

RED HOOK TOWN BOARD MEETING
December 22, 2021

A meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened by Zoom Videoconference due to COVID-19 pandemic stay in place rules at the Town Hall, 7340 South Broadway, Red Hook at 7:30 p.m.

Present: Supervisor Robert McKeon
Councilmember Christine Kane
Councilmember William Hamel
Councilmember Jacob Testa
Town Clerk Deanna Cochran
Also Present: Attorney Chris Chale
Michele Greig– Planning Consultant
Denis Collett - Moderator

Supervisor McKeon opened with the Pledge of Allegiance and reviewed the agenda.

Public Hearing- Local Law G-3 (Proposed) of 2021 Short-Term Rentals

On a motion of Supervisor McKeon seconded by Councilmember Kane to open the Public Hearing

Adopted	Ayes	4	McKeon, Kane, Hamel, Testa
	Nays	0	

Supervisor McKeon reviewed Local Law G3 (Proposed) of 2021 of short-term rentals.

Each speaker was given three minutes to speak, which was timed by the moderator. Public comment was heard as follows:

Bob Skapala spoke about how during this pandemic and during the holidays it is an inappropriate time to discuss this law. He does not understand the urgency.

Supervisor McKeon added as the law is written, it will allow six months for residents to come into compliance with the law.

Adrienne Truscott requested to speak on behalf of others. Supervisor McKeon explained that was not allowed. Truscott expressed her concerns as to the timing of this law. As the pandemic is still going on people are struggling financially and many people, like her, use STR's to make ends meet.

Norman Greig spoke about how STR's is just another home occupation that has a very little impact on the neighborhood. Regulating at this time seems inappropriate and will not help the housing crisis.

Sarolta Takács spoke on behalf of Vicky Perry. Vicky Perry submitted data pertinent to our local communities in favor of STR's and reiterated how inconsistent the law is.

Lisa Murray spoke in opposition to both the law and to the timing. There have been little complaints of STR's and this is the wrong time to attempt to pass a law of this nature. She added regulating STR's, especially when there is no lodging, is a poor decision for the Town.

Town Clerk Deanna Cochran read the names of the people who sent letters to the Town Board.

On a motion of Supervisor McKeon seconded by councilmember Hamel to close the Public Hearing.

Adopted	Ayes	4	McKeon, Kane, Hamel, Testa
	Nays	0	

Resolution Adopting a SEQRA Determination of Nonsignificance for Local Law No. G-3
Attorney Chris Chale reviewed the SEQR form for this proposed law.

On a motion of Supervisor McKeon seconded by Councilmember Kane to approve the LWRP findings and the CAF.

Adopted	Ayes	4	McKeon, Kane, Hamel, Testa
	Nays	0	

Attorney Chris Chale reviewed the Negative Declaration.

**TOWN OF RED HOOK
RESOLUTION NO. 87
DATED DECEMBER 22, 2021**

**RESOLUTION ADOPTING A SEQRA DETERMINATION OF NONSIGNIFICANCE
FOR LOCAL LAW NO. G-3 (PROPOSED) OF 2021**

WHEREAS, the Town Board of the Town of Red Hook is considering the adoption of Local Law No. G-3 (Proposed) of 2021, entitled **“Local Law No. G-3 (Proposed) of 2021; A Local Law to establish a new Chapter 112 of the Code of the Town of Red Hook to be known as ‘Short-Term Rentals,’ and to amend Chapter 143 of the Code of the Town of Red Hook, entitled ‘Zoning,’ regarding Short-Term Rentals and Home Occupations”** in the form on file with the Town Clerk (the “Local Law”); and

WHEREAS, on November 9, 2021, the Town Board classified the proposed action as a Type I action under the State Environmental Quality Review Act (“SEQRA”) and declared its intent to serve as lead agency in a review of the project, as it is the only involved agency; and

WHEREAS, the proposed Local Law will be applicable throughout the Town; and

WHEREAS, the Town Board has prepared a Full Environmental Assessment Form (“FEAF”) and Coastal Assessment Form (“CAF”) for the proposed action; and

WHEREAS, the Town Board has considered the criteria contained in 6 NYCRR 617.7 and thoroughly analyzed all identified relevant areas of environmental concern, including any disclosed in the FEAF and CAF; and

WHEREAS, the Town Board has revised the FEAF Part 1 and CAF regarding Local Law G-3 (Proposed), and has reviewed a draft FEAF Part 2, all in the forms on file with the Town Clerk; and

WHEREAS, the Town Board has reviewed a draft Notice of Determination of Non-Significance (Negative Declaration) in the form on file with the Town Clerk setting forth reasons supporting a determination that the proposed action will not have a significant adverse impact on the environment; and

WHEREAS, at its meeting held on December 6, 2021, the Planning Board recommended a finding that the proposed Local Law is consistent with the Town’s Local Waterfront Revitalization Program; and

WHEREAS, the Town Board has reviewed the proposed Local Law and its consistency with the Town’s Local Waterfront Revitalization Program, and has reviewed the Planning Board’s finding of consistency.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Red Hook, Dutchess County, New York (by the favorable vote of not less than a majority of all of the members of the Board) hereby

1. Adopts a negative declaration and determines that the proposed action will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared; and

2. Authorizes and directs the Town Clerk to distribute a copy of this resolution to all involved and interested agencies, the Town Supervisor, and any person that has requested a copy and to make all other filings required by law.

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021, and via in person meeting at the Town Hall, 7340 South Broadway, Red Hook on December 22, 2021, at 7:30 p.m., local time. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

PRESENT:

	Present	Absent
Supervisor Robert McKeon	Via Zoom	
Councilmember William Hamel	Via Zoom	
Councilmember Christine Kane	Via Zoom	
Councilmember Jacob Testa	Via Zoom	
[Vacant]		

ABSENT:

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Councilmember Kane, seconded by Councilmember Hamel, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 87
DATED DECEMBER 22, 2021**

**RESOLUTION ADOPTING A SEQRA DETERMINATION OF NONSIGNIFICANCE
FOR LOCAL LAW NO. G-3 (PROPOSED) OF 2021**

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilmember Christine Kane	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

**Resolution Authorizing Adoption by the Town Board of Local Law G-3 (Proposed) of 2021,
Regarding Short-Term Rentals**

Councilmember Kane thanked those who took the time to speak or submit written comments. She explained if the Town Board decided to wait to add this legislation, STR owners would be forced to pause their operations because operating STR's is technically illegal currently. Legalizing STR's will now give hosts the option to have the STR covered under their homeowner's insurance.

Councilmember Testa thanked all who took the time to participate and share their thoughts and encouraged people to continue to do so in the future.

Supervisor McKeon reminded everyone they can sign up for email or text notifications through the Town's website.

Councilmember Hamel discussed his participation with the Inter-Municipal Task Force and added he was uncomfortable with hosts operating STR's while they were still illegal.

Supervisor McKeon reminded everyone the Board is trying to find a balance between protecting neighbors and neighborhoods, supporting tourism and business, and preventing commercial activity in certain districts.

Attorney Chris Chale explained the resolution.

**TOWN OF RED HOOK
RESOLUTION NO. 88
DATED DECEMBER 22, 2021**

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF
LOCAL LAW G-3 (PROPOSED) OF 2021, A LOCAL LAW ADOPTED
REGARDING SHORT-TERM RENTALS**

WHEREAS, a proposed form of Local Law No. G (Proposed) of 2021 entitled "**A LOCAL LAW TO ESTABLISH A NEW CHAPTER 112 OF THE CODE OF THE TOWN OF RED HOOK TO BE KNOWN AS 'SHORT-TERM RENTALS,' AND TO AMEND CHAPTER 143 OF THE CODE OF THE TOWN OF RED HOOK, ENTITLED 'ZONING,' REGARDING SHORT-TERM RENTALS AND HOME OCCUPATIONS**" (the "Local Law") was presented to the Town Board of the Town of Red Hook at a regular meeting held on November 9, 2021; and

WHEREAS, the Proposed Local Law would establish new regulations regarding permits for short-term rentals and amend the Town of Red Hook Zoning Law in order to adequately regulate short-term rental uses in the Town of Red Hook, Dutchess County, New York; and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), a Full Environmental Assessment Form ("FEAF") and Coastal Assessment Form ("CAF") regarding the proposed Local Law, dated November 9, 2021, have been prepared and are on file with the Town Clerk; and

WHEREAS, on November 9, 2021, the Town Board reviewed the FEAF and CAF and classified the proposed action as a Type 1 action under the State Environmental Quality Review Act ("SEQRA") and declared its intent to serve as lead agency; and

