



Short Term

Rental Committee

Established 8 August 2019

Exit Report

13 April 2020

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- STR Recommended Guidelines
- Draft STR License Application



Part 1 OBJECTIVE

Short Term Rentals, especially those enabled by internet services, are a land use which was unanticipated when the Shandaken Code was adopted; therefore, the Short Term Rental (STR) Committee was formed to recommend regulations and procedures regarding short term rentals, for consideration and action by the Shandaken Town Board.

The STR committee was established in reaction to a new reality: Shandaken homeowners are using web-based platforms to rent rooms and / or entire homes to overnight guests. This has engendered opinions both pro and con which the committee took pains to understand.

Part 2 METHODOLOGY

Committee Formation

An earlier, STR committee was active in the first half 2019; conducting research into STR activity and community opinions. This committee's work culminated in a STR Survey, results of which are posted on the town website.

The current STR committee was formed in August, 2019 to build on the work previously completed. Supervisor Rob Stanley solicited volunteers within Shandaken, drawing from a representative range of groups. Committee assignments were made on the basis of first-volunteered, first-appointed; members include:

- Ralph Combe, Jr. (Slide Mountain Forest Haus, Oliveria resident)
- Elizabeth Kneissl (Greenwood Inn, Phoenicia resident)
- James Kopp (Shandaken Home Sharing Association, Phoenicia resident)
- Mark Loete (ZBA, Chichester resident)
- Howie McGowan (ZEO, Woodland Valley resident)
- Sam Spata (Planning Board, Allaben resident)
- Christa Trinler (Shandaken Home Sharing Association, Phoenicia resident)
- Kevin Vanblarcum (Town Board, Pine Hill resident)
- Hank Williams, Jr (Woodland Valley resident) (Resigned 2/24/20)

Committee Activity

First, the group agreed on the following committee assignments: Chair – Mark Loete; Vice Chair – James Kopp; Secretary – Christa Trinler.

Second, the committee gathered information, including: results of Shandaken STR Survey; recent STR regulations within New York State; STR activity and oversight within Ulster County; and, STR reporting in the general press.

Third, data was reviewed and deliberated in committee meetings conducted at Town Hall in view of a public audience. At the conclusion of each meeting, public comment was heard. The committee met monthly during summer and autumn of 2019. That frequency increased to biweekly meetings in 2020 so as to bring the committee's work to a conclusion.



Finally, the committee developed the findings and recommendations of this exit report. In addition to this report, the committee is providing a detailed Recommendations document and a draft STR License Application.

Note: Since the appearance of the COVID-19 crisis, the committee met online using a “Webex” platform. Those meetings were recorded and provided to the town; public comment was not heard after the remote meetings.

Part 3 FINDINGS

Situational Overview

While STRs provide economic benefits to local businesses and provide jobs to full and part time residents, their presence also impacts the character of the community. While many residents feel the visitors add to the character and vitality of the community, some residents have expressed concerns and feel strongly STRs have a negative impact. The committee determined these issues are more likely to occur when the homeowner is not present during guest stays. Homeowners present when guests are accommodated are more likely to maintain a sense of community and ensure guests are not disruptive to neighbors.

Five Factors

The committee determined that a short term rental strategy be developed with respect to 5 factors:

- | | |
|-------------------------------------|--|
| Community | Enhancing the town’s attractiveness to visitors while maintaining a sense of ‘neighborhood’ for full-time residents in all hamlets |
| Quality of Life | Preserving those qualities which make Shandaken a livable place |
| Economic Benefit | Preserving and enhancing the economic benefit short term rentals bring to the Shandaken economy. |
| Health, Safety & Welfare | Requiring homeowners to not unnecessarily jeopardize the safety of visitors, residents and first responders |
| Property Rights | Respecting the fundamental right of an owner to earn an income from their property |

Regulatory Framework

The STR committee determined short term rentals should be regulated as an allowable use, subject to annual licensing.

This will require revisions to the Shandaken Code, recommended in the next section.



Voice of the Community

In considering STR regulations, a variety of public opinions must be considered:

- Excessive restrictions on STR's could eliminate a necessary source of income for residents and second home owners burdened by local taxation
- While the presence of STR's may increase the cost of housing and rentals, they are also increasing property values and driving the renewal of abandoned and neglected housing stock, increasing supply
- STR's can be a welcome part of the community if guests are effectively managed and instructed to avoid common complaints that degrade neighborhood character such as noise, trash, illegal parking, and trespassing
- Tourism and active recreation are crucial components of the local economy; STR's fill a niche that complements traditional hotels, inns and weekend homes
- While the transient nature of guests can be a concern to some neighbors, the regular occupancy can be preferable to an adjacent property that is generally vacant
- A town composed of mostly absentee owners is likely to lose key qualities of a viable community such as volunteerism and neighborliness

Part 4 RECOMMENDATIONS

Allowable Use

Since the current Shandaken Code does not explicitly define a Short Term Rental as a type of land use, therefore, any Short Term Rental currently operating would require a Special Permit – the process for which is unnecessarily burdensome for both applicant and town resources. A simpler and more expedient approach is to revise the Shandaken Code in recognition that a new land use – enabled by information and communications technology – now exists.

We recommend that:

1. Short Term Rentals be added to the Shandaken Code and defined as follows:

“Short-term” and “vacation rentals” in the capacity of accessory use, supplementary business, or business, shall mean and include those units rented or leased to occupants – other than permanent residents – that are furnished apartments or living units in or consisting of a dwelling place ordinarily occupied for residential purposes or location that is otherwise made available for sleeping accommodations, directly by the owner or through an owner’s agent or hosting platform.



2. Short Term Rentals be a permitted use in all Zones except CLI (Commercial Light Industry District) and FW (Floodway District) since no residential use is currently allowed in those Zones.
3. Short Term Rental operations be regulated, subject to annual licensing.

Limitations

To preserve Shandaken as a community welcoming the full-time resident, while allowing Short Term Rentals, limits should be established on the basis of homeowner presence:

- STR's where the homeowner is present when guests are accommodated and who resides on the property
- STR's where the homeowner is not present and who does not reside on the property during guest stays

The committee recommends there be **no limits** to the number of licensed STR's where the homeowner is present and the number of licensed STR's where the homeowner is not present **shall not exceed 10%** of total residential stock.

STR Guidelines

In order to guide revisions to the Shandaken Code, the committee has included an STR Guidelines document as an attachment to this Exit Report.

STR License

A Draft STR License application is included as an attachment to this Exit Report, to guide further development by the Town Board.

Part 5 NEXT STEPS

The Shandaken Town Board shall review the findings and recommendations herein to determine a path forward.

ACKNOWLEDGEMENTS

The Short Term Rental Committee sincerely appreciates the: support of Supervisor Stanley; active participation of committee members; insights provided by Dennis Doyle of the Ulster County Planning Department; work of the previous committee – especially STR Survey Results; and, audience feedback at each committee meeting.

ATTACHMENTS

The following are included with this exit report:

- STR Guidelines
- Draft STR License application

END OF EXIT REPORT