

**Business of the Village Board  
Village of Saranac Lake**

SUBJECT: Adopt Short-term Rental Law

DATE: 6-12-2023

DEPT OF ORIGIN: Trustee Brunette/Trustee Scollin

BILL # 75-2022

DATE SUBMITTED: 6-7-2023

EXHIBITS: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney

\_\_\_\_\_  
Village Administration

EXPENDITURE  
REQUIRED

AMOUNT  
BUDGETED

APPROPRIATION  
REQUIRED

MOVED BY: Scollin      SECONDED BY: Catillaz

VOTE ON ROLL CALL:

MAYOR WILLIAMS	<u>yes</u>
TRUSTEE BRUNETTE	<u>yes</u>
TRUSTEE CATILLAZ	<u>yes</u>
TRUSTEE SCOLLIN	<u>yes</u>
TRUSTEE SHAPIRO	<u>yes</u>



**VILLAGE OF SARANAC LAKE  
RESOLUTION TO ADOPT PROPOSED LOCAL LAW ## OF 2023  
AMENDING THE DEVELOPMENT CODE TO REGULATE SHORT-TERM RENTALS**

WHEREAS, the Board of Trustees of the Village of Saranac Lake is considering adoption of a proposed local law to amend Chapter 106 (Development Code) of the Saranac Lake Village Code; and

WHEREAS, the purpose of the Proposed Local Law is to address the use of Short-Term Rental Units [hereafter STRs] within the Village of Saranac Lake in an effort to mitigate the impact of STRs on the Village; ensure the safety of STRs; and ensure that certain concerns and opportunities, including but not limited to, the following are addressed:

- A. Balance the needs and rights of all residents;
- B. Protect residents from external forces affecting housing access and affordability;
- C. Provide stability and a high quality of life for Village residents;
- D. Provide Village residents with the opportunity to benefit from tourism;
- E. Provide great benefit to the community when operated appropriately by Village residents.

WHEREAS, a public hearing on the Proposed Local Law was scheduled for May 22, 2023, at 5:30PM, and notice of such public hearing was timely published in the newspaper and circulated in accordance with applicable laws and regulations; and

WHEREAS, the public hearing on the Proposed Law was duly held on May 22, 2023, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Proposed Local Law was referred to the Essex County Planning Board for advisory comments pursuant to GML Section 239-9; and

WHEREAS, the Essex County Planning Board determined that there would be no adverse effect and therefore made no comments; and

WHEREAS, the Board referred the Proposed Law to the Village's Development Board for advisory comments pursuant to Development Code Section 106-25, received comments from the Development Board, and incorporated them as the Board deemed appropriate; and

WHEREAS, the Board previously determined that adoption of the Proposed Law is an Action subject to the New York State Environmental Quality Review Act (SEQRA) and issued a Negative Declaration pursuant to SEQRA.

THEREFORE, BE IT RESOLVED: that the Board of Trustees finds that adoption of the Proposed Local Law is consistent and in conformance with the goals and objectives of LWRP policies and standards.

AND BE IT FURTHER RESOLVED: the Board of Trustees finds that the Proposed Local Law is required in the public interest; and

AND BE IT FURTHER RESOLVED: that the Board hereby adopts the Proposed Local Law, and that upon adoption, the Proposed Local Law will become Local Law designated as follows: \_\_\_\_\_ of 2023; and

AND BE IT FURTHER RESOLVED: that the Board of Trustees directs the Village Clerk to file, publish and circulate the Local Law in accordance with applicable laws and regulations.