WHEREAS, a resolution was adopted by the Town Board of the Town of Red Hook on November 9, 2021, setting a public hearing to be held by said Town Board on November 30, 2021 at 7:35 p.m., to hear all interested parties on said Local Law; and

WHEREAS, notice of said public hearing was duly advertised in the Poughkeepsie Journal, the official newspaper of said Town, on November 13, 2021, which was not less than ten days prior to the date of said public hearing, and

WHEREAS, a copy of Local Law G (Proposed) of 2021, was provided to the Planning Board, together with a copy of the EAF and CAF, for a report and recommendation thereon pursuant to Section 143-141 of the Zoning Law and, pursuant to Section 68-12(c) of the Town Code, for its recommendations regarding consistency with the Local Waterfront Revitalization Plan; and

WHEREAS, notice of the November 30, 2021 public hearing was sent to the clerks of adjacent municipalities; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, a copy of Local Law G (Proposed), together with a copy of the EAF and CAF, was referred to the Dutchess County Department of Planning and Development which responded on November 29, 2021, with comments regarding the proposed law; and

WHEREAS, on November 30, 2021, the Town Board held a public hearing regarding the proposed Local Law regarding the short-term rentals; and

WHEREAS, based on the Town Board's own study of the matter, review of comments from Dutchess County Department of Planning and Development, and information presented at such hearing, there was proposed and presented to this Board an amended form of such local law, referred to as Local Law G-1(Proposed) of 2021 entitled **"A LOCAL LAW TO ESTABLISH A NEW CHAPTER 112 OF THE CODE OF THE TOWN OF RED HOOK TO BE KNOWN AS 'SHORT-TERM RENTALS,' AND TO AMEND CHAPTER 143 OF THE CODE OF THE TOWN OF RED HOOK, ENTITLED 'ZONING,' REGARDING SHORT-TERM RENTALS AND HOME OCCUPATIONS"** in the form on file with the Town Clerk; and

WHEREAS, notice of said public hearing regarding Local Law G-1 (Proposed) of 2021 was duly advertised in the Poughkeepsie Journal, the official newspaper of said Town, on December 3, 2021, which was not less than ten days prior to the date of said public hearing, and

WHEREAS, a copy of Local Law G-1 (Proposed) of 2021 was provided to the Planning Board, together with a copy of the EAF and CAF, for a report and recommendation thereon pursuant to Section 143-141 of the Zoning Law and, pursuant to Section 68-12(c) of the Town Code, for its recommendations regarding consistency with the Local Waterfront Revitalization Plan; and

WHEREAS, notice of the December 14, 2021 public hearing was sent to the clerks of adjacent municipalities; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, a copy of Local Law G-1 (Proposed), together with a copy of the EAF and CAF, was referred to the Dutchess County Department of Planning and Development which responded on December 13, 2021, that it was a matter of local concern; and

WHEREAS, pursuant to Section 68-12(c) and Section 143-141 of the Red Hook Zoning Law, a copy of Local Law G-1 (Proposed), together with a copy of the EAF and CAF, was referred to the Town Planning Board which reviewed the matter at its December 6, 2021 meeting, recommended a finding that it is consistent with the Town's Local Waterfront Revitalization Plan and provided a report of such recommendation to the Town Board dated December 6, 2021, and the Planning Board further provided a report of its recommendations regarding the proposed amendments to the Zoning Law on December 13, 2021; and

WHEREAS, said public hearing was duly held on December 14, 2021 regarding Local Law G-1 (Proposed) at said time and all parties were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, based on the information presented at such hearings, including the comments of the Planning Board, and the Town's own study of the matter, there has been proposed and presented to this Board an amended form of such local law, to be referred to as Local Law G-3 (Proposed) of 2021 entitled **"A LOCAL LAW TO ESTABLISH A NEW CHAPTER 112 OF THE CODE OF THE TOWN OF RED HOOK TO BE KNOWN AS 'SHORT-TERM RENTALS,' AND TO AMEND CHAPTER 143 OF THE CODE OF THE TOWN OF RED HOOK, ENTITLED 'ZONING,' REGARDING SHORT-TERM RENTALS AND HOME OCCUPATIONS"** in the form on file with the Town Clerk; and

WHEREAS, the Town Board held a continued public hearing on December 22, 2021 at 7:35 p.m. regarding such further amended form of the local law referred to as Local Law G-3 (Proposed), and all parties were permitted an opportunity to speak on behalf of or in opposition to the proposed Local Law, or any part thereof; and

WHEREAS, on December 22, 2021, the Town Board adopted a negative declaration under SEQRA, determining that the proposed adoption of the Local Law will not have a significant adverse effect on the environment and that a Draft Environmental Impact Statement will not be prepared; and

WHEREAS, on December 22, 2021, the Town Board determined that Local Law G-3 (Proposed) is consistent with the Town’s Local Waterfront Revitalization Plan; and

WHEREAS, the Town Board finds that Local Law G-3 (Proposed) is consistent with the Town’s Comprehensive Plan; and

WHEREAS, the Town Board of the Town of Red Hook, after due deliberation, finds it in the best interests of the Town to adopt said Local Law G-3 (Proposed), in the form attached hereto.

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Red Hook as follows:

- 1. The Town Board hereby adopts said Local Law G-3 (Proposed) of 2021, now referred to as Local Law No. 6 of 2021, entitled **“Local Law No. G-3 (Proposed) of 2021; A Local Law to establish a new Chapter 112 of the Code of the Town of Red Hook to be known as ‘Short-Term Rentals,’ and to amend Chapter 143 of the Code of the Town of Red Hook, entitled ‘Zoning,’ regarding Short-Term Rentals and Home Occupations”** in the form attached hereto and made a part of this resolution; and
- 2. The Town Clerk hereby is directed to enter said local law in the minutes of this meeting and in the Town Code of the Town of Red Hook, to give due notice of the adoption of said local law to the Secretary of State of New York, and to take all other actions as may be required by law.

11-30-21-G412 13 21 G3 rev

Local Law Filing

NYS DEPARTMENT OF STATE
DIVISION OF CORPORATIONS, STATE RECORDS AND
UNIFORM COMMERCIAL CODE
ONE COMMERCE PLAZA, 99 WASHINGTON AVENUE
ALBANY, NY 12231.

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Red Hook

Local Law No. G-~~4~~3 (Proposed) of 2021

A local law to establish a new Chapter 112 of the Code of the Town of Red Hook to be known as “Short-Term Rentals,” and to amend Chapter 143 of the Code of the Town of Red Hook, entitled “Zoning,” regarding short-term rentals and home occupations

Be it enacted by the Town Board of the Town of Red Hook as follows:

SECTION 1. LEGISLATIVE INTENT.

The purpose of this law is to amend the Red Hook Town Code in order to regulate short term rentals. The law establishes new regulations regarding permits for short-term rentals and amends the Town of Red Hook Zoning Law in order to adequately regulate short-term rental uses.

The use of short-term rentals as an alternative to traditional lodging has increased in the nation and in the region in recent years, and many tourists now seek accommodations in short-term rentals via various website platforms. Short-term rentals can offer an alternative means of income for some property owners, but they also have the potential to adversely impact community character by allowing what are effectively lodging uses without permits or approvals and in buildings and in areas where lodging may not be permitted. The presence of short-term rentals can also lead to the reduction of affordable housing supply by removing dwelling units from the 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.

This law will authorize certain short-term rental uses as a permitted use in the Town subject to certain conditions and approvals. This law will prohibit short-term rental uses in areas of the where they are incompatible with the existing uses and neighborhood characteristics. By limiting the type and location of short-term rentals, and by requiring them to undergo review and receive approval by Town authorities, this law addresses negative impacts associated with these uses and will promote public safety, health, and welfare. Requiring a permit for short-term rentals will discourage unsafe structures from being rented to transient visitors by requiring that they comply with applicable codes and implement certain safety measures.

SECTION 2. ADOPTION OF NEW CHAPTER 112, ENTITLED, “SHORT-TERM RENTALS.”

§ 2.1. A new chapter 112 is hereby inserted into the Code of the Town of Red Hook to read as follows:

Chapter 112. Short-Term Rentals

§ 112-1. Purpose

The purpose of this chapter is to regulate short-term rentals (STRs) within the Town of Red Hook in a manner that protects the public health, safety, and welfare. This chapter describes procedures for obtaining a permit for STRs and is intended to operate in conjunction with the regulations of Town of Red Hook Code Chapter 143, “Zoning.”

§ 112-2. Definitions

Terms used in this section shall have the meanings given in Chapter 143 of the Code.

