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August 22, 2018

To: Town Board

From: Sherry Howard

Subject: Permissive Referendum poll workers

I respectfully request the Putnam Valley Town Board authorize the Supervisor to approve the following hire poll workers for the Permissive Referendum on the leasing of the property behind the Highway Garage to Homeland Towers, LLC. They were hired after the original resolution was passed.

<u>Name</u>	<u>Position</u>	<u>Amount</u>
Nicholas Mitrano	Voting Machine Inspector	\$156.30
Carol Sukup	Table Inspector	\$140.70

BE IT ENACTED by the Town Board of the Town of Putnam Valley as follows:

**SECTION ONE**

§165-15.1 Short-Term Rentals

A. Findings. The Town Board of the Town of Putnam Valley has determined it is in the best interest of the Town and its residents to regulate short-term rentals. While the Town Board recognizes the benefits of short-term rentals allowing home-owners to supplement their income to defray the cost of housing and to provide lodging for visitors to the Town, the Town Board finds the use of a part of or the entire dwelling unit for short-term rentals is potentially inconsistent with the use of the dwelling unit for single family purposes. In order to protect the health, safety and welfare of the Town and its residents, it is necessary to restrict the rental of homes for terms shorter than 30 consecutive days, a practice which is growing in popularity with the advent of internet and social media-based programs that connect property owners and persons seeking short-term rentals. In addition, studies have shown that short-term rentals are linked to increases in rent and housing costs because rental units are taken off the market and used as short-term rentals. Units are going to short-term renters rather than to permanent residents which results in a decrease in available housing stock within the Town. The Town Board further finds that non-owner occupied short-term rentals are inconsistent with the use of a residence for residential dwelling purposes and inconsistent with single-family neighborhoods. The Town Board believes that the restrictions and requirements imposed herein further those objectives and the protection of the health, safety and welfare of the Town and its residents.

B. Definitions. As used in this section, the following words shall have the meanings indicated:

**OWNER**

An individual or group of individuals who are in possession of and have a fee interest in real property. The term "owner" shall not include entity corporation, limited-liability company, partnership, association, trustee, receiver or guardian of an estate, mortgagee, lien holder, or other business entity.

**OWNER-OCCUPIED**

A one-family or two-family house used by the owner as his or her or their domicile or principal residence.

**SHORT-TERM RENTAL**

An entire dwelling unit, or a room or group of rooms or other living or sleeping space, made available to rent, lease or otherwise assigned for a tenancy of less than 30 consecutive days. The term "short-term rental" does not include dormitories, hotel or motel rooms, inns or Tourist homes, as permitted and regulated by the Town of Putnam Valley Zoning Ordinance.

C. Permit required. It shall be unlawful to use, establish, maintain, operate, occupy, rent or lease any property as a short-term rental without first having obtained a short-term rental

permit.

D. Short-term rentals shall be permitted in all zoning districts subject to the requirements set forth in this section 15.1:

1. The parcel upon which the short term rental is located may not be less than half an acre in size and there shall be no more than two dwelling units located on the parcel. The dwelling units shall meet all zoning set back requirements, and parking requirements.
2. On parcels of one acre or more the dwelling unit(s) shall contain no more than a total of 5 bedrooms. On parcels of more than half an acre and less than one acre, the dwelling unit(s) shall contain a total of no more than four bedrooms.
3. The septic system shall comply with the present requirements of the Sanitary Code of the County of Putnam. Where records are inadequate to demonstrate this compliance, certification of a licensed engineer or architect attesting to said compliance shall be required.
4. Smoke detectors and carbon monoxide detectors shall be installed in each bedroom and hallway.
5. The structure complies with all applicable building and fire prevention codes and is otherwise in compliance with the Town Code.
6. The parcel is owner occupied as hereinabove defined. The short-term rental shall be for residential purposes only.