# Essex County Board of Supervisors

P.O. Box 217, 7551 Court Street  
Elizabethtown, NY 12932

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May 17, 2023

Shaun Gilliland,  
Chairman  
Chairman@essexcountyny.gov

James Monty,  
Vice-Chairman

Judith A. Garrison,  
Clerk of the Board  
Judith.Garrison@essexcountyny.gov

Clayton Barber  
Chesterfield

Charles Harrington  
Crown Point

Noel H. Merrihew, III  
Elizabethtown

Kenneth Hughes  
Essex

Matthew Stanley  
Jay

Joe Pete Wilson  
Keene

James W. Monty  
Lewis

Stephen McNally  
Minerva

Thomas R. Scozzafava  
Moriah

Robin DeLoria  
Newcomb

Derek Doty  
North Elba

Stephanie DeZalia  
North Hudson

Meg Wood  
Schroon

Davina Winemiller  
St. Armand

Mark Wright  
Ticonderoga

Michael K. Tyler  
Westport

Shaun Gilliland  
Willsboro

Roy Holzer  
Wilmington

## Via Email

Jamie Konkoski, Community Development Director  
39 Main Street, Suite 9  
Saranac Lake, NY 12983

## RE: Village of Saranac - Development Code Amendment

Dear Ms. Konkoski,

The Essex County Planning Board considered the referral concerning the above-referenced matter at its May 8, 2023, meeting and determined that the request will not have an adverse effect on County Property therefore no recommendation or no comment was made.

I have enclosed a copy of a portion of the minutes from the Economic Development/ Planning/Publicity Committee meeting at which the referral was considered.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

  
Judith A. Garrison  
Clerk of the Board

JAG  
Enclosure

cc: Anna Reynolds, Comm. Resources  
Jim Dougan, DPW Superintendent

**comment on the said referrals shall be or hereby is made, and the respective referring bodies may take such final action as they deem appropriate.**

**This motion was seconded by Supervisor DeZalia and passed on a vote of 7 in favor, 2 excused and none opposed.**

TYLER: Question, concerns? All in favor? Opposed? Carried

REYNOLDS: The Village of Saranac Lake is amending their Village Development Code to incorporate local laws for the short terms rentals. The code will incorporate special use permits for each STR that's going to be permitted through the Village. So, we will received those permits through a 239M referral process. There's a no comment letter at this time, so that may be issued, but in the future we may need to create an exemption request for those referrals, but each apartment that could be rented could be ten per month, I've been told. So, just keep that in mind.

**ACTION OF THE ESSEX COUNTY PLANNING BOARD  
ON REFERRAL RECEIVED FROM THE VILLAGE OF SARANAC LAKE**

**The following motion was made by Supervisor Merrihew.**

**Where, the Essex County Planning Board has considered the following GML 239 referrals at its regular meeting on May 8, 2023.**

**REFERRAL**  
Village of Saranac Lake

**PROPOSED ACTION**  
Development Code amendment

**Whereas, none of the referred, proposed actions does not directly impact a county road or county property.**

**Be It adopted by the Essex County Planning Board that no recommendation or comment on the said referrals shall be or hereby is made, and the respective referring bodies may take such final action as they deem appropriate.**

**This motion was seconded by Supervisor Wood and passed on a vote of 7 in favor, 2 excused and none opposed.**

TYLER: Any questions, concerns? All in favor? Opposed carried.

REYNOLDS: That's all I have today. We haven't heard from Restore New York, yet. We thought we were going to hear by the end of the month, but we're still waiting. We have a few applications in for some of the towns and the County and we've got CFAs on the rise, we're thinking by the end of the month, we'll hear about those.

TYLER: I would just like to add, you guys do a great job over there, I don't know what the Town of Westport would do without you.

REYNOLDS: Thank you.

TYLER: Anything else? Nothing? Thank you, moving on.



## Village of Saranac Lake

Community Development Department  
 39 Main St.  
 Saranac Lake, NY 12983  
 Phone (518) 891-0490  
 Fax (518) 891-5928  
[www.saranaclakeny.gov](http://www.saranaclakeny.gov)

### VILLAGE OF SARANAC LAKE WATERFRONT ASSESSMENT FORM (WAF)

#### Section A. Instructions

Instructions: Applicants or, in the case of direct actions, Village agencies, shall complete this WAF for proposed actions which are subject to the LWRP consistency review law. This assessment is intended to supplement other information used by a Village agency in making a determination of consistency with the Village's Local Waterfront Revitalization Program.

Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Village of Saranac Lake, 39 Main St., Second Floor, Saranac Lake, NY 12983 or online at [www.saranaclakeny.gov](http://www.saranaclakeny.gov). A proposed action should be evaluated as to its significant beneficial and adverse effects upon the waterfront area.

If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the actions should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

#### SECTION B. Description of Site and Proposed Action

1. Name of applicant: Village of Saranac Lake		3. Telephone Number: 518-891-4150	
2. Mailing address: 39 Main Street, Suite 9		5. Tax Map # (s): NA	
4. Location of action: village-wide		7. Present land use(s):	
6. Size of site:		9. Percentage of site which contains slopes of 15% or greater: 0	
8. Present zoning classification:			
10. Type of action (check appropriate response) <input checked="" type="checkbox"/> Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) <input type="checkbox"/> Financial assistance (e.g. grant, loan, subsidy) <input type="checkbox"/> Permit, approval, license, certification <input checked="" type="checkbox"/> Agency undertaking action: Village of Saranac Lake			
11. Streams, lakes, ponds, or wetlands existing within or continuous to the project area? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, Waterbody Name: _____ Waterbody Size(in acres): _____			
12. Describe nature and extent of action: Amendment to the Development Code to allow for short-term rentals in the village			
13. Describe any unique or unusual land forms on the project site (i.e. bluffs, ground depressions, other geological formations):			
14. Will the action be directly undertaken, require funding, or approval by a State or Federal Agency? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, which State or Federal Agency? _____			

## SECTION C. Waterfront Assessment (To be completed by reviewing agency)

	YES	NO
<b>1. Will the proposed action have a significant effect upon:</b>		
(a) Commercial or recreational use of fish and wildlife resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Scenic quality of the waterfront environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Development of future, or existing water dependent uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Stability of the shoreline?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Surface or groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Existing or potential public recreation opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Structures, sites or districts of historic, archeological or cultural significance to the Village, State or nation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2. Will the proposed action involve or result in any of the following:</b>		
(a) Physical alteration of land along the shoreline, land under water or coastal waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the waterfront area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Energy facility not subject to Article VII or VIII of the Public Service Law?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Mining, excavation, filling or dredging?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Reduction of existing or potential public access to or along the shore?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Sale or change in use of publicly-owned lands located on the shoreline or under water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Development within designated flood hazard area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Development on a natural feature that provides protection against flooding or erosion?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(j) Diminished surface or groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(k) Removal of ground cover from the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3. Project:</b>		
(a) If a project is to be located adjacent to shore:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(1) Will water-related recreation be provided?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Will public access to the shoreline be provided?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Does the project require a waterfront site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Will it supplant a recreational or maritime use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(5) Do essential public services and facilities presently exist at or near the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(6) Is it located in a flood prone area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(7) Is it located in an area of high erosion	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the project site is publicly owned:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(1) Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) If located in the foreshore, will access to those and adjacent lands be provided?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Will it involve the siting and construction of major energy facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Will it involve the discharge of effluents from major steam electric generating and industrial facilities into a waterway	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is the project site presently used by the community as an open space or recreation area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the present site offer or include scenic views or vistas known to be important to the community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Will the surface area of any waterways or wetland areas be increased or decreased by the proposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Will the project involve any waste discharges?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Does the project involve surface or subsurface liquid waste disposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous material?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Does the project involve shipment or storage of petroleum products?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(j) Does the project involve discharge of toxics, hazardous substances or other pollutants?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(k) Will the project affect any area designated as a freshwater wetland?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(l) Will the project alter drainage flow, patterns or surface water runoff on or from the site	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(m) Will best management practices be utilized to control storm water runoff into waterways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(n) Will the project cause emissions which exceed Federal or State air quality standards or generate significant amounts of nitrates or sulfates?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## SECTION D. Remarks or Additional Information

For questions answered "Yes" in Section C, explain methods you will undertake to reduce adverse effects. Review the LWRP to see if the project is consistent with each policy. List policies the project is not consistent with and explain all mitigating actions. Add any additional sheets necessary to complete this form.

