

TOWN OF STANFORD
RESOLUTION NO. ___ OF 2025
TO INTRODUCE PROPOSED LOCAL LAW NO. 4 FOR THE YEAR 2025
AMENDING CHAPTER 164 OF THE TOWN CODE
TO ESTABLISH RULES AND REGULATIONS FOR
SHORT-TERM RENTAL ACCOMMODATIONS

At a meeting of the Town Board of the Town of Stanford (“Town Board”), held at the Town of Stanford Town Hall on the _____ day of _____, 2025, at 7:00 PM, Town Supervisor Wendy Burton called the meeting to order, and she, seconded by Councilperson _____, moved the following resolutions:

WHEREAS, a proposed Local Law has been prepared to amend the Town’s Zoning Code to provide rules and regulations for short-term rental accommodations both a principal and accessory use in all districts, for introduction pursuant to New York State Municipal Home Rule Law section 20 and eventual adoption pursuant to Chapter 164, Article XI of the Town Code and Sections 264 and 265 of the New York State Town Law; and

WHEREAS, the State of New York has adopted an act to amend the Real Property Law in relation to short-term residential rental of private dwellings in certain municipalities and which will preclude a municipality from creating its own short-term rental residential rental unit registry after the effective date of such act, on April 20, 2025; and

WHEREAS, the this proposed Local Law contemplates the creation of a local registry and the Town Board therefore wishes to enact this Local Law prior to the effective date of the State statute in order to preserved its local control of registration of short-term rentals; and

WHEREAS, adoption of the proposed Local Law is a Type I action, pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and 6 NYCRR Part 617.4, and

WHEREAS, the proposed action will not require permits and approvals from any other local, regional and State agencies, other than the Town Board prior to adoption of the proposed Local Law and therefore a coordinated SEQRA review is not required; and

WHEREAS, the Dutchess County Department of Planning & Development is required to review the proposed zoning amendment pursuant to GML §239-m and this review is considered an advisory opinion under SEQRA and therefore the Dutchess County Department of Planning & Development is not an Involved Agency under SEQRA and therefore not eligible to serve as Lead Agency in this action; and

WHEREAS, pursuant to section 164-56 of the Town Code the proposed Local Law must be submitted to the Town Planning Board for a report and recommendation thereon, and this review is considered an advisory opinion under SEQRA and therefore the Planning Board is not an Involved Agency under SEQRA and therefore not eligible to serve as Lead Agency in this action;

NOW, THEREFORE, BE IT RESOLVED, that following proposed Local Law is hereby introduced, to be known as Proposed Local Law No. 4 of 2025, entitled “A Local Law Amending Chapter 164 of the Town Code to Establish Rules and Regulations for Short-Term Rental Accommodations” to read as follows:

BE IT ENACTED by the Town Board of the Town of Stanford as follows:

Section 1. Legislative Intent. Chapter 164 of the Town of Stanford Town Code contains the Town’s regulations with respect to Zoning. The Town Board has determined that it is in the best interest of Town to allow short-term rental accommodations as a permitted principal or accessory use in all zoning districts and in compliance with certain requirements which are the subject of this local law, as defined in this local law. The Town Board now wishes to update the Chapter of the Town Code entitled “Zoning” accordingly.

Section 2. Supplementary Use Regulations for Accessory Dwelling Units. A new section "**§164-19.6 – Short Term Rental Accommodations,**" shall be added to the Zoning Law as follows:

§164-19.6 Short Term Rental Accommodations (STR).

- A. Purpose. The purpose of this section is to establish a set of regulations applicable to the short-term rental of residential real property in the Town of Stanford. These regulations are in addition to all other provisions of this Chapter. In the adoption of these standards, the Town Board of the Town of Stanford (the “Town Board”) find that short-term rental

accommodations have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full-time residents. The Town Board recognizes the benefits of short-term rental accommodations (“STR”) to allow homeowners to supplement their income to defray the cost of housing and to provide lodging for visitors to the Town. The Town Board finds that short-term rental accommodations have the potential to have a detrimental effect on affordable housing and economic diversity in the Town, by removing dwelling units from the long term rental market and driving up demand for the limited remaining housing supply. This can result in fewer available units and increased prices or rents for those units that are available. Special regulation of these short-term rental uses is necessary to ensure that they will be compatible with surrounding residential uses, protect the health, safety and welfare of Town residents and will not act to harm or alter the neighborhoods they are located within.