E. Permit Application

1. An application for a short-term rental permit shall be filed before the dwelling unit, or a room or group of rooms or other living or sleeping space within a dwelling unit, or any other space is advertised for short-term rental, and if the spaces are not advertised, then such permit shall be obtained before said space is leased or rented.
2. Issuance of a short-term rental permit requires submission of an application to the Building Department and payment of a processing fee in the amount of \$4,500.00 or such other amount as shall be set forth in the Town fee schedule as determined by resolution of the Town Board.
3. The form and content of the permit applications shall be as determined from time to time by the Building Department and shall contain such information and materials as the Building Department deems necessary to determine the sufficiency of the application. Such application shall contain, at a minimum:
  - i. Proof of receipt of New York State STAR Credit or STAR property tax exemption for the short-term rental property; and a survey of the property; a

copy of the deed for the property; and copy of utility bill in the owner's name.

- ii. (a) The property address; (b) the total number of dwelling units located within the building; (c) the total number of bedrooms and bathrooms inside the building; (d) the total number of dwelling units and individual bedrooms proposed for short-term rental use; (e) the location of each such dwelling unit or individual bedroom within the building; and (f) the number of persons to be accommodated in each short-term rental area; and
  - iii. A signed and notarized certification in a form acceptable to the Town Clerk by each property owner attesting to the fact that (a) the owner resides at the property and it is the owner's domicile (primary residence); (b) to the best of his knowledge the property is fit for human habitation and safe; (c) the property owner will comply with all of the conditions and restrictions of the permit; (d) no portion of the area used for short-term rentals will utilize a cellar or attic, or any portion of the building, as habitable space unless it meets the requirements of the International Fire, Residential and Building Codes or successor law; (e) to the best of his knowledge the property is in compliance with all the provisions of the International Series of Building Codes and the New York State Building Code as applicable; and (f) the required building permits and certificates of occupancy are in place for all existing structures on the property if applicable; and
  - iv. Such other information as the Town may require to prove the property is owner-occupied and safe for renters.
4. All permits issued pursuant to this section shall be for a period of three years and shall be renewable for subsequent three-year terms upon application, conformance with this section and payment of the permit fee.
  5. If the status of the information changes during the course of any calendar year, it is the responsibility of the owner to submit such changes to the Building Department in writing within 30 days of the occurrence of such change. Failure to do so shall be deemed a violation of this section.
- F. Inspection. Each short-term rental shall be inspected by the Building Department at the time of the initial application and prior to any permit renewal, to determine whether the short-term rental remains in compliance with this section and all other application provisions of the Town Code, the International Series of Building Codes and New York State Building Code as applicable. If the Building Inspector determines that the short-term rental space is not in compliance, the owner shall cease use of the dwelling unit as short-term rental until all noncomplying elements have been corrected and the owner shall apply for inspection with the Building Department, subject to an additional fee.
- G. Owner-occupancy. It shall be unlawful to use, establish, maintain operate, occupy, rent or lease any property as a short-term rental if the property is not owner-occupied. The property used as a short-term rental shall be the principal residence of the owner at all

times during the term of the permit.

H. No part of a short-term rental property shall be offered for use or used as a short-term rental that is not approved for residential use, including but not limited to, vehicles parked on the property, a storage shed, recreation room, trailer, garage, or any temporary structure such as a tent.

I. A short-term rental property shall not be rented for any commercial purpose, or any other purpose not expressly permitted under this section, such as concerts or weddings.

J. Presumptive Evidence. The presence or existence of the following shall create a rebuttable presumption that a property is being utilized as a short-term rental:

1. The property is offered for lease or rent on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO and similar websites; or
2. The property is offered for lease or rent by the use of any other advertising mechanism for a period of less than 30 days.

