

TOWN OF SHAWANGUNK

NOTICE OF PUBLIC HEARING
INTRODUCTORY LOCAL LAW #3 OF 2022

PUBLIC NOTICE is hereby given that on January 20 , 2022 the Town Board of the Town of Shawangunk duly introduced a local law entitled:

“SHORT TERM RENTAL”

This proposed (Introductory) local law provides for amendments to the Zoning Law of the Town of Shawangunk, also known as Chapter 177 of the Code of the Town of Shawangunk. The purpose of this introductory local law is to allow but regulate short term rentals. New definitions are added to 177-65 and 177-23 is amended to combine this use with the “Bed and Breakfast” use and to establish standards and procedures for site plan review by the Planning Board.

Complete copies of this proposed Introductory Local Law are available for inspection and/or reproduction at the Office of the Town Clerk, Town Hall, Central Avenue, Wallkill, New York anytime during normal business hours. Additionally, the Introductory Local Law is available for inspection on the Town of Shawangunk website at www.shawangunk.org.

NOW, THEREFORE, pursuant to Section 20 of the Municipal Home Rule Law, the Town Board of the Town of Shawangunk, New York will hold a public hearing to receive public comment on this Introductory Local Law at the Town Hall, Central Avenue, Wallkill, New York on Thursday, February 17, 2022 at 7:00 p.m. or as soon thereafter as the matter can be heard, at which time all persons interested shall be heard. Persons may appear in person or by agent. Written comments also may be submitted at or before this public hearing. Written comments should be addressed to the Office of the Town Clerk of the Town of Shawangunk, P.O. Box 247, Central Avenue, Wallkill, New York 12589 or to townclerk@shawangunk.org and shall be received prior to or not later than the public hearing. The Town Board has determined that this is a Type 1 Action that is subject to the SEQRA and that the Town Board is the only involved agency. Part 1 of a Full Environmental Assessment Form also is on file and available for inspection.

Dated: January 24, 2022

BY THE ORDER OF THE TOWN BOARD
OF THE TOWN OF SHAWANGUNK

JANE P. RASCOE, TOWN CLERK

Town of Shawangunk

Introductory Local Law No. 3 of 2022

A Local Law to enact certain amendments to Chapter 177, Zoning, of the Code of the Town of Shawangunk, to regulate Short-Term Rentals (STR).

SECTION I. TITLE.

This local law shall be known as the "Short Term Rental" Local Law, enacting certain zoning amendments to Chapter 177, Zoning, of the Code of the Town of Shawangunk to regulate the location and operation of Short Term Rentals within the Town of Shawangunk.

SECTION II. PURPOSE AND FINDINGS.

It is the intent of this Local Law to establish procedures and requirements for allowing the conduct of short-term rentals in the Town of Shawangunk in order to preserve the public peace, good order and the integrity of the use regulations established under the Zoning Local law, and to properly provide for the health, safety and welfare of the general public.

The Town of Shawangunk, in an effort to encourage tourism activity within the community, recognizes that short-term rentals providing overnight accommodations to visitors who will expend dollars within the Town and Ulster County and support and promote tourism activities within Shawangunk. The Town also recognizes that Short Term Rentals are akin to Bed and Breakfasts, and such uses shall be regulated in the same manner.

SECTION III. STATEMENT OF AUTHORITY.

This local law is authorized by the New York State Constitution, including Article IX Section 2, the relevant provisions of the New York Municipal Home Rule Law, the Statute of Local Governments, the Town Law, the General Municipal law, the Zoning Law and the local laws and land use regulations of the Town of Shawangunk and the general police power vested in the Town Board of the Town of Shawangunk to provide for the health, safety and welfare of the citizens of the Town.

SECTION IV. REVISIONS TO CHAPTER 177, ZONING.

Chapter 177, Zoning, of the Code of the Town of Shawangunk is hereby amended as follows:

1. **Definitions.** Section 177-65., Definitions; word usage, Subsection B, is amended to add the following new definition after "Senior Citizen Development":

"SHORT TERM RENTAL - A single-family detached owner-occupied dwelling, or building accessory thereto on the same lot, or other building approved by the Planning Board, which is rented in whole or part, to any person or entity for a period of up to but no more than fourteen (14) consecutive days. For purposes of this definition, a "rental" means "an agreement granting use or possession of real property, to a person or group of persons in exchange for consideration including, but not limited to,

money, goods, services, credits, or other items of value". Campsites, glamping and other overnight accommodations otherwise prohibited in §177-23.A(4) shall not be deemed to be a Short Term Rental.