- B. **Presumption of Dwelling Unit as Short-Term Rental Accommodation.**
1. The presence of the following shall create a presumption that all or a part of the property is being used as an STR:
 - a. All or part of the property is offered for lease on a short- term rental website, including but not limited to Airbnb and VRBO, for a rental period of less than thirty-one (31) days; or
 - b. All or a part of the property is offered for lease for a period of thirty-one (31) days or less through any form of advertising.
 2. The foregoing presumptions may be rebutted by documentary evidence presented to the Building Inspector sufficient to show that the premises is not operated as a STR.
- C. **Zoning districts.** A Short-Term Rental Accommodation, as defined in §164-59, is permitted as either a principal or accessory use to a single family residence in all zoning districts in conformance with this section and all other applicable sections of the Zoning Law.
- D. **Commercial Nature.** An STR shall be considered a commercial use and, as such, the issuance of an STR Permit shall be considered a privilege granted by the Town and not a right of a property owner.
- E. **Standards.** An STR shall only be allowed subject to an application for an STR Permit issued by the Building Inspector, renewable on a biennial basis, and in compliance with the following standards:
1. **Permit Required.** Permits issued for STR shall be limited to a maximum of fifty-five (55) STR units within the Town on an annual basis. Applications will be accepted on a first-come, first serve basis until permits for fifty-five (55) units are issued. Subsequent applications will be placed on a wait list. If and when there are permits for fewer than fifty-five (55) units, the wait list will be utilized starting with the application that has been on the wait list the longest amount of time. Preference shall be given to applicants who are registered with Dutchess County prior to the effective date of this law. Such applicants already registered with the County prior the effective date of this law shall have 90 days from the effective date of this law to submit their application under the requirements of this section.

2. **Permit Term and Transferability.** Permits shall be issued to the owner of the parcel (“Permit Holder”) and are not transferrable or assignable. A Permit Holder is not eligible to possess more than one STR Permit. The Permit Holder’s STR permit may include more than one STR unit or more than one parcel owned by the Permit Holder. The term of a Permit shall be two (2) years.
3. **Submission.** The following shall be submitted to the building department in order to determine whether the proposed STR meets the requirements set forth herein:
 - a. A floor plan to scale of the dwelling or structure in which the STR is proposed, and the location of the proposed STR shown thereon. Dimensions shall be provided of the entire dwelling or structure and STR to determine compliance with the standards set forth herein.
 - b. Supporting documents, showing the location and size of the existing septic system and well, and the structures on the lot, both as they exist and as they would appear with the STR. Parking locations shall be shown.
4. **Application procedure and decision.**
 - a. **Application.** An applicant shall submit an STR application to the Building Inspector with a checklist attachment and other submissions establishing compliance with all the requirements for an STR.
 - b. **Fees.** A bi-annual fee shall be paid per STR unit for issuance and renewal of the STR permit, together with any other applicable fees as set forth, from time to time, in the fee schedule established and annually reviewed by the Town Board.
5. **Appearance and Character.** The premises shall be designed, maintained, and operated to preserve and complement the residential appearance of the site and the existing character of the surrounding area. There shall be no change permitted to the residential character of the outside appearance of the building.
6. **Responsible Party.** The Permit Holder, or an agent of the Permit Holder (“Agent”), must be available at all times to respond in person, on site, within one (1) hour of notification to any issues that may arise regarding the condition, safety, operation, or conduct of guests of the STR. The contact information for the Permit Holder and Agent, if any, shall be provided to the Town as part of the STR Permit Application at time of submission, and the Permit Holder shall update this contact information as needed during the term of the STR Permit to ensure it is accurate and up to date.
7. **Inspection Required.** A satisfactory inspection from the Building Inspector is mandatory prior to issuance or renewal of an STR Permit. The Applicant or Permit Holder shall arrange for and schedule such inspection directly with the Building Inspector and give reasonable access for inspections to be conducted to ensure compliance with the provisions of the Town of Stanford Code, the NYS Uniform Fire Protection and Building Code
8. **Department of Health Requirements.** The premises shall be in full compliance with the standards of the Dutchess County Department of Health. The Building Inspector may require the Town Engineer to review the STR Permit application to ensure that the septic and well are able to serve the premises adequately.
9. **County and State Laws.** The Permit Holder shall comply with all applicable requirements of Chapter 264, Article III of the Dutchess County Charter, Code and Ethics (Hotel Occupancy Tax) and Article 12-D of the Real Property Law of the State of New York (Short-Term Residential Units).