§ 112-3. Annual Operating Permit, Application

- A. It shall be unlawful for any person to operate an STR, including any hosted STR, un-hosted STR or farm stay STR, within the Town of Red Hook without having obtained an annual operating permit for such purpose in accordance with the provisions of this chapter, and without having obtained requisite planning and zoning approvals under Chapter 143, Zoning, if any. A once per year exception is provided in § 112-4. Any applicable planning and zoning approvals must be granted prior to the issuance of an annual operating permit.
- B. Subject to the conditions set forth in this chapter, a property owner may obtain an annual operating permit where such use is permitted in the Zoning District by Chapter 143 subject to the conditions of Chapter 143.
- C. All annual operating permits shall expire on December 31 of the year in which they are issued, except that annual operating permits approved in 2022 shall expire December 31, 2023. A property owner may apply for renewal for the following calendar year within three months prior to the expiration date.
- D. Any person desiring to operate an STR shall make a written application for an annual operating permit to the Zoning Enforcement Officer. The application for an annual operating permit shall be made on forms provided by the Town of Red Hook and shall include the information required by this chapter and at least the following:
 - 1) Name, mailing address, phone number, and email address of property owner.
 - 2) Except for a farm stay STR, certification that the property is the owner’s primary residence.

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- 3) Physical address and Tax Map ID number of the STR property and proof of ownership (current deed or latest property tax record).
 - 4) The application shall state whether there are any home occupations (and whether Class 1 or Class 2) or accessory dwelling units located on the property.
 - 5) Floor plan showing all bedrooms in the dwelling and identifying those to be used as an STR, indicating the square footage and ceiling height of bedroom(s) to be used as an STR and indicating location of two means of egress from each bedroom.
 - 6) Number of bedrooms proposed to be rented.
 - 7) Sketch map sufficient to show the location of all available off-street parking on the lot. (A single-family dwelling requires two (2) off-street parking spaces; each rented room of an STR requires an additional space.)
 - 8) Certification that the STR contains a functioning smoke detector and two safe means of ingress/egress for each rented bedroom as well as a functioning CO detector and functioning fire extinguisher on each floor.
 - 9) For any STR other than a hosted STR, a designated local contact if the property owner is not staying within 15 air miles of the Town of Red Hook at the time the property is rented or the name, address and telephone of the property owner’s temporary lodging within 15 air miles. The local contact shall be a person 18 years of age or older and shall be able to respond to an emergency or complaint at the property in a timely manner, not to exceed one hour.
 - 10) The application shall be signed by the property owner.
 - 11) Payment of the applicable permit fee in accordance with the fee schedule established and periodically reviewed by resolution of the Town Board.
- E. In addition to the application and information required pursuant to subdivision D above, an applicant for an annual operating permit shall provide the following documentation along with the application:
- 1) Hotel Occupancy Tax. For any renewal application, evidence of payment of the Hotel Occupancy Tax required by Dutchess County for the prior fiscal year shall be submitted.
 - 2) Proof of Primary Residence: Primary residency shall be verified by one of the following:
 - a. Confirmation by the Assessor which may be based on the then current eligibility of the property for the STAR (School Tax Relief) property tax exemption or credit; or
 - b. Other satisfactory evidence that the property meets the primary residence criteria.
 - 3) The Building Inspector shall verify that the property is consistent with the application including the requirements of Section 112-3(D)(5), (6), and (7).

§ 112-4. Registration of Once per Year Exception for Un-Hosted Registered STR

- A. In all zoning districts, as established by the Town of Red Hook Zoning Map in Chapter 143, property owners who have registered with the Town of Red Hook are permitted to rent out their primary residence as a registered STR a maximum of one (1) time per calendar year (for a period of fewer than 30 days) without an annual operating permit. The registered STR must comply with all other provisions of this Chapter, including the use regulations listed at § 112-5 and the Zoning Law.
- B. Only one such registration shall be permitted per calendar year per property. Registration is required each year the home is rented. An owner may not hold a registration under Section 112-4 and an annual operating permit under Section 112-3 at the same time.
- C. A property owner wishing to register under this section must submit an application with the information required at § 112-3(D) as well as the following:
 - 1) Dates the STR property will be rented.
 - 2) Maximum number of guests in total in the STR.

§ 112-5. STR Operating Standards and Supplemental Regulations. The following regulations apply to all STRs including those requiring an annual operating permit under § 112-3 and those requiring registration for the once per year exception under § 112-4.

- A. Only the owner of the property containing a proposed STR may apply for and operate an STR.
- B. Except for farm stay STRs, a property owner may only operate an STR on the parcel where their primary residence is located and may only operate an STR on one parcel in the Town.
- C. Annual operating permits for an STR and registrations for a registered STR are specific to the designated owner and property and cannot be transferred to other owners or properties.
- D. Neither an annual operating permit nor a registration shall be issued to any owner or for any property with an outstanding notice of violation under the Town of Red Hook Code, nor to any owner or property with a permit or registration that was suspended or revoked and remains uncured, or that was suspended or revoked two or more times during the two-year period preceding the year applied for.
- E. If the structure to be used as the STR is the subject of a pending building permit or does not have a current certificate of occupancy, the building inspector may require an inspection for compliance with applicable requirements of the NYS Uniform Fire Prevention and Building Code.
- F. The parking spaces required by the Zoning Law must be available for use by the short-term rental tenants.

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- G. All STRs shall comply with all applicable provisions of the Town Code.
- H. The owner of an STR shall provide the permit or registration number of the STR, and the name and contact number of the property owner and (where required) the local contact (i) in any rental confirmation provided to a prospective occupant; (ii) in a written posting at the premises; (iii) in any advertising or listing, the permit or registration number only; and (iv) to any adjacent landowner upon request.
- I. STR owners shall post a copy of the following in an open and conspicuous place in the rental unit that shall be readily visible to all guests:
 - 1) STR Permit or Registration Number;
 - 2) A copy of Chapter 92 (Noise) of the Code.
 - 3) A safety/egress plan shall be posted in a visible location inside the STR and on the back of each bedroom door offered for rent.
 - 4) A property map (either a survey of the property or a tax map printed from Dutchess County Parcel Access) depicting property boundaries and notice to guests not to trespass on neighbors' property.
 - 5) Information identifying location of easily accessible solid waste and recycling facilities, and pickup date(s).
- J. Facilities to handle solid waste, including recycling, shall be made available to STR guests and shall be easily accessible, secure and screened from adjacent properties. Failure to adequately provide for and dispose of refuse shall be a violation of this chapter.
- K. Except for farm stay STRs, ~~and except for Hosted STRs limited to one bedroom (which limit must be stated in the application and permit) may be rented not more than an aggregate of 210 days per year and all other~~ no-STRs may be rented not more than an aggregate of 120 days per year. (This restriction is not applicable to registered STRs which are limited to a maximum of one (1) time per calendar year for a period of fewer than 30 days).
- L. Each STR owner shall be required to maintain a record of all STR rentals, which shall be available for inspection by the Zoning Enforcement Officer upon request. The record shall be a true and accurate record of the use of the STR and shall include the dates and total number of days rented, number of bedrooms rented, and number of guests. Each owner shall retain such records for at least three (3) years.
- M. Occupancy Taxes. The property owner shall be responsible for payment of the Hotel Occupancy Room Tax to Dutchess County either directly or through Airbnb or other platforms if applicable, and for collecting and remitting all applicable occupancy and sales taxes required by state law and/or County local law. Failure to pay all required taxes shall be a violation of this Chapter. The Town may transmit permit and registration information to Dutchess County for enforcement purposes.

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§ 112-6. Enforcement and Administration

- A. Violations. Any of the following shall constitute a violation of this chapter:
- 1) Failure to comply with any provision of this Chapter.
 - 2) Advertising or listing an STR without a valid permit or registration, or without including the permit or registration number on the advertising or listing, or advertising or listing an STR for a greater occupancy than permitted.
 - 3) Operation of an STR without a valid permit or registration or for a greater occupancy than permitted.
 - 4) Failure to properly display a valid annual operating permit or registration or the required safety/egress plan, waste management plan, copy of Chapter 92 (Noise), and property map when required by Chapter 112.
 - 5) Fraud or misrepresentation with respect to any information provided to the Town in connection with the STR application or its operation.
 - 6) Violation of Chapter 92, Noise.
 - 7) Activity at the property that creates a public nuisance, or otherwise constitutes a danger to the public health, safety, welfare or morals.
- B. Suspension or Revocation of a Permit or Registration
- 1) A notice of violation may be issued by the Zoning Enforcement Officer or Building Inspector for any violation of Chapter 112. The notice of violation shall describe the violation and require the permit holder to immediately correct the violation or cause the violation to be corrected.
 - 2) The notice of violation shall be provided to the permit holder by personal service, by regular mail to the address submitted with the permit application, or by posting at the STR.
 - 3) Failure to correct the violation or cause the violation to be corrected shall be grounds for immediate suspension or revocation of the permit or registration.
 - 4) A permit holder shall be entitled to request a hearing on suspension or revocation before the Town Supervisor or other hearing officer designated by the Supervisor, upon application made to the Town Clerk demonstrating that the permit holder was not in violation of the permit. Any suspension or revocation remains in effect unless modified by the hearing officer. The hearing officer shall hold a hearing to determine whether to reverse the suspension or revocation within 30 days of written request.
 - 5) Notwithstanding the above, in the event the enforcement officer determines that the STR is unsafe and presents an immediate hazard to those on the premises, they may immediately suspend an annual operating permit or registration.
- C. Enforcement
- 1) The requirements established by this chapter shall be administered and enforced by any law enforcement agency that has jurisdiction in the Town of Red Hook ("police officers"), the Town of Red Hook Zoning

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Enforcement Officer, Code Enforcement Official/Building Inspector and Town Attorney or his/her designee and such other employees and/or officials authorized by the Town Board.