2. **Zoning Districts.** The following sections of the Zoning Law shall be amended to add "Short Term Rental, subject to the provisions of §177-23.A" as an accessory use:

- 177-6.B.(3), applicable to the RS-1 zone
- 177-6.C.(3), applicable to the RS-2 zone
- 177-6.D.(3), applicable to the R-Ag 1 zone
- 177-6.E.(3), applicable to the R-Ag 2 zone
- 177-6.G.(3), applicable to the R-Ag 4 zone
- 177-6.H.(3), applicable to the H-1 zone
- 177-6.I.(3), applicable to the SB zone
- 177-6.J.(3), applicable to the HWG zone

3. **Supplementary standards.** Article IV., Supplementary Use Regulations, is hereby amended to amend to revise the title of §177-23 as follows:

"§177-23. Bed and Breakfast-Residence/Short-term Rental and Country Inn."

4. **Supplementary standards.** Section 177-23 is amended to delete subsection a. Bed-and-Breakfast-Residence, and to add the following new subsection "A":

"A. Bed and Breakfast Residence and Short Term Rental. This section regulates both Bed and Breakfast Residences (BB) and Short Term Rentals (STR). For purposes of these regulations, the uses are identified collectively as BB/STR.

(1) Site plan required. A BB/STR is allowed only by site plan approval of the Planning Board, and a STR will require a special use permit if it meets any of the criteria set forth in subsection A.(3). The Planning Board, in its discretion, may hold a public hearing on any BB/STR application. The Planning Board is hereby authorized to establish conditions on the approval of any BB/STR applications as part of its site plan approval. Upon receipt of site plan approval, the BB/STR operator shall obtain a license from the Shawangunk Building Department to operate the BB/STR.

(2) Owner-occupancy required.

(a) A BB/STR shall be permitted accessory to an owner-occupied single-family detached dwelling. The BB/STR may be operated from the principal dwelling, or from an existing building accessory thereto on the same lot as the principal dwelling.

(b) The operator of the BB/STR shall be an owner of the property and an occupant of the single-family detached residential dwelling to which the BB/STR is accessory. The Planning Board, in its discretion, may allow a BB/STR accessory to a commercial or agricultural use, provided it finds that the lot on which both are located can safely accommodate an BB/STR, and that the commercial use, in the nature of its operation, is not detrimental to the health, safety and welfare of the BB/STR occupants. If the property is owned by an LLC (Limited Liability Company), corporation, partnership or by a trust, the occupant and operator must be a principal owner of the LLC, corporation, partnership or trustee or principal beneficiary of the trust.

- (c) Any one property owner is permitted one BB/STR within the Town of Shawangunk.
- (3) Special use permit required. A BB/STR shall be allowed only upon issuance of a special use permit of the Planning Board, and a special use permit application shall require a public hearing and shall meet the procedures and standards set forth in Article VI of the Zoning Law, where a BB/STR is not:
 - (a) accessory to and incorporated within a single-family detached dwelling; or
 - (b) is accessory to a commercial or agricultural use; or
 - (c) where the lot will not be occupied by the lot owner.
- (4) Maximum guest occupancy. Not more than three (3) bedrooms shall be permitted to be used for rental purposes, and no more than two (2) persons may occupy any bedroom. In the case of a commercial use, the Planning Board shall establish the total number of rooms which may be used as bedrooms, which shall not exceed three (3) and no more than two (2) persons shall occupy any bedroom. Each bedroom shall meet all requirements of the NYS Building and Fire Codes.
- (5) Prohibitions. A BB/STR is prohibited from occupying the following structures or vehicles: tents, campers, recreational motor vehicles, trailers, storage pods, yerts, teepees, storage containers – any vehicle with or without wheels, mobile homes, dumpsters, and similar appurtenances.
- (6) Bulk standards. A BB/STR is permitted on a lot which complies with Schedule I, Zoning District Bulk Requirements, applicable to the zoning district within which it is located. The Planning Board, in its discretion, may require a larger minimum lot area or larger setbacks where it determines that it is required to protect adjoining residential properties. For a dwelling in existence on the effective date of this local law, the Planning Board may allow a BB/STR in a building which does not comply with the minimum yard requirements where it finds that the BB/STR will not have a negative impact by nature of its operation on any adjoining residential properties.
- (7) Access. A BB/STR shall not be permitted if access only is to a private road. The driveway serving the BB/STR shall have direct access to a public road over lands owned by the owner.
- (8) Length of stay. There shall be a limit of not more than 14 consecutive days for the length of stay by any guest.
- (9) Registry. The BB/STR shall maintain a guest registry and related financial records and said registry shall be provided upon demand of the Town if the Town has reasonable cause to suspect a violation of any provision of this section.
- (10) Events. The establishment and operation of the BB/STR shall not alter the appearance of the residential structure as a single-family detached dwelling nor provide for any outdoor large group gatherings, picnics, weddings or other activities that would create excess noise, traffic, on-street parking or other undesirable effects to the neighborhood.