10. **Maximum Occupancy.** The maximum occupancy for an STR shall be determined by the septic capacity established by the Dutchess County Department of Health, not to exceed two (2) occupants per bedroom. Maximum occupancy for an STR does not include children under five (5) years of age.
11. **Location of STR.** An STR shall be limited to the principal dwelling or an accessory structure on the parcel, provided, however, that an STR may not be located in an Accessory Dwelling Unit (ADU) pursuant to Section 164-19.5 of this Code.
12. **Habitable space.** An STR shall not be located in a basement or an attic, except where said space is deemed habitable space as per the New York State Uniform Fire Prevention and Building Code.
13. **Registration Records.** The Permit Holder shall collect and preserve registration records for a minimum of three (3) years and may be requested to provide said records to the Building Inspector upon request.
14. **Parking.** An applicant seeking an STR Permit must demonstrate that there is area available in which to provide adequate off-street parking for the premises. A minimum of one (1) additional space per bedroom shall be provided for the STR, and parking shall be allowed in a location on the lot as required by the Zoning Law.
15. **Display of Permit.** A copy of the STR Permit must be prominently displayed within the interior of the STR during the duration of its validity. The availability of the STR to the public shall not be advertised on the premises. The STR Permit Number must be included in any listing.
16. **Guest Compliance with Town Code.** All guests of an STR are subject to the provisions of Section 164-15 of the Town Code and of the enforcement of Section 164-48. The Permit Holder is responsible for informing each guest of an STR of these provisions.
17. **Building Code.** Nothing in this Section is intended to supersede any of the provisions of the New York State Uniform Fire Prevention and Building Code, as may be amended from time to time. If any of the provisions herein conflict with the New York State Uniform Fire Prevention and Building Code, the New York State Uniform Fire Prevention and Building Code shall control. An STR shall not be approved or occupied except in compliance with all applicable federal, state and local laws, codes, rules and regulations and the Building Department shall have the right to periodically inspect the premises, upon reasonable notice to the owner, to ensure that all applicable laws and codes are being followed.
18. **Smoke and Carbon Monoxide Detectors.** There shall be one working smoke detector in each sleeping room and one additional smoke detector on each floor. Carbon monoxide detectors shall be installed as required by the New York State Uniform Fire Prevention and Building Code.
19. **Fire Extinguisher.** There shall be a Class B-C fire extinguisher on each floor and in the kitchen. Fire extinguishers shall be inspected prior to a renter occupying the property and no less than monthly by the Permit Holder to ensure each contains a full charge. A record of the date inspected, initialed by the Permit Holder, shall be maintained and made available to the Building Inspector upon request.
20. **Display of House Number.** The house number of the premises shall be displayed both at the road and on the dwelling unit so that the house number of the premises is clearly visible from both road and the driveway.

21. **Electrical System.** Electrical systems for the premises shall be in good operating condition, labeled, unobstructed and shall be visible for the Building Inspector during inspections. Any defects found shall be corrected prior to issuance of an STR Permit. A current boiler or furnace service report, including a record of the date inspected, initialed by the Permit Holder, shall be maintained and made available to the Building Inspector upon request.
22. **Insurance Standards.** All STR Permit holders must provide Evidence of Property Hazard Insurance and a Certificate of Liability Insurance indicating the premises is rated for Short-Term Rental Accommodations and maintain such insurance throughout the term of the STR Permit.
23. **Waste Removal.** Waste removal provisions shall be made for weekly garbage removal from the STR during rental periods. Garbage containers shall be secured with covers at all times to prevent leakage, spilling, or odors, and placed where they are not clearly visible from the road except at approximate pickup time.
24. **Contract Required.** STR guests and STR Permit holders must have a written rental contract, which includes the following:
 - a. Maximum property occupancy;
 - b. Maximum on-site parking provided;
 - c. A Good Neighbor Statement stating that STR guests must be considerate of the residents in neighboring homes;
 - d. All STR guests will be subject to New York Penal Law § 240.20 or any successor statute regarding disorderly conduct; and
 - e. Littering is illegal.
25. **Compliance and Penalties.** If the Building Inspector either witnesses or receives a written complaint of an alleged violation of this Section or a violation of the conditions of any STR Permit issued pursuant to this Section, the Building Inspector shall properly record such complaint and immediately investigate the report thereon. If the Building Inspector determines there is a violation of this Section, the owners shall be notified in writing by both first class mail and certified mail, return receipt requested of said violations and the Building Inspector may take any or all of the following actions:
 - a. Impose additional conditions to the existing STR Permit.
 - b. Suspend the STR Permit. The Notice of Suspension shall be provided to the property owner and a copy filed with the Town Clerk.
 - c. Require corrective action that remedies the violation(s). The corrective action must be completed and approved within 30 days of Notice from the Building Inspector or the owner risks revocation of the STR Permit.
 - d. Issue a court appearance ticket for violation of a Town law.
 - e. Revoke the STR Permit. If an STR Permit is revoked, all owners of the property on which the STR exists shall be prohibited from obtaining an STR Permit on the property for a period of one (1) year after the date of revocation. The Building Inspector shall send Notices of Revocation to the property owners and shall file a copy with the Town Clerk.
 - f. A property owner found not to be in compliance with any section of this law will be subject to a monetary civil fine in accordance with the schedule below, in addition to any and all applicable remedies and penalties found in Town Code that do not conflict with this section.