- 2) In addition to any administrative remedy, pursuant to the provisions of Municipal Home Rule Law, § 10, Subdivision 4(a), and the Criminal Procedure Law, § 150.10, Police Officers, the Zoning Enforcement Officer and Code Enforcement Official/Building Inspector of the Town of Red Hook are hereby authorized to issue and serve appearance tickets, as defined in the Criminal Procedure Law, returnable in Town Court of the Town of Red Hook, when he or she has reasonable cause to believe a person has violated, in his or her presence, Chapter [112](#) of the Code of the Town of Red Hook, entitled "Short Term Rentals," and to prosecute the violation in Town Court.

- D. Penalties for offenses.
- 1) Violation of any provision or requirement of this chapter or violation of any statement, application, permit, or registration approved under the provisions of this chapter shall be considered an offense punishable by a fine of not more than \$350 and/or imprisonment for not more than six months for a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$350 nor more than \$700 and/or imprisonment for not more than six months; and upon conviction for a third or subsequent time within a period of five years, punishable by a fine of not less than \$700 nor more than \$1,000 and/or imprisonment for a period of not more than six months.
 - 2) The owner, agent, or operator of a building, premises or part thereof where such violation has been committed or does exist and any agent, corporation or other person who commits, takes part or assists in such violation shall be individually liable for such an offense. All such penalties shall be collectible by and in the name of the Town. Each and every week that any such violation continues after notification that such violation exists shall constitute a separate chargeable offense. Such initial notice and subsequent weekly notice shall be given in accordance with [§ 112-B](#) herein.
 - 3) Conviction of a violation of this chapter shall constitute and effect an immediate forfeiture of any permit or registration hereunder held by the person so convicted.
 - 4) Without limiting any other remedy, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this chapter.

SECTION 3. AMENDMENTS TO ARTICLE I OF THE ZONING LAW, ENTITLED, "GENERAL PROVISIONS"

§ 3.1. Section 143-4B of the Code is hereby amended by the addition of the following new definitions:

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PRIMARY RESIDENCE – Primary residence shall be the domicile of the owner applicant. The property must be owned by the natural person or persons who occupy the home as their primary residence except that (i) if legal title to the property is held by one or more trustees, the beneficial owner or owners are considered to own the property for purposes of this exemption, (ii) a farm dwelling that is held in the name of a business corporation, limited liability company, or a partnership is eligible, provided such dwelling serves as the primary residence of a shareholder or one of the partners, and (iii) a married couple may receive a permit or registration for no more than one residence unless they are legally separated. No other form of ownership shall be eligible for a permit or registration under this chapter.

SHORT-TERM RENTAL (STR) – The accessory use of a structure whereby overnight accommodation is provided for transient occupancy for compensation, whether monetary or otherwise, for fewer than 30 consecutive days/nights. This term does not include boardinghouses or rooming houses. The following are types of short-term rentals:

- (1) FARM STAY STR – An STR, whether hosted or un-hosted, on property in the AB District and which may include an adjacent RD3 or RD5 parcel operated as part of the same farm subject to the conditions set forth in this chapter.
- (2) HOSTED STR – An STR where the property owner is present on the premises overnight with their guest(s).
- (3) REGISTERED STR – An un-hosted STR within a detached single-family dwelling which is the primary residence of the owner thereof, when used only once per year and registered in accordance with Chapter 112 of the Code.
- (4) UN-HOSTED STR – An STR where the property owner is not present on the premises overnight with their guest(s). This term includes house swaps, home exchange, or similar temporary use of a home. Un-hosted STR does not include a farm stay STR otherwise permitted by this Chapter.

§ 3.2. Section 143-4B of the Code is hereby amended by deleting the definition of “Bed-and-Breakfast Establishment” in its entirety.

§ 3.3. Section 143-4B of the Code is hereby amended by amending the definition of “Home Occupation” in its entirety to read as follows:

HOME OCCUPATION – Any limited personal service, professional service or business use customarily conducted within a dwelling or customary accessory building and carried on by the residents thereof, which is clearly incidental and secondary to the use of the premises for residential purposes and does not alter the residential character thereof, and which use shall be fully consistent with the use limitations stated in § 143-32 of this chapter. The term “home occupation” shall include the provision of day-care services for four or fewer children who are not residents of the dwelling. The term “home occupation” shall not include boardinghouses, rooming houses, or short-term rental as defined herein.

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§ 3.4. Section 143-4B of the Code is hereby amended by deleting the definition of “Lodging” in its entirety and substituting in lieu thereof the following new definition of “Lodging:”

LODGING – One or more structures where overnight accommodation is provided for transient occupancy for compensation in accordance with § 143-92 of this Chapter, but excluding boardinghouses, rooming houses, and short-term rentals.

SECTION 4. AMENDMENTS TO ARTICLE III OF THE ZONING LAW ENTITLED “USE REGULATIONS”

§ 4.1. Section 143-11A of the Code is hereby amended by replacing the District Schedule of Use Regulations, attached to the existing Code as 143 Attachment 1, with an amended and restated “143 Attachment 1, District Schedule of Use Regulations,” annexed hereto as Attachment A.

SECTION 5. AMENDMENT TO ARTICLE V OF THE ZONING LAW, ENTITLED, “SUPPLEMENTARY REGULATIONS”

§ 5.1. Section 143-26B(1)(a) of the Code is hereby amended by deleting the following text
“Boardinghouse or rooming house or bed- 1 per guestroom, plus required spaces for occupants
and-breakfast establishment of other dwelling units on premises;”

and inserting the following new language in its place:

“Boardinghouse or rooming house or short- 1 per guestroom, plus required spaces for occupants
term rental (but excluding registered STR) of other dwelling units on premises.”

§ 5.2. Article V (Supplementary Regulations) of Chapter 143 of the Code is hereby amended by inserting a new Section 143-32.1 to read as follows:

§ 143-32.1. Short-Term Rentals

Hosted STR and un-hosted STR uses are subject to the following regulations in addition to all other requirements of the Code.

- A. An STR is allowed only as an accessory use to a single-family detached dwelling. The single-family dwelling must be the primary residence of the property owner.
- B. A maximum of 2 guests are permitted per bedroom (children under 6 years of age shall not count towards this maximum).
- C. An STR shall not be permitted in addition to an accessory dwelling unit or Class 2 home occupation. Only one Class 1 home occupation is permitted on the same parcel as an STR.

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~~D. STRs are only permitted on a parcel that meets the minimum lot area specified for the District (even if the development is clustered).~~

~~E.~~ An STR shall only be used for overnight accommodations for transient residential occupancy. Activities other than residential occupancy (such as events, gatherings, luncheons, banquets, parties, weddings, meetings, or similar activities) are not permitted. No restaurant may be operated, and no meals may be prepared or served to guests other than to rental occupants of the STR. Meals served to permitted occupants of the STR as in a typical “bed and breakfast” are permitted.

~~E.F.~~ No recreational vehicle, bus, camping or travel trailer, or temporary housing, including but not limited to a tent or treehouse, shall be used as an STR. Outdoor storage of recreational vehicles, buses or trailers, including those driven by guests, shall be consistent with all applicable provisions of the Zoning Law, including but not limited to § 143-42 thereof.

~~G.F.~~ The STR shall not exceed the number of bedrooms that are shown in the approved certificate of occupancy or for preexisting occupied structures, the property tax record, or shall otherwise demonstrate compliance with all applicable requirements of the Dutchess County Sanitary Code including issuance of and compliance with any required approval or permit of the Dutchess County Department of Behavioral and Community Health regarding on-site sanitary sewage or water supply facilities.

