



July 12, 2023

To: TOW Town Board

Re: Short Term Rental Law

The Town of Washington Conservation Advisory Commission (CAC) appreciates the opportunity to comment on the Town Board resolution dated June 8, 2023, and related Environmental Assessment Form regarding short term rentals (the "STR Resolution"). Our comments are consistent with the CAC's duty, as set forth in the local law establishing the CAC, to "advise the Town Board of the Town of Washington on matters affecting the preservation, development, and use of the natural and man-made features and conditions of the Town insofar as quality, ecological integrity, vistas, and other environmental factors are concerned." With that limited charge in mind, the comments below focus on the potential for noise pollution, water pollution, and other environmental factors.

We note that the STR Resolution would allow short-term rentals throughout the Town of Washington in dwellings that are not occupied by the owner. We think that much of the potential for environmental harm in the STR Resolution would be eliminated if short-term rentals were restricted to dwellings occupied by the owner or a representative of the owner, as the on-site resident would be in a position to immediately correct noise pollution, septic issues, water usage, campfire hazards, and other potential environmental harms which could have the potential to affect neighboring properties as well. We also think a more robust advance permitting process, one that gives the Town the right to turn down an applicant, would be an appropriate way to address these concerns, as explained below.

We also note that the maximum number of occupants in a short-term rental under the STR Resolution is a fixed number, 12, which may be well in excess of what the dwelling's septic and water systems were designed to handle and well in excess of what adjacent property owners expect. We think that this relatively high maximum number is likely to lead to noise pollution and other environmental concerns, especially if it is not tailored to the size of the dwelling or the surrounding location or the norm for the neighborhood and may have a diminishing effect on the natural and man-made environment presently enjoyed by the existing residents in that area.

The Town of Washington has a process for allowing short-term rentals in residential areas through the Bed and Breakfast (“B&B”) permitting process, which is more restrictive than the permit as of right approach adopted in the STR Resolution. By requiring owners to get a B&B permit in advance, neighbors and the Town can examine each property on a case-by-case basis to determine if the property has potential for noise pollution, septic issues, water issues, traffic and vehicular safety concerns, or other environmental concerns that are unique to the property. The CAC recommends that all short-term rentals be subject to an advance permitting process as a convenient and well-understood method of allowing limited commercial activities in specified residential areas. We do not understand why the Town would give up the right to stop a short-term rental business in an unsafe or environmentally sensitive location when other commercial activities are generally not permitted as of right in residential areas.

The CAC also is concerned that Section VII of the STR Resolution, which provides that the STR Resolution supersedes other TOW laws, will have unintended consequences. We think that short-term rentals should be subject to all TOW laws, including environmental laws and Section VII should be changed accordingly.

The CAC again appreciates the opportunity to provide these comments, and we hope they are helpful.

Sincerely,

Conservation Advisory Commission