SECTION E. Preparer Information	
Preparer's Name (Please print):	Jamie Konkoski
Title:	Community Development Director
Organization Name:	Village of Saranac Lake
Phone Number:	518-891-4150 x235
Signature:	<i>Jamie Konkoski</i>
Date:	5-12-23

SECTION F. Determination of LWRP Consistency (To be completed by the Planning Board)	
The Village of Saranac Lake Development Board finds that the above referenced project is:	
<input checked="" type="checkbox"/> consistent with LWRP policy standards and conditions. <input type="checkbox"/> <u>not</u> consistent with LWRP policy standards and conditions and <u>shall not be undertaken</u> .	
<i>ELIAS Pelletier</i>	
Print Name of Development Board Chair	
<i>Elias Pelletier</i>	<i>6-6-23</i>
Signature of Development Board Chair	Date



**VILLAGE OF SARANAC LAKE  
LOCAL LAW NO. # \_\_\_\_ OF 2023**

**A LOCAL LAW TO AMEND THE VILLAGE OF SARANAC LAKE  
UNIFIED DEVELOPMENT CODE**

**SECTION 1: TITLE.**

This local law shall be cited as Local Law No. \_\_\_\_ of 2023 of the Village of Saranac Lake and entitled "Short-Term Rental Law."

**SECTION 2: LEGISLATIVE INTENT AND PURPOSE.**

This local law amends Chapter 106 of the Village Code to provide amendments to the Village's Unified Development Code. The purpose of this local law is to address the use of Short-Term Rental Units [hereafter STRs] within the Village of Saranac Lake; in an effort to mitigate the impact of STRs on the Village; ensure the safety of STRs; and ensure that certain concerns and opportunities, including but not limited to, the following are addressed:

- A. Balance the needs and rights of all residents;
- B. Protect residents from external forces affecting housing access and affordability;
- C. Provide stability and a high quality of life for Village residents;
- D. Provide Village residents with the opportunity to benefit from tourism;
- E. Provide great benefit to the community when operated appropriately by Village residents.

The continued operation of Pre-Existing STRs must also be addressed with an appreciation for the substantial investments that have often been made by the owners of those properties and/or their reliance on income from those properties. The Village acknowledges that it has allowed Pre-Existing STRs to be developed and operated without any zoning regulation or required approvals and that zoning regulation of STRs has only recently evolved.

Accordingly, as a matter of fairness to these owners, the Village Board finds that Pre-Existing STRs should be allowed to continue to operate so long as they comply with requirements deemed necessary by the Village for the protection of public health, safety, and welfare. To achieve the desired balance of needs and rights, however, residents living near Pre-Existing STRs should have the opportunity to comment on their operation.

Overall, it is the Village Board's goal to see a respectful dialogue between Pre-Existing STR owners and potentially impacted neighbors facilitated by the Development Board through the Special Use Permit process.

This Local Law imposes mandatory regulations and requirements on all Village of Saranac Lake property owners currently renting, or planning to operate, one or more STRs, as defined herein. The purpose of such regulations and requirements is to assure that the properties being rented meet certain minimum safety and regulatory requirements thereby protecting the property owners, the occupants of such housing, and the residents of the Village of Saranac Lake.

### **SECTION 3: AUTHORITY.**

This Local Law is adopted in accordance with Article 7 of the Village Law of the State of New York, which grants the Village of Saranac Lake the authority to regulate and restrict the location and use of buildings, structures, and land for trade, industry, and residence, for the purpose of promoting the health, safety, morals, or general welfare of the community, and in accordance with Municipal Home Rule Law, Article 2, Section 10, that gives the Village of Saranac Lake the power to protect and enhance its physical and visual environment.

The Village Board of Trustees authorizes the Development Board to issue Special Use Permits to property owners to use their properties as STRs, per the provisions set forth in this local law. The STR Permit Administrator may, thereafter, issue or deny STR renewal permits. Applications for permits to operate STRs shall be processed under the procedures set forth in the Development Code and this local law.

