must also include the registration number assigned by the ZEO/CEO for the facility.

~~Records of Transient Guests. The lodging facility must maintain a register listing the names, address, phone number and email addresses of transient fee paying guests and dates of rental for the previous 3 years and shall make such record available to the ZEO/CEO upon request.~~

Timeline for Compliance. Within (90) days after the effective date of this Section

Informational Packet to be provided. The property owner shall provide and post conspicuously in each rental bedroom, guidelines and restrictions applicable to ~~the short term rental~~ *lodging facility* use, including:

- Information on maximum occupancy;
- Applicable noise and use restrictions;
- Maximum number of vehicles permitted and the location of off-street parking;
- Trash collection schedule; and requirements
- Contact information for the local contact;
- Evacuation routes.

Provisions applicable to non-owner-occupied short term rentals:

Each short term rental must maintain a local Contact Person who must reside within 20 miles of the short term rental unit and be available at all times for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants and must respond promptly to any such complaints. If the owner's principal residence is not located within the county, the owner must designate a local contact person/agent who resides in the county as the owner's agent for service of legal process and all other notices.