~~H.G.~~ Off-street parking shall be provided in accordance with § 143-26 of this chapter and shall be located on the parcel on which the STR is located.

~~H.I.~~ A short-term rental shall be incidental and secondary to the use of the dwelling unit for residential purposes. It shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their residential premises, and does not alter the residential character of the property or the neighborhood. No alteration to either the exterior or the interior of any principal dwelling shall be made that changes the residential character and appearance of the premises.

~~H.J.~~ All STRs require an Annual Operating Permit from the Zoning Enforcement Officer pursuant to Chapter 112 of the Town Code prior to the commencement of the accessory use, with the exception of the registered STR which shall require registration in accordance with Chapter 112D.

~~J.K.~~ Other licensing requirements administered by the Dutchess County Department of Behavioral and Community Health applicable to bed-and-breakfast establishments as such term is used in the county code shall be satisfied.

~~L.K.~~ A hosted or un-hosted STR is permitted only for a maximum of four (4) bedrooms located within a detached single-family dwelling or an aggregate of not more than

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four (4) bedrooms a portion of which are located within a detached single-family dwelling and not more than two of which are located in an accessory dwelling unit located on the same parcel, subject to the requirements of § 143-32.1G, provided that R1.5, R1 and H Districts are limited to a maximum of one hosted bedroom as an STR. For a hosted STR, at least one bedroom shall be retained for the exclusive use of the property owner(s).

§ 5.3. Section 143-39.1C(2)(f) of the Code is hereby amended by deleting the text of subsection [3] therein and inserting the following: “Reserved.”

§ 5.4. Section 143-39.1C(2) of the Code is hereby amended by inserting the following new subsections (l) ~~and~~, (m) ~~and (n)~~ and redesignating the current subsection (l) as subsection (no), as follows:

(l) Farm stay STRs ~~are permitted as an accessory use~~ on a parcel within the AB Zoning District subject to the provisions of this subsection:

(i) A maximum of four (4) bedrooms located within or accessory to a primary residence, and an additional four (4) bedrooms in one or more accessory structures, up to an aggregate of eight (8) bedrooms may be permitted, subject to the same requirements set forth in § 143-32.1G.

(ii) A portion of the bedrooms permitted for a farm stay STR may be located on one or more parcels that are within the AB Zoning District, or on parcels within the RD3 or RD5 Zoning District ~~that meet the minimum lot area specified for such RD3 or RD5 District (even if the development is clustered)~~, and which parcel or parcels share a common boundary with the AB Zoning District parcel, and provided such farm stay STR is operated as part of the “farm” use as defined by this chapter which is conducted on the parcel in the AB Zoning District.

(iii) A farm stay STR is subject to the receipt of an annual operating permit pursuant to Chapter 112 of the Code.

(iv) A farm stay STR shall only be used for overnight accommodations for transient residential occupancy. Activities other than residential occupancy (such as events, gatherings, luncheons, banquets, parties, weddings, meetings, or similar activities) are not permitted as part of the STR. No restaurant may be operated, and no meals may be prepared or served to guests other than to rental occupants of the farm stay STR. No recreational vehicle, bus, camping or travel trailer, or temporary housing such as a tent or treehouse shall be used as a farm stay STR. Outdoor storage of recreational vehicles, buses or trailers, including those driven by guests, shall be consistent with all applicable provisions of the Zoning Law, including but not limited to § 143-42 thereof.

(v) The farm stay STR shall not exceed the number of bedrooms that are shown in the approved certificate of occupancy or for preexisting occupied structures, the property tax record, or shall otherwise demonstrate compliance with all applicable requirements of the Dutchess County Sanitary Code including issuance of and compliance with any required approval or permit of the Dutchess County Department of Behavioral and Community Health regarding on-site sanitary sewage or water supply facilities.

(vi) Off-street parking, provided in accordance with § 143-26 of this chapter, shall be located on the parcel on which the farm stay STR is located.

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- (vii) A maximum of 2 guests are permitted per bedroom (children under 6 years of age shall not count towards this maximum).
- (m) Registered STR once per year subject to registration pursuant to Chapter 112 of the Code.
- (n) Other uses customarily incidental to the permitted or special permitted use and located on the same lot.

§ 5.5. Section 143-49.1H(1)(b) is hereby amended to read as follows:
 Accessory uses and home occupations. Accessory uses and Class 1 home occupations are permitted in conformance with § 143-32, excluding outdoor display or storage for commercial uses with the exception of a retail business, which may be permitted to have a temporary display of store merchandise on its sidewalk frontage during business hours as long as such display does not occupy the sidewalk. Hosted STRs are permitted accessory uses, subject to the provisions of § 143-32.1 (Short Term Rentals), and the receipt of an annual operating permit pursuant to Chapter 112 of the Code. Hosted STRs shall be exempt from site plan review. Un-hosted STRs are not permitted. Registered STRs are permitted only once per year subject to registration pursuant to Chapter 112 of the Code.

§ 5.6. Section 143-49.1H(2)(b) is hereby amended to read as follows:
(b) Accessory uses and home occupations. Accessory uses and Class 1 and Class 2 home occupations, which shall comply with §§ 143-32 and 143-69 of this chapter. Hosted STRs with a maximum of 1 bedroom are permitted accessory uses, subject to the provisions of § 143-32.1 (Short Term Rentals), and the receipt of an annual operating permit pursuant to Chapter 112 of the Code. Hosted STRs shall be exempt from site plan review. Un-hosted STRs are not permitted. Registered STRs are permitted only once per year subject to registration pursuant to Chapter 112 of the Code.

SECTION 6. AMENDMENT TO ARTICLE VI OF THE ZONING LAW, ENTITLED “SPECIAL PERMIT USES”

§ 6.1. Section 143-67, Bed-and-breakfast establishments, is hereby deleted in its entirety.

SECTION 7. AMENDMENT TO ARTICLE VIII OF THE ZONING LAW, ENTITLED “NONCONFORMING USES AND NONCOMPLYING STRUTURES AND BULK”.

§ 7.1. Section 143-127, Termination of certain uses and/or structures, is hereby amended by inserting a new subsection F to read as follows:

- F. Any existing nonconforming bed and breakfast which is not a permitted use or special permitted use under this chapter shall be discontinued not later than two calendar years from the effective date of the adoption of this subsection.

SECTION 8. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part of 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 9. EFFECTIVE DATE

This local law shall take effect six months following filing in the office of the Secretary of State of New York as provided by Section 27 of the Municipal Home Rule Law.

Symbol:
P = Permitted use in specified district
SP = Special use permit required for use in specified district
X = Prohibited use in specified district
* = Site plan required

Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	LD	RD5	RD3	R1.5	R1	II	I	HB ²	B1	B2	
RESIDENTIAL PRINCIPAL USES												
Single-family dwelling (existing)	P	P	P	P	P	P	P	P	P	P	P	
Single-family dwelling (new construction or adaptive reuse)	SP*	P	P	P	P	P	P	SP*	X	X	X	§ 143-53
Two-family dwelling (new construction)	X	X	X	X	X	SP	SP	P	X	X	X	§ 143-54
Two-family dwelling (conversion)	X	SP	SP	SP	X	X	SP	SP	X	X	X	§ 143-55
Multifamily dwelling (new construction)	X	X	X	X	SP*	SP*	X	X	SP*	SP*	X	§§ 143-56 and 143-57
Multifamily dwelling (conversion or adaptive reuse)	X	SP*	SP*	SP*	SP*	SP*	X	SP*	SP*	SP*	X	§§ 143-58 and 143-59
Row or attached dwelling	X	X	X	X	X	SP*	SP*	X	X	X	X	
Mobile home on individual lot	X	X	X	X	X	X	X	X	X	X	X	
Mobile home park	X	X	X	X	X	SP*	X	X	X	SP*	X	§ 143-60
Boarding- or rooming house	X	X	X	X	X	X	SP	SP	SP	SP	X	§ 143-61
Community residence	X	P	P	P	P	P	P	P	X	X	X	
Elderly or senior citizen housing complex	X	X	X	X	SP*	SP*	X	X	X	SP*	X	§ 143-62
Enriched housing for the elderly	X	X	SP	SP	SP	SP	X	X	X	X	X	§ 143-63
Large solar energy system	X	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	§ 143-37

Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Medium solar energy system	P*1	P*	P*	P*	P*	P*	P*1	P*	P*1	P*1	P*	§ 143-37
Small solar energy system	P ¹	P	P	P	P	P	P ¹	P	P ¹	P ¹	P	§ 143-37
RESIDENTIAL ACCESSORY USES												
Accessory apartment within single-family dwelling structure (new construction or conversion)	X	SP	SP	SP	SP		SP	SP	SP	SP	SP	§§ 143-64 and 143-65
Accessory apartment within separate structure (adaptive reuse)	X	SP	SP	SP	X	X	X	SP	X	X	X	§§ 143-66
Agriculture	P	P	P	P	P	P	P	P	P	P	P	
Bed-and-breakfast establishment	X	SP	SP	SP	X	X	SP	SP	SP	SP	X	§ 143-67
Cottage on residential premises	X	SP	SP	SP	SP	SP	SP	X	X	X	X	§ 143-68
Home occupation Class 1, occurring within dwelling unit	PX	P	P	P	P	P	P	P	P	P	P	
Home occupation Class 2, occurring within customary accessory building on residential premises	X	SP	SP	SP	X	X	SP	X	SP	SP	SP	§ 143-69
Micro Hydropower Facility	SP*	X	X	X	X	X	X	X	X	X	X	§ 143-107.1
Private airstrip or heliport	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-70
Roadside stand	P	P	P	P	P	P	P	P	P	P	P	
Large solar energy system	X	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	§ 143-37
Medium solar energy system	P*1	P*	P*	P*	P*	P*	P*1	P*	P*1	P*1	P*	§ 143-37
Small solar energy system	P ¹	P	P	P	P	P	P ¹	P	P ¹	P ¹	P	§ 143-37

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Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
STR Hosted ⁶	X	P	P	P	XP	XP	XP	P	P	P	P	§§ 143-32.1 143-62
STR Un-hosted ⁶	X	XP	P	P	X	X	X	X	X	X	X	§§ 143-32.1 143-62
STR Registered Un- Hosted (Annual Exception) ⁶	P	P	P	P	P	P	P	P	P	P	P	§§ 143-32.1 143-62
Customary accessory use or structure incidental to the permitted or special permit use and located on the same lot, as defined in § 143-4 of this chapter	X	P	P	P	P	P	P	P	P	P	P	
NONRESIDENTIAL PRINCIPAL USES (in addition to permissible home occupations and farm industries)												
Agricultural, Conservation and Open Space Uses												
Agriculture	P	P	P	P	P	P	P	P	P	P	P	
Conservation use; nature and wildlife preserves, including environmental field station	P	P	P	P	P	P	P	P	P	P	P	
Farm	P	P	P	P	P	P	P	P	P	P	P	
Golf course and country club	X	X	P*	P*	P*	X	X	X	X	X	X	
Fishing club	SP*	SP*	SP*	SP*	X	X	X	X	X	X	X	§ 143-71
Hunting club	X	SP*	SP*	SP*	X	X	X	X	X	X	X	§ 143-71.1
Large-scale commercial logging	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	§ 143-73
Small-scale commercial logging	P	P	P	P	P	P	P	P	P	P	P	§ 143-73
Outdoor recreation facility, including uses such as skiing, skating, picnicking, and outdoor camping	SP*	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	X	§ 143-72

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Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Public park and/or trail system	SP*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	
Timber operation	P	P	P	P	P	P	P	P	P	P	P	
Community Services and Facilities; Institutional Uses												
Altermate-care facility	X	X	X	X	X	X	X	SP*	X	X	X	§ 143-74
Congregate-care facility	X	X	X	X	SP*	SP*	X	X	X	X	X	§ 143-75
Cemetery, including mausoleum	X	X	SP*	SP*	X	X	SP*	SP*	X	X	X	§ 143-76
Child day-care center	X	X	X	SP*	SP*	SP*	X	SP*	SP*	SP*	X	§ 143-77
Church or other place of religious worship, including meeting hall, parish house and similar facilities	X	X	SP*	SP*	SP*	SP*	SP*	SP*	P*	P*	X	§ 143-78
Cultural facility (e.g., library, art gallery or museum)	X	SP*	X	X	X	X	SP*	SP*	SP*	P*	X	§ 143-79
Day camp	X	SP*	SP*	SP*	X	X	X	SP*	X	X	X	§ 143-80
Educational campus	X	X	X	X	X	X	X	SP*	X	X	X	§ 143-81
Educational institution, including school for elementary, secondary education or higher education	X	X	X	SP*	X	X	X	SP*	X	X	X	§ 143-82
Family day-care or group family day-care facility ⁵	X	P*	P*	P*	P*	P*	P*	P*	X	X	X	
Fire station	X	X	X	P*	X	X	P*	X	X	P*	P*	
Government office and/or meeting hall	X	X	X	X	X	X	P*	X	P*	P*	P*	
Hospital	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-83
Membership club	X	X	X	X	X	X	X	P*	X	P*	P*	

Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Nursery school or day nursery	X	X	X	SP*	SP*	SP*	X	SP*	SP*	SP*	SP*	§ 143-77
Nursing home	X	X	X	X	X	SP*	X	SP*	X	X	X	§ 143-84
Post office	X	X	X	X	X	X	P*	P*	P*	P*	X	
Public transportation terminal	X	X	X	X	X	X	SP*	SP*	X	SP*	SP*	§ 143-85
Business and Service Uses (in addition to permissible home occupations, farm industries and generally accepted agricultural and farm management practices)												
Airport facility	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-86
Bakery	X	X	X	X	X	X	X	X	P*	P*	X	
Bank	X	X	X	X	X	X	X	X	X	P*	X	
Bar, tavern or nightclub	X	X	X	X	X	X	X	X	X	P*	X	
Building material supply and sales; lumberyard	X	X	X	X	X	X	X	X	X	X	P*	
Business and/or professional office or establishment;	X	X	X	X	X	X	X	X	P*	P*	P*	
Commercial boarding and/or breeding kennel; animal hospital (unenclosed)	X	X	SP*	SP*	X	X	X	X	X	X	SP*	§ 143-87
Commercial nursery	X	X	X	X	X	X	X	X	X	P*	P*	
Commercial amusement and recreation facility, including health club	X	X	X	X	X	X	X	X	X	P*	P*	
Conference center, including accessory dining and lodging facilities	X	SP*	X	X	X	X	X	SP*	X	X	X	§ 143-88
Convenience store	X	X	X	X	X	X	X	X	X	SP*	SP*	§ 143-89

Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Drive-in, drive-thru, or drive-in window	X	X	X	X	X	X	X	X	X	X	X	
Farmers' market	X	X	X	X	X	X	X	X	SP*	SP*	SP*	§ 143-90
Food or grocery store	X	X	X	X	X	X	X	X	P*	P*	X	
Food truck	X	X	X	X	X	X	X	P	P ¹	P	P	Chapter 79 ²
Formula business	X	X	X	X	X	X	X	X	X	X	X	
Funeral home	X	X	X	X	X	X	X	X	X	P*	X	
Gasoline station; automobile service facility	X	X	X	X	X	X	X	X	X	SP*	SP*	§ 143-91
Health Spa	X	X	X	X	X	X	X	X	SP*	P*	X	
Lodging	X	SP*	X	X	X	X	X	SP*	SP*	SP*	X	§ 143-92
Medical or dental clinic	X	X	X	X	X	X	X	X	X	P*	P*	
Office building	X	X	X	X	X	X	X	X	X	P*	P*	
Office park	X	X	X	X	X	X	X	X	X	SP*	SP*	§ 143-94
Personal service use or establishment	X	X	X	X	X	X	X	X	P*	P*	X	
Recreational vehicle park	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-95
Restaurant	X	X	X	SP*	X	X	X	X	P*	P*	X	§ 143-96
Retail business; store or specialty shop	X	X	X	X	X	X	X	X	P*	P*	X	
Riding academy; boarding stable	X	X	SP*	SP*	X	X	X	X	X	X	X	§ 143-98
School conducted for profit, including vocational training and specialized nonacademic instruction	X	X	X	X	X	X	X	X	X	P*	P*	
Self-service laundry or laundromat	X	X	X	X	X	X	X	X	X	P*	P*	

Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Service business shop or office	X	X	X	X	X	X	X	X	X	P*	P*	
Shopping center	X	X	X	X	X	X	X	X	X	SP*	X	§ 143-99
Theater, movie (indoor)	X	X	X	X	X	X	X	X	X	P*	X	
Theater for performing arts	X	X	X	X	X	X	X	SP*	SP*	X	X	§ 143-100
Veterinarian's office; animal hospital (fully enclosed)	X	X	P*	P*	X	X	X	X	X	P*	P*	
Commercial and Light Industrial Uses (in addition to permissible home occupations, farm industries and generally accepted agricultural and farm management practices)												
Automobile body shop	X	X	X	X	X	X	X	X	X	X	P*	
Automobile rental and/or sales establishment	X	X	X	X	X	X	X	X	X	P*	P*	
Bulk fuel storage and distribution	X	X	X	X	X	X	X	X	X	X	X	
Car wash	X	X	X	X	X	X	X	X	X	P*	P*	
Cold storage facilities	X	X	X	X	X	X	X	X	X	X	P*	
Collecting the waters of a natural, free-flowing spring and operating an associated bottling works	X	X	X	X	X	X	X	X	X	X	X	
Commercial communications receiving and/or transmitting facility	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-103
Contractor's yard or establishment	X	X	X	X	X	X	X	X	X	X	P*	
Dry-cleaning plant	X	X	X	X	X	X	X	X	X	X	X	

Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	LD	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Equipment rental and/or sales, small household-related	X	X	X	X	X	X	X	X	P*	P*	P*	
Equipment rental and/or sales, heavy	X	X	X	X	X	X	X	X	X	X	P*	
Extractive operations, including soil mining	X	X	X	SP	X	X	X	X	X	X	X	§ 143-104
Junkyard; motor vehicle junkyard	X	X	X	X	X	X	X	X	X	X	X	
Landfill, construction and/or demolition	X	X	X	X	X	X	X	X	X	X	X	
Landfill, sanitary	X	X	X	X	X	X	X	X	X	X	X	
Light industrial park	X	X	X	X	X	X	X	X	X	X	SP*	§ 143-105
Light manufacturing or processing and associated office, warehousing and storage facility	X	X	X	X	X	X	X	X	X	X	P*	
Large solar energy system	X	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	§ 143-37
Medium solar energy system	P ^{a1}	P*	P*	P*	P*	P*	P ^{a1}	P*	P ^{a1}	P ^{a1}	P*	§ 143-37
Small solar energy system	P ⁱ	P	P	P	P	P	P ⁱ	P	P ⁱ	P ⁱ	P	§ 143-37
Micro Hydropower Facility	SP*	X	X	X	X	X	X	X	X	X	X	§ 143-107.1
Public or franchise utility station	X	X	X	P*	X	X	X	P*	X	P*	P*	
Public or franchise utility garage and/or storage yard, including recycling center and/or transfer station	X	X	X	X	X	X	X	X	X	X	P*	
Repair and/or machine shop	X	X	X	X	X	X	X	X	X	X	P*	
Research laboratory and related facilities	X	X	X	X	X	X	X	X	X	X	P*	

Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	I.D	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Sawmill and related facilities	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-106
Warehousing independent of production facilities	X	X	X	X	X	X	X	X	X	X	P*	
Wholesale business or sales	X	X	X	X	X	X	X	X	X	X	P*	
Waterfront Uses												
Marinas, boat clubs, docks and boat ramps	SP*	SP*	X	X	X	X	SP*	SP*	X	X	X	§ 143-107
NONRESIDENTIAL ACCESSORY USES												
Single-family dwelling unit related to a principal institutional or business use and located on the same premises	X	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	§ 143-108
Composting facility accessory to farm	X	P	P	P	P	P	P	P	P	P	P	
Farm industry	X	P	P	P	P	P	X	P	P	P	P	
Farm market 1	X	P*	P*	P*	P*	P*	X	X	P*	P*	P*	
Farm market 2	X	SP*	SP*	SP*	SP*	X	X	X	P*	SP*	SP*	§ 143-109
Housing for farm principals and employees 1	X	P	P	P	P	X	X	P	X	X	X	
Housing for farm principals and employees 2	X	SP	SP	SP	SP	X	X	SP	X	X	X	§ 143-110
Micro Hydropower Facility	SP*	X	X	X	X	X	X	X	X	X	X	§ 143-107.1
Private airstrip or heliport	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-70
Large solar energy system	X	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	§ 143-37
Medium solar energy system	P ^{#1}	P*	P*	P*	P*	P*	P ^{#1}	P*	P ^{#1}	P ^{#1}	P*	§ 143-37

Structure/Land Use	Zoning District Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											Special Permit Reference
	WC	I.D	RD5	RD3	R1.5	R1	H	I	HB ²	B1	B2	
Small solar energy system	P ¹	P	P	P	P	P	P ¹	P	P ¹	P ¹	P	§ 143-37
Customary accessory use or structure incidental to the permitted or special permit use and located on the same lot, as defined in § 143-4 of this chapter	X	P	P	P	P	P	P	P	P	P	P	
TEMPORARY USES												
Carnival, fair, circus, flea market or similar event (off-premises)	X	X	X	X	X	X	X	P	X	P	X	
Carnival, fair, circus, flea market or similar event (on-premises)	X	P	P	P	P	P	P	P	X	P	P	
Private garage or yard sale	X	P	P	P	P	P	P	P	P	P	P	
Temporary building for construction or development purposes	X	P	P	P	P	P	P	P	P	P	P	

Notes:

¹ Ground-mounted Solar Energy Systems Prohibited.

² See § 143-49.3 for design standards for development within the HB District.

³ Except that within a single family or two family residence or apartment that is permitted in the zoning district or lawfully existing as a nonconforming use, a family day care or group family day care, as defined in Section 390 of the Social Services Law, is permitted as an accessory use where licensed, operated and maintained in accordance with applicable laws and regulations including Section 390 of the Social Services Law of the State of New York and in conformance with applicable building codes.

⁴ Daily permit only.

⁵ See § 79-7 for exceptions.

⁶ See § 143-32.1 for Supplementary Regulations.

617.7
State Environmental Quality Review (SEQR)
Negative Declaration
Notice of Determination of Non-Significance

Date of Adoption: December 22, 2021

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Red Hook, as Lead Agency, has determined that the proposed action described below will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Adoption of Local Law G-3 (Proposed) of 2021 to Amend the Code of the Town of Red Hook for Short-Term Rentals and Home Occupations

SEQR Status: Type I ☒
Unlisted ☐

Conditioned Negative Declaration: ☐ YES
☒ NO

Description of Action: The proposed action is the adoption of a Local Law to authorize certain short-term rental uses as a permitted use in the Town, subject to certain conditions and approvals, and to prohibit short-term rental uses in areas of the Town where they are incompatible with existing uses and neighborhood characteristics. The Local Law also adds a new Chapter 112 entitled “Short-Term Rentals” to the Code which will require an annual operating permit or registration for short-term rentals to discourage unsafe structures from being rented by requiring that they comply with applicable codes and implement certain safety measures. Conforming changes are made to remove references to B&B’s. Class 1 home occupations are allowed in the WC. By regulating the type and location of short-term rentals, and by requiring them to undergo review and receive approval by Town authorities, the Local Law addresses negative impacts associated with these uses, and will promote public safety, health, and welfare. The amendments are designed to protect the health, safety, and welfare of Town residents and to bring the Town’s Zoning Law into conformance with “Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities” pursuant to Chapter 17 of the Town Code. The proposed amendments are consistent with the recommendations of the Town’s *Comprehensive Plan* to encourage appropriate levels of tourism while protecting the community’s residential neighborhoods and ensuring the availability of affordable housing.

Location: Town of Red Hook, Dutchess County, NY

Reasons Supporting This Determination:

1. The Town Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) and the Coastal Assessment Form for the proposed action, the Town Board has concluded that environmental effects of the proposed action will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. **Impact on Historic Resources.** The proposed amendments will apply to lands that are located within the Hudson River National Historic Landmark District, which is on the State and National Register of Historic Places, and to other properties that are individually listed on the Register. They will also apply to lands that have been identified as sensitive for archaeological resources on the NYS Historic Preservation Office archaeological site inventory. Archaeologically sensitive areas contain one or more variables that make them likely locations for evidence of past human activities. No development is proposed as part of the action and therefore the Town Board concludes that no significant adverse environmental impacts will occur to historic and archaeological resources. Based on the foregoing, the Town Board concludes that the proposed action will not result in a significant adverse environmental impact on cultural resources.
4. **Impact of Noise, Odors, or Outdoor Lighting.** Currently there are no provisions expressly governing short-term rentals in the Town Code. Allowing short-term rentals could result in an increase in noise and odor. The proposed Local Law would require short-term rentals, where permitted, to post a copy of the Town’s noise ordinance in the rental unit, and would require short-term rental operators to comply with the noise limits in Chapter 92 (“Noise”) of the Town Code; failure to comply with these provisions would constitute a violation of Chapter 112 (Short-Term Rentals). Activities other than residential occupancy (such as parties, weddings, banquets or similar activities) would not be permitted to be operated in connection with a short-term rental, and neither would restaurants; these provisions would minimize impacts of noise and odors. Outdoor lighting would be consistent with residential development and is not anticipated to have a significant impact. Based on the foregoing, the Town Board concludes that the proposed action will not result in a significant adverse environmental impact on noise, odors, or outdoor lighting.
5. **Impact on Community Plans.** New York State Town Law in § 272-A(11) requires that “All town land use regulations must be in accordance with a comprehensive plan.” The Town of Red Hook’s adopted *Comprehensive Plan* (1993), as amended, establishes the Town’s objective to ensure that economic development opportunities are consistent with the character of the community. The *Plan* states that while economic development is important to maintain a healthy community, “The Town Red Hook is, however, vitally concerned about the location, type and scale of economic development activity that could be promoted and encouraged within the community. The clear preference of the Town is for limited economic activity which addresses the day-to-day needs of the resident population and is in keeping with the community’s overall rural, small-town character. . . The Town of Red Hook does not seek to become either a regional commercial or employment center or a ‘point of destination’ for tourists.” While the Town recognizes the importance of tourism, it seeks to encourage