### **SECTION 4: APPLICABLE LAW.**

All property owners desiring to operate an STR must comply with the regulations of this local law. However, nothing in this local law shall alter, affect, or supersede any regulations or requirements of the Village of Saranac Lake Development Code, any regulations or requirements imposed by Franklin or Essex Counties, or any State or Federal regulations or requirements, and all property owners must continue to comply with such regulations or requirements.

Except as temporarily provided herein for Pre-Existing STRs, no operation of an STR unit shall occur except pursuant to a valid Special Use Permit issued by the Village of Saranac Lake Development Board and an STR permit issued by the STR Permit Administrator. Such STR permits shall be valid for up to a one-year period, expiring on January 31<sup>st</sup> of the following year.

### **SECTION 5: DEFINITIONS.**

Article II, Section 106-6 of the Development Code entitled "Definitions" is hereby amended by adding the following new definitions:

**Access:** The place, means, or way by which pedestrians and or vehicles shall have safe, adequate, and usable ingress and egress to a property, structure, or use.

**Bedroom:** Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

**Building Code:** The New York State Uniform Fire Prevention and Building Code as promulgated by the New York State Building Code Commission pursuant to Article 18 of the New York Executive Law.

**Camping:** The use of a property as a site for sleeping outside; or for the temporary parking of occupied travel or pop-up trailers, motor homes, truck campers, tents, and all buildings and facilities pertaining thereto to serve as temporary residences.

**Dwelling Unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Host-Pre-Existing-Owner:** A person who owns the real property within which the STR is located and has lawfully been in operation as of January 31, 2023.

**Host-Resident-Owner:** A person whose legal primary residence is within the Village of Saranac Lake, and can provide proof of such residency, and owns the real property within which the STR is to be located.

**House Rules:** A set of rules that applies to renters of an STR unit while occupying the unit, set forth by the property owner prior to any rental occurrence or lease.

**Primary Residence:** A person's domicile where they usually live. A primary residence is considered to be a legal residence for the purpose of income tax and voting registration.

**Rental:** An agreement granting use or possession of a residence, in whole or in part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration.

**Rental Arbitrage:** The practice of renting or leasing properties and subletting them on STR platforms with or without knowledge or consent of the property owner.

**Short-Term Rental (STR):** The use of a lot for the rental or lease of any, or part of any, residential use dwelling unit, for a period no more than thirty (30) days. The STR may occur within an entire dwelling, in rooms within a dwelling, or in a separate attached or detached dwelling unit or units on the parcel. Motels, hotels, resorts, inns, and beds & breakfasts, as defined in this chapter, are excluded from this definition.

**Short-Term Rental Permit:** A Permit issued and renewed through the STR Permit Administrator. All applicants must be issued a Special Use Permit by the Development Board before an STR Permit can be issued for the first time.

**Short-Term Rental Permit Administrator:** A person(s) designated by the Village Board to issue STR permits and annual renewals.

**Short-Term Rental Unit:** Dwelling units or rooms used as STRs.

**Short-Term Rental Pre-Existing:** An STR, as defined herein, which is lawfully in operation as of January 31, 2023 and is authorized to continue operation pursuant to the provisions of subsection 106-14.3 of these regulations.

**Short-Term Rental New:** An STR not lawfully in operation as of January 31, 2023.

**Sleeping Unit:** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both.

**Wastewater:** Includes, but is not limited to laundry, toilets, and showers.

Article II, Section 106-6 of the Development Code entitled "Definitions" is hereby amended by removing the following existing definitions:

**Housekeeping Cottage:** A one-story building containing a single unit made up of a room or group of rooms, containing facilities for eating, sleeping, bathing and cooking, rented to transient guests for a period usually not exceeding 30 days.

## **Districts where permitted.**

Section 106-40 of the Development Code entitled "Schedule of Use Regulations" is hereby amended to include Short-term Rental as a new residential land use type requiring special use permit in all districts.

## **SECTION 6: SUPPLEMENTAL STANDARDS.**

Article XIV of the Development Code entitled "Supplemental Standards" is hereby amended by the addition of new section 106-104.2 entitled "Short-Term Rentals" as follows.