- (11) Signs. Identification signs for the BB/STR shall be in compliance with the provisions of §177-40D.
- (12) Parking. Parking shall be at least the minimum required for the principal use, plus an additional one parking space per each bedroom used for an BB/STR. The parking shall be screened, if necessary, to the satisfaction of the Planning Board.
- (13) Waste removal. Waste shall be placed within an enclosure such as a dumpster or garbage cans and removal shall occur on a regular basis and no waste shall be deposited on any BB/STR site.
- (14) Water supply/wastewater. The applicant's engineer shall provide evidence and certify that the individual well and the septic system for the BB/STR can handle any increased flow from the operation of the BB/STR.
- (15) License. The operator of the BB/STR shall obtain a license from the Town Building Department. The operator shall fill out forms prescribed by that office and shall comply with all relevant building, health department and fire safety codes. The premises will be subject to periodic safety inspections by the Building Inspector and/or Code Enforcement Official. The Town Board, at any time by resolution, shall set associated fees and may amend any such resolution from time to time. Emergency contact information shall be provided as part of the license, which shall include the owner of the property, and/or an additional party which can provide access to the site 24 hours, seven days per week. In addition to Planning Board approval, a copy of the Ulster County hotel occupancy certificate of registration prior to issuance of the license. Where the BB/STR is operated by an entity which is not the owner, a second party which is in a position of authority shall manage the property and said entity shall provide all contact information and be available to respond timely to any emergency which may occur in the BB/STR. The Planning Board also may require some or all of this information during its review.
- (16) License renewal. The BB/STR license shall require annual renewal from the date of issuance or shall require renewal on such further inspections of complaints or reasonable grounds to determine violations exist and that the BB/STR is not operating in accordance with its approval. The Building Department, in its discretion, can refer any license which requires renewal to the Planning Board for reapproval where it determines alterations to the BB/STR have occurred absent said approval.
- (17) License transfer. The Building Department is permitted to transfer the BB/STR license to a new operator who also is an occupant as per this § 177-23. Simultaneous notification shall be provided to the Town Tax Assessor and Planning Board or upon the conduct of a municipal search requested by an owner. The BB/STR shall continue to meet all the requirements of the original license. Any proposed modifications shall require Planning Board review and approval.
- (18) Good neighbor brochure. The BB/STR operator shall notify the occupants of any Town nuisance laws that exist now or in the future and shall prepare a brochure which will establish "good neighbor" policies so that the BB/STR does not impact residential adjoiners. The Planning Board shall approve the brochure, and same shall be posted to any website advertising the BB/STR.

- (19) Enforcement. The BB/STR shall be enforced in accordance with Article XI of the Zoning Law.
- (20) Number of BB/STRs. Maximum number of BB/STRs in the Town of Shawangunk. The Shawangunk Town Board by resolution, may establish a limit on the total number of BB/STRs permitted in the Town.
- (21) Grace period. At time of the adoption of the local law allowing BB/STRs, a property owner operating a short-term rental without a permit, or in violation of the standards set forth herein, shall submit a BB/STR permit application within ninety (90) days from the effective date of this §177-23. Any property owner operating a BB/STR after the said period without having obtained a BB/STR Planning Board approval and Building Department License shall in be in violation of the BB/STR regulations and shall immediately cease such operations until such time that a BB/STR Planning Board approval and license is issued.
- (22) Short Term Rentals and Bed and Breakfasts are required to meet the provisions and standards set forth herein and shall not be deemed to be a "Country Inn" which use is otherwise regulated in accordance with §177-23.B of this Zoning Law.

SECTION V. SUPERCESSION.

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local law shall supersede the provisions of the Town Law to the extent it is inconsistent with same, and the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

SECTION VI. CONFLICT WITH OTHER LAWS.

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is pre-empted or prohibited by the County, State or federal laws or regulations, the more restrictive or protective of the Town of Shawangunk and the public shall apply.

SECTION VII. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this local law shall be adjudged invalid for any reason or shall be deleted or subsequently repealed, the same shall not affect the validity of this local law as a whole or any part or provisions hereof other than the part to be adjudged to be invalid and/or deleted and/or subsequently repealed. Additionally, such determination shall be confined in its operation to the person, individual, entity, firm, corporation, company or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION VIII. EFFECTIVE DATE.

This local law shall be effective immediately upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law for the State of New York.

1/20/22

BE IT ENACTED THIS ____ DAY OF _____ 2022 BY THE TOWN BOARD OF THE TOWN OF SHAWANGUNK, COUNTY OF ULSTER, STATE OF NEW YORK.

JOHN VALK JR., SUPERVISOR
ADRIAN M. DEWITT, COUNCILMAN
ROBERT T. MILLER, COUNCILMAN
BRIAN AMTHOR, COUNCILMAN
ALEX DANON, COUNCILMAN