K. Revocation of a permit.

1. The grounds upon which a permit can be revoked shall include but shall not be limited to:
  - i. The permit was issued in error, or issued in whole or in part as a result of a false, untrue, or misleading statement on the permit application or other document submitted for filing, including but not limited to the schematic or certification; or
  - ii. A short-term rental permit has been issued and the owner fails to continue to occupy the premises on a continuous basis as his or her primary residence; or
  - iii. Use of the property as a short-term rental creates a hazard or public nuisance or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community.
  - iv. Failure to comply or violating the conditions of the permit.
2. Any permit issued pursuant to this section may be revoked or suspended by the Building Inspector, after written notice to the owner. Written notice shall be served by registered or certified mail, return receipt requested, and by regular mail, to the applicant at the address shown on the application. The notice shall describe the reasons why the Town is revoking the permit.

L. Appeals.

1. The Town Zoning Board of Appeals shall hear and decide appeals from any denial, suspension or revocation of a permit made by the Building Inspector.

2. Upon the denial, suspension, or revocation of a permit, the applicant may, within 10 business days after receiving written notice, file a request, in writing, upon the Zoning Board of Appeals for review of said decision by the Building Inspector. Notice of the date, place and time of the hearing shall be given in writing by mail to the applicant at the address shown on the application. In the event that demand for a hearing is not made within the prescribed time or in the event that the applicant does not timely appear for the hearing, the Building Inspector's decision shall then be final and conclusive. The applicant shall pay a fee for review of said decision by the Building Inspector in the same amount as the fee required for a zoning variance application.
3. The hearing shall commence no later than 30 days after the date on which the request was filed.
4. The applicant shall be given an opportunity to present evidence why such denial of application, or such suspension or revocation of the license, shall be modified or withdrawn. The Building Inspector or his or her designated agent may also present evidence. Upon consideration of the evidence presented, the Zoning Board of Appeals shall sustain, modify or reverse the decision of the Building Inspector or his or her designated agent.
5. In the event the applicant is not satisfied with the decision of the Zoning Board of Appeals, such aggrieved party may file an Article 78 Proceeding under the New York Civil Practice Law and Rules. The Article 78 Proceeding must be filed within 30 days of the filing of the Zoning Board of Appeal's decision with the Town Clerk of the Town of Putnam Valley and service of the same upon the applicant.

M. Violations. Any owner who fails to obtain the permit required herein, or otherwise violates any provision of this section shall be guilty of an offense which shall be punishable by a fine of not more than \$1,000.00 per offense. When a person has received written notice from the Building Inspector or has been served with a Summons and Complaint in an action to enjoin continuance of any violation, each day thereafter that he or she continues to be guilty of such violation shall constitute an additional, separate and distinct offense.

## **SECTION TWO**

Severability. The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

### **SECTION THREE**

Effective Date. This local law shall take effect immediately upon filing with the Office of the Secretary of State. Any short-term rental, as defined herein, in existence prior to adoption of this local law shall have 45 days to file an application to obtain a short-term rental permit and shall have until December 31, 2018 to receive such short-term rental permit, unless a delay is caused by the Building Department in not issuing said permit. Any short-term rental existing prior to the effective date that (a) does not meet the definition of short-term rental or (b) is a short-term rental, as defined, and does not file an application within 45 days of the effective date is deemed to be in violation of this local law and subject to enforcement.

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To: Town Board  
From: Frank DiMarco, Parks and Recreation  
Subject: Parks  
Date: August 22, 2018

Please approve the following additions/changes.

1. Justin Rivas, PV Children's Center @ \$10.40 hr.
2. Stacy Zwick, PV Children's Center @ \$10.80 hr.



To: Town Board  
From: Frank DiMarco, Parks and Recreation  
Subject: Refunds  
Date: August 22, 2018

Ronald Pino 5 Jay Road Cortlandt Manor, NY 10567	\$ 167.00 PVCC Moved out of district
William Godinho 100 Lake Drive Lake Peekskill, NY 10537	\$ 500.00 LPCC rental deposit Refund deposit
Clara O'Reilly 120 Nardin Road Lake Peekskill, NY 10537	\$ 500.00 LPCC rental deposit Refund deposit