### **Ownership of Properties.**

Properties must be owned by an individual, individuals, sole proprietorship, general partnership, limited liability partnership, limited liability company, or S corporation. No property owned by any other type of corporation shall qualify for a permit.

A general partnership, limited liability partnership, limited liability company, or S corporation must disclose names of all partners and/or members when applying. Any changes in partners and/or members shall be provided in writing to the STR Permit Administrator within thirty (30) days.

Individually owned properties must be owned by a Host-Resident-Owner, as defined above, to qualify for a New STR Permit. At least one owner, with at least 25% ownership of proposed STR property, (1) owner of a general partnership, limited liability partnership, a limited liability company, or an S-Corp must be a Host-Resident-Owner, as defined above, to qualify for a New STR Permit.

Host-Pre-Existing-Owners are exempt from the Host-Resident-Owner requirement.

### **Short-Term Rentals Pre-Existing.**

Property owners who operate a Pre-Existing STR, as of the effective date of this local law, shall have 60 days from such date to apply for a Special Use Permit for a minor project from the Development Board.

Continued operation of a Pre-Existing STR may occur so long as an application for Special Use Permit is diligently pursued and until such time as approval, or approval with conditions, is granted by the Development Board and an STR Permit is issued by the STR Permit Administrator.

Special Use Permit application fees shall be applied to Pre-Existing STRs application fees for permit to operate. New STRs will be required to pay both special use permit and STR permit fees associated Procedures for notices for public hearings are outlined in section 106-20. (Notices of public hearings required by this code shall be provided by Village publication in a newspaper of general circulation within the Village at least 10 days prior to the hearing. Within the same time frame, a copy of the notice shall also be provided by the applicant by certified mail to all owners within 200 feet of the Tax Map parcel on which the applicant's project is proposed. Proof of certified mailing upon such individual property owners shall be provided to the Director before the public hearing is held. The applicant shall also post a conspicuous, waterproof copy of the notice at the site of the proposed project at least 10 days prior to the date of the hearing.)

To qualify as a Pre-Existing STR, within 60 days of the effective date of this local law, a property owner shall submit a complete a Special Use Permit application and an STR Permit application to the STR Permit Administrator and the following documentation:

1. A Franklin or Essex County Certificate of Authority to collect occupancy tax.
2. Proof of operation as a STR between January 31, 2022, and January 31, 2023.

Any property owner who fails to produce such documentation shall not qualify as a Pre-Existing STR and shall cease operation until a Special Use Permit is approved by the Development Board and an STR permit is issued by the STR Permit Administrator.

After a public hearing, the Development Board shall approve Pre-Existing STRs, but shall have the authority to impose reasonable, site-specific conditions in addition to these regulations to address valid impacts. Any conditions shall be limited to reasonable measures required in order to minimize impacts on the neighborhoods where Pre-Existing STRs are located.

### **Short-Term Rental Permit Cap.**

The Village of Saranac Lake Board of Trustees will set a maximum number of STR permits allowed during any given period, in order to protect the health and safety of the residents of the Village of Saranac Lake. The maximum number of New STR permits issued Village-wide between the effective date of this local law and January 31, 2024, shall not exceed 10.

The caps on available permits (not including those deemed to be Pre-Existing) shall be established by the zoning district and may be reviewed annually.

Exemptions to the caps may be granted by the Board of Trustees under special circumstances such as new construction and rehabilitation of a derelict or dilapidated building. Any exemption to the caps that may be granted by the Board of Trustees shall first require a public hearing.

## **General STR Permit Regulations.**

All STRs shall conform with applicable sections of the Village Code, a Special Use Permit, and the following regulations:

**Camping.** Camping is not permitted on properties where an STR is permitted.

**Display.** Permit must be displayed in the dwelling unit in a place where it is easily visible to the occupants. STRs shall have posted on or about the inside of the front or main door of each dwelling unit a card listing emergency contact information and House Rules.

**Noise.** STRs must obey local noise ordinance.

**Occupancy.** The Code Enforcement Officer shall establish the maximum occupancy. The Code Enforcement Officer shall limit the number of occupants per the provisions of NYS Property Maintenance Code. Occupancy limits shall be strictly enforced by the owner.

