

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

SUBJECT: STR Cap and Exception to Cap Policy

Date: 11/11/2024

DEPT OF ORIGIN: Trustee Scollin & Trustee Brunette

Bill # 173-2024

DATE SUBMITTED: 11/7/2024

EXHIBITS: _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED:

AMOUNT
BUDGETED:

APPROPRIATION
REQUIRED:

SUMMARY STATEMENT:

Resolution adopting a policy for establishing a cap on new Short-Term Rental Permits and criteria for cap exemptions

MOVED BY: White SECONDED BY: Scollin

VOTE ON ROLL CALL:

MAYOR WILLIAMS no

TRUSTEE RYAN no

TRUSTEE WHITE yes

TRUSTEE SCOLLIN yes

TRUSTEE BRUNETTE yes

Resolution
RESOLUTION ADOPTING A POLICY FOR
ESTABLISHING A CAP ON NEW SHORT TERM RENTAL PERMITS
AND CRITERIA FOR CAP EXEMPTIONS

WHEREAS, in accordance with § 106-104.3 Short-term rentals of the Saranac Lake Development Code, the Board of Trustees sets the maximum number of STR permits allowed during any given period (the 'cap'); and

WHEREAS, the initial maximum number of STR permits that can be issued is ten; and

WHEREAS, the Board of Trustees desires to have a fair and consistent approach to determining where new STR permits may be issued within the overall cap that meets the objectives of the STR regulations; and

WHEREAS, once the cap is established exemptions to the cap may be granted by the Board of Trustees under special circumstances such as new construction and rehabilitation of a derelict or dilapidated building; and

WHEREAS, the Board of Trustees recognizes the value in establishing a policy for the fair and consistent review of cap exemption requests that meet the the objectives of the STR regulations.

THEREFORE, BE IT RESOLVED, the Board of Trustees hereby establishes the following policy for (1) determining in which zoning districts new STR permits may be issued and (2) granting of exceptions to the cap on short-term rentals permitted in a zoning district.

Village of Saranac Lake

Policy establishing new short term rental permits and criteria for cap exemptions

1. To comply with the STR Law's requirement for setting caps on STR permits, the Board of Trustees must:
 - Determine appropriate cap levels per zoning district.
 - Propose initial caps for new STR permits (excluding pre-existing STRs) in line with the current law's limitations, which restrict new permits to a maximum of 10 village-wide since the law's effective date.
2. The total number of new STR permits that may be issued between January 1, 2025 and December 31, 2025 is ten (10).
3. The criteria for determining the number of new STR permits that may be issued in each zoning district is set forth below:

STR PERMIT CAPS:

If there are currently no STRs / cap = 0

If there are less than 50 residential properties / cap = 0

Between 51-200 residential properties / cap = 1

Over 200 residential properties / cap = 2

Zoning District	Residential Properties	STR Units	Unlicensed * STR Units	Cap #
A1	NA	0	0	0
A2	51	4	0	1
A3	NA	0	1	0
A4	NA	0	0	0
A5	3	1	0	0
B1	NA	0	1	0
B2	4	2	1	0
B3	18	2	0	0
B4	30	3	3	0
C1	NA	0	0	0
C2	88	4	0	1
C3	NA	0	0	0
C4	NA	0	0	0

D1	139	8	5	1
D2	60	4	0	1
D3	NA	0	0	0
E1	19	2	0	0
E2	35	6	0	0
E3	31	5	2	0
F1	NA	0	0	0
F2	293	6	3	2
G	NA	0	1	0
H1	186	12	2	1
H2	1	1	0	0
H3	73	2	3	1
I	NA	0	1	0
J1	198	5	1	1
J2	NA	0	0	0
K1	NA	0	0	0
K2	125	13	3	1
K3	45	1	0	0
K4	NA	0	0	0
L1	NA	0	0	0
L2	NA	0	0	0
L3	NA	0	0	0
TOTAL	1527	81	27	10

*Compliance and Enforcement Required: There are currently 27 unlicensed.

Exemption Criteria

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 [106-104.3 C3.Short-term rentals]. **Exemptions are NOT to the law, but to the CAP.*

New Construction:

New construction is defined as the creation of a building or structure on a previously undeveloped lot, the complete reconstruction of an existing structure on its original footprint or an expanded footprint, or the addition to an existing building that results in an increase in habitable space, and which complies with the Development Code and NYS Building Code.

For purposes of this policy, new construction also includes projects that result in the creation of one or more new dwelling units not previously used for short-term rentals. The construction must comply with the Development Code and NYS Building Code and receive a certificate of occupancy.

Rehabilitation of a Derelict or Dilapidated Building:

Rehabilitation of a derelict or dilapidated building is defined as the comprehensive renovation work on a property deemed unsafe, or unfit for occupancy due to significant structural, or code deficiencies. Rehabilitation must address key elements of habitability, including structural integrity, compliance with the NYS Building Code, and modernization of essential systems (e.g., electrical, plumbing, HVAC). This work should aim to restore the property to a livable and visually improved state, contributing positively to the community.

For purposes of this policy, that applicant must demonstrate a substantive investment in bringing the building up to standards, as verified by documentation of repairs, inspections, and a certificate of occupancy upon completion.

The Board of Trustees will consider exceptions to the cap for a project when it meets one or more of the following criteria:

1. New construction. The construction of a new building that includes at least one (1) dwelling unit.
2. Addition. An addition to an existing building that includes the creation of at least one (1) dwelling unit and which results in the net addition of at least one (1) dwelling unit in the building.
3. Substantial improvement. The repair, alteration or addition of a building, the cost of which equals or exceeds 50 percent of the market value of the building, before the repair, alteration or addition is started, and which results in the issuance of a certificate of occupancy for at least one (1) dwelling unit in the building.
4. Repair or alteration of an unsafe building. The repair or alteration of a building or dwelling unit deemed unsafe and/or unfit for human occupancy by the Code Enforcement Officer and which results in the issuance of a certificate of occupancy for the building and at least one (1) dwelling unit in the building.

Procedure for Review

An application for an exception to the STR cap shall be submitted to the Community Development Department. The application should include information that demonstrates how the proposed project will meet one or more of the criteria. The Director shall submit a complete application to the Board of Trustees, which may, at its discretion, schedule a public hearing.

Decision

The Board of Trustees, after review of the application and consideration of comments received during the public hearing, may approve or disapprove the exception to the STR cap by resolution.

Applicability of Regulations

A project for which an exception to the STR cap is approved is subject to all applicable requirements of the Village of Saranac Lake Development Code and NYS Building Code. A special use permit and STR permit shall be issued before an STR may operate.

Expiration

An STR for which an exception has been approved shall receive a special use permit and STR permit within two years of the exception approval date after which the Board of Trustees may rescind the exception by resolution.