- i. A two hundred and fifty (\$250.00) dollar fine will be assessed for the first offense.
 - ii. A five hundred (\$500.00) dollar fine will be assessed for the second offense, if it occurs within a year of the first offense.
 - iii. A third violation within a year of the first offense will result in the revocation of the STR Permit.
- 26. Renewal of Permit.
 - a. STR Permits will automatically expire after a two (2) year term, but may be renewed prior to expiration for a subsequent two (2) year term by Permit Holders in good standing.
 - b. Renewal STR Permits will be granted for an additional 2-year term if the following conditions are met:
 - i. Application for renewal of the STR Permit shall be made no less than thirty (30), nor more than ninety (90) days prior to expiration of the current STR Permit and be accompanied by the renewal fee.
 - ii. At the time of application for renewal, the Permit Holder must present the previous STR Permit.
 - iii. The property must undergo a new inspection performed by the Building Inspector pursuant to the requirements of Subsection (7) above.
 - iv. Any violations must be remedied prior to renewal of an STR Permit.
- 27. Grounds for Suspension or Revocation of Permit. The Building Inspector may immediately suspend or revoke an STR Permit based on any of the following grounds:
 - a. Permit Holder has falsified or failed to provide information in the application for a permit or the application for STR Permit renewal.
 - b. Permit Holder failed to meet or comply with any of the requirements of this Section.
 - c. Permit Holder is in violation of any provision of the Code of the Town of Stanford.
 - d. Applicant has been found guilty by a court of law of a violation of any provision of the Penal Code of the State of New York, which violation occurred at the premises on which the STR exists, or is related to the occupancy of the STR.
 - e. Any conduct on the property on which the STR exists, which disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance.
 - f. Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.
- 28. Appeals and Hearings. The Permit Holder or owner of the premises is entitled to appeal a determination by the Building Inspector to the Zoning Board of Appeals in accordance with Section 164-51.

Section 3. District Schedule of Use Regulations. Under §164-8 – **District Schedule of Use Regulations, Subsection (E)**, the use "Short-Term Rental Accommodation in accordance with §164-19.6" shall be added and an entry of "P††" under the following categories: "CR," "AR," "RR," "RC" and "LR."

Additionally, the following provisions shall be added to the section entitled "Notes" at the end of §164-8 (E):

†† Shall be permitted either as a principal use or as an accessory use to the principal single-family residential use in the specified district.

Section 4. Definitions. The following definition shall be added to §164-59 - **Definitions**:

"Short-Term Rental Accommodation ("STR")- A single-family detached home or accessory structure, or portion thereof, offered for rent or lease for an occupancy of fewer than thirty-one (31) consecutive days, the rates for which include lodging only, and no other commercial services are offered. The term 'Short-Term Rental Accommodation (STR)' does not include Bed and Breakfast Establishment as regulated by the Town of Stanford Zoning Code. An Accessory Dwelling Unit (ADU) pursuant to Section 164-19.5 of this Code may not be used as an STR."

Section 10. Numbering for Codification. It is the intention of the Town of Stanford Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Stanford; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 11. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 12. Effective Date. This Local Law shall take effect as of the date of filing with the New York Secretary of State.

AND BE IT FURTHER RESOLVED, pursuant to the applicable standards of the SEQRA regulations contained in 6 NYCRR Part 617, the Town Board hereby declares itself Lead Agency for purposes of SEQRA for this Type 1 action; and

BE IT FURTHER RESOLVED, that the Town Board hereby adopts and authorizes circulation of a copy of Part I of the Full EAF, a copy of which is annexed hereto, pursuant to the requirements set forth in 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to refer the proposed Local Law to the Stanford Planning board for its report and recommendation pursuant to section 164-56 of the Town Code; and

The foregoing resolution was voted upon with all Board members voting as follows:

Wendy Burton, Supervisor _____
Nathan Lavertue, Councilperson _____
Julia Descoteaux, Councilperson _____
Eric Haims, Councilperson _____
Theodore Secor, Councilperson _____

Dated: _____, 2025
Stanfordville, New York

RITAMARY BELL, TOWN CLERK