**Parking.** Parking shall be allowed solely in approved off-street or legal on-street parking spaces.

**Rental Arbitrage.** Rental Arbitrage is not permitted on properties where an STR is permitted.

**Rubbish & Garbage.** The owner is responsible for all refuse and garbage removal. Rubbish & garbage management and storage shall conform to section 106-96.

**Signage.** Exterior advertising signs are prohibited, however an STR may display one non-illuminated accessory use freestanding or wall sign not to exceed four (4) square feet in area to identify the STR. The sign shall conform to the Signage Design Standards.

**Transfer.** STR permits may not be assigned, pledged, sold, or otherwise transferred to any other persons, businesses, entities, or properties, except to a spouse, parent, or naturally born/legally adopted child or sibling. If a permitted property is sold, the new owners shall submit a completed STR permit application, and nonrefundable STR permit application fee to the STR Permit Administrator within 30 days of the date of new ownership to continue operation as an STR.

**Validity.** STR permits shall be valid for up to one year. An STR permit issued in any given year will expire on January 31 of the next calendar year. All renewal permits shall run from January 31 of the year of issuance to January 31 of the following calendar year. If the permit is not renewed by the expiration date, the STR will be operating without a permit and subject to fines outlined in the Fine and Fee Schedule.

## **Application Forms.**

Application forms for an STR permit shall be developed by Village staff and authorized for implementation/revision by the Village Board.

## **Fee.**

A nonrefundable STR permit application fee shall be established by resolution of the Village of Saranac Lake Board of Trustees for each dwelling unit that functions as or contains at least one STR unit. Such permit fee shall be submitted with each new application and each annual renewal application. An application shall not be deemed complete unless the permit fee is received.

## **Application Process.**

The initial application to operate an STR shall include both a Special Use Permit application and an STR Permit application submitted to the Director. The Special Use Permit application will be reviewed by the Development Board. If the Special Use Permit is approved, the STR Permit application will be reviewed by the STR Permit Administrator. The two applications shall include the following:

Proof of Ownership in the form of a Deed or Land Contract.

Certificate of Authority to collect occupancy tax. Copy of the corresponding Franklin or Essex County Certificate of Authority to collect occupancy tax.

Contact Information. The names, addresses, email address(es), and day/night telephone numbers of the property owner(s), host or property manager. List the contacts in the order that should be contacted.

Description. A floor plan of each property, including the dimensions of all rooms, occupancy of each bedroom and the methods of ingress and egress (examples: doors and windows).

Site Plan. The applicant shall submit a plan of the property showing approximate property boundaries and existing features, including buildings, structures, driveway, the number and location of parking spaces, dumpsters or garbage receptacle locations, firepits, streets and neighboring buildings within ten (10) feet of the property line.

Hosting Platform Information. Names and URLs for all hosting platforms (including, but not limited to, Airbnb, VRBO, etc.), websites, social media platforms (including, but not limited to, Facebook and Instagram) used by the applicant for advertisement of the STR. Any changes or additions to this information shall be reported on the renewal permit application.

House Rules. A copy of the House Rules that will be posted.

Water and Sewer/Septic. The source of the water and sewer/septic service shall be stated on the application and the permit. Sewer/septic systems shall be functioning. The type, size, and location of the septic system (if applicable) shall also be stated on the application.

For Pre-Existing STR applications, submit proof of lawful operation as of January 31, 2023. Acceptable forms of proof include copies of occupancy tax payments, Certificate of Authority to Collect Occupancy Tax, or a dated screen shot of listing on an advertising platform.

For New STR applications, submit proof of residency. Acceptable forms of proof include a copy of a license or state-issued ID or voter registration.

## **Application Review.**

Upon receipt of the application and fee, the Director shall determine if the applicant has complied with all the requirements of this local law, the Development Code, and any applicable federal, state, county, or local laws. If the applicant has fully complied, then the Development Board may issue the property owner a Special Use Permit for an STR after a public hearing. Based on the approval of such a Special Use Permit, the STR Permit Administrator may issue a renewable STR permit. No more than one application for short-term rental new host-resident-owner will be permitted in a 30 day period.

## **Renewal Permits.**

A renewal permit application with the renewal application fee must be submitted to the STR Permit Administrator annually. Permit holders shall be able to apply for renewal permits from November 1 through January 15 and shall be allowed to continue to operate until a determination is made on their application. Any applicant who applies for an STR permit and did not hold a permit the immediate prior year, shall be considered an initial applicant and not a renewal applicant. The STR Permit Administrator may deny a renewal application based on noncompliance with the

regulations contained in this section or conditions of the Special Use permit, or upon failure of a fire safety inspection in any aspect of that inspection. The STR Permit holder may appeal the denial to the Development Board.

## **Inspections.**

No initial or renewal permits may be issued without all owners of the property signing an affidavit attesting to compliance with all required elements of the submitted application, and all fire, safety, and building codes, including, but not limited to;

There shall be one functioning smoke detector in each bedroom and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher, in the kitchen and at each primary exit. At least one carbon monoxide detector is required if a source of combustion is present in the STR.

Exterior doors shall be operational, and all passageways to exterior doors shall be clear and unobstructed.

Electrical systems shall be serviceable with no visual defects or unsafe conditions.

All fireplaces, fireplace inserts or other fuel-burning heaters and furnaces shall be vented and properly installed.

Each bedroom shall have an exterior exit that opens directly to the outside, or an emergency escape or egress window.

GFI's must be present in all kitchens and bathrooms.

After issuance of a Special Use Permit, the STR may be inspected by the Code Enforcement Officer to verify compliance with the New York State Uniform Fire Prevention and Building Code and all requirements of the Special Use Permit. An STR which is not in compliance with conditions of the Special Use Permit shall not receive an STR permit.

## **House Rules.**

STR properties shall post for renters of each STR unit a listing of House Rules. House Rules shall include, at minimum, the following:

**Camping.** Camping is not permitted.

**Commercial Use.** STR units shall not be permitted to be used for any other commercial use or commercial event space.

**Contact Information.** The names, addresses, email address(es), and day/night telephone numbers of the property owner(s)/manager(s).

**Description.** An emergency exit egress plan and the location of fire extinguishers. Identification of the property lines and a statement emphasizing that unit occupants may be liable for illegal trespassing.

**Fires.** If allowed by the property owner, instructions for fires in indoor fireplaces or wood stoves. If not allowed by the property owner, a statement to that effect.

**Noise.** Noise shall be kept at a reasonable level. Unreasonably loud, disturbing, and unnecessary noise should not occur, including during quiet hours between 10:00 p.m. and 7:00 a.m.

Parking. Parking shall be allowed solely in approved off-street or legal on-street parking spaces.

Pool. If the property has a pool, hot tub, or other swimming appurtenance [hereafter pool], a clear list of requirements related to use of the pool, including explanation of the use of any required barriers, barrier latches, alarms, electrical disconnects, etc.

Rubbish & Garbage. Identification of the procedures for disposal of rubbish and garbage.

## **Complaints.**

Complaints regarding noise of an STR shall be made to the Village of Saranac Lake Police Department.

Complaints regarding the operation of an STR shall be made in writing to the Code Enforcement Officer.

Upon receipt of a complaint of violation, the Code Enforcement Officer shall investigate to determine the presence of a violation. Upon finding that a violation was or is currently occurring, the Code Enforcement Officer shall issue a notice detailing the alleged violation(s) as determined in accordance with Village Code. Such notice shall also specify what corrective action is required, and the date by which action shall be taken. No renewal permit shall be issued until violation(s) are resolved.

## **Penalties for Offenses.**

Operation of an STR without a permit will result in fines outlined in the Fine and Fee Schedule. The Code Enforcement officer may bring a criminal or civil proceeding in Town Court for enforcement of this section.

## **Severability.**

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Village hereby declares that it would have enacted the remainder of this Law even without such part, provision, or application.

## **Effective Date.**

This local law shall become effective immediately upon its filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.