- “appropriate levels of tourism activity that would not alter the Town’s historic and rural character by attracting substantial numbers of visitors, generating significant traffic within the Villages of Red Hook or Tivoli or the community’s residential neighborhoods, or causing the development of major tourism or tourist-support facilities.”
6. The proposed Local Law is consistent with these goals. It provides balanced regulations that will allow short-term rentals, subject to certain conditions and approvals, in rural large lot districts and commercial districts to support a modest amount of tourism without adverse impacts to rural character, while limiting short-term rentals in smaller residential districts. These provisions would minimize traffic impacts and preserve the quiet character of residential neighborhoods, where the effects of short-term rentals on quality of life is a frequently raised concern. As noted in the Dutchess County Planning Federation eNewsletter [“Understanding Short-term Rentals: the Challenges and Possibilities of STRs in Our Communities”](#) (September/October 2019), “Stories of wild bachelor parties, numerous cars parked on lawns, and mounds of trash abound, all of which puts additional stress on already overworked police departments and building inspectors. Since short-term rentals often result in a steady stream of guests who come and go from a property, existing residents also mention safety and security as a concern. . . . Even if STRs are well run, conversion from a primary residence for full-time residents to an STR housing transient visitors will affect the character of the neighborhood, as fewer people will know these temporary ‘neighbors.’”
 7. Although the use of short-term rentals as an alternative to traditional lodging has increased in the nation and the region in recent years, short-term rentals are currently not allowed in the Town of Red Hook. The proposed amendments to the Town Code would permit both hosted and unhosted short-term rentals in the Town’s rural and agricultural business districts (Rural Development 3-acre [RD3], Rural Development 5-acre [RD5], Limited Development [LD], and Agricultural Business [AB] Districts). Since these districts comprise approximately 75 to 80 percent of the land area of the Town, the proposed Local Law will allow ample opportunity for this form of lodging to support tourism without adversely impacting the smaller residential neighborhoods. Hosted short-term rentals with up to four (4) bedrooms located within a detached single-family dwelling, two of which could be located in an accessory dwelling unit on the property, would also be permitted in the Institutional (I), Hamlet Business (HB), Business 1 (B1), and Business 2 (B2) Districts, further increasing the opportunities for this use without adverse impacts to the residential districts. In all of these cases, short-term rentals would be permitted with no requirement for Planning Board review, only the issuance of an annual operating permit from the Building Department, thereby streamlining the application process. While these districts are either large lot districts (RD5, RD3, and LD), or commercial districts (AB, I, HB, B1, and B2), they still contain residential development; therefore various measures are proposed to protect residents in these districts by minimizing impacts of nuisances, as discussed in more detail in the next section. In the more dense residential districts—Residential 1.5-acre (R1.5), Residential 1-acre (R1), Hamlet (H), and Traditional Neighborhood Development Residential Neighborhood (TND-RN)—short-term rentals would be limited. The Town Board concludes that the proposed action is consistent with the economic development recommendations of the *Comprehensive Plan* to encourage appropriate levels of tourism while protecting the community’s residential neighborhoods.
 8. The *Comprehensive Plan* also establishes a goal to provide for a variety of housing types to meet the housing needs of the community. The *Plan* notes that “housing type, cost and

- availability have important implications for providing quality shelter to existing and future residents of the Town,” and it is important to ensure that housing is located “in suitable residential environments and within the economic reach of all Town residents.” According to the [2020 Dutchess County Rental Housing Survey](#), the vacancy rate for rental housing in Dutchess County hit an historic low in 2020 and was less than one-fifth of what is considered a healthy indicator. “This extremely low vacancy rate illustrates a worsening crisis in the ability of our neighbors to secure and retain housing in the county, especially given that vacancy rates have been consistently below the 5% benchmark for over 20 years.” The data presented in the study indicates that these findings apply to the Town of Red Hook, which had only 7 units available for rental in 2020. The study cites short-term rentals as one factor that has contributed to the low vacancy rate. As discussed in the afore-mentioned Dutchess County Planning Federation [eNewsletter](#), “The effect of STRs on housing affordability and availability is another frequently cited concern. Housing prices are very much a function of supply and demand so it makes sense that when housing units are removed from the regular market, either rental or owner, it is likely that prices will increase. A recent joint [study](#) from the National Bureau of Economic Research, California State University, and University of Southern California shows this is, in fact, happening. Their study states, ‘the results presented in this paper suggest that the increased ability to home-share has led to increases in both rental rates and house prices.’ In addition, it states ‘an increase in Airbnb listings leads to a decrease in the number of units available to long-term renters.’ Dutchess County has long struggled with low vacancy rates in the rental housing market, so even a small shift further in that direction could create a crisis.” (See also [“Could You Bnb My Neighbor?”](#) by Jeffrey Goodman, Planning, February 2016). To prevent investors from buying residential properties and converting them for the sole purpose of conducting short-term rentals, thereby removing dwellings from the long-term housing market and impacting housing availability and affordability, the proposed Local Law requires that the dwelling to which a hosted or unhosted short-term rental is accessory must be the primary residence of the property owner. The annual operating permit will require proof that the property is the owner’s primary residence. The Local Law will also limit short-term rentals in smaller residential districts to ensure the continued suitability of these districts for housing, and to minimize the conversion of dwelling units in the Town to short-term rentals. The Town Board concludes that these measures will ensure the availability of housing in suitable residential neighborhoods, consistent with the housing recommendations of the *Comprehensive Plan*.
9. Finally, both the *Comprehensive Plan* and the Town’s *Open Space Plan* recommend supporting the Town’s agricultural industry by permitting a “diversification of agricultural activities” and “farm enterprises.” The proposed “farm stay short-term rental” as an accessory use in the AB District is consistent with this goal.
 10. Based on the foregoing, the Town Board concludes that the proposed action will not result in a significant adverse environmental impact on community plans.
 11. **Impact on Community Character.** While short-term rentals can have beneficial economic impacts resulting from increased tourism, they can also adversely impact community character due to nuisance activities. Noise, garbage, inadequate parking, excessive traffic, speeding, trespassing and similar activities can impact quality of life, undermine neighborhood cohesion, and displace long-term residents who have a greater investment in place (as residents, taxpayers, voters) than transient visitors. As noted in the preceding section, the presence of transient visitors can also result in safety and security concerns,

along with affects on the residential character of the neighborhood as fewer people know their neighbors. These impacts are greater in more densely developed areas where neighbors live in close proximity. The proposed Local Law addresses these potential impacts to community character by limiting short-term rentals in the R1, R1.5, H, and TND-RN Districts, the most compact residential districts in the Town. For the remaining districts, hosted and unhosted short-term rentals must be the primary residence of the property owner, and in some districts only hosted rentals will be permitted. With the exception of farm stays, unhosted and larger hosted rentals will be limited to an aggregated of 120 days per year, and activities other than residential occupancy, such as events, parties and weddings, will not be allowed as part of the short-term rental. The law will require short-term rentals to provide adequate off-street parking, facilities for solid waste, and a copy of the Town's noise ordinance and the property map to be posted in the short-term rental unit to minimize impacts of noise and trespassing. It will also set occupational limits (the number of bedrooms that can be rented and the number of guests per bedroom) to discourage disruptive gatherings of large groups. To address the demand for additional community services, particularly police and fire, resulting from short-term rentals, the proposed Local Law requires evidence of payment of the Hotel Occupancy Tax required by Dutchess County as a requirement for the annual operating permit. Based on the foregoing, the Town Board concludes that the proposed action will not result in a significant adverse environmental impact on community character.

- 12. The Town Board has reviewed and taken into account consistency with the policies, standards, and conditions of the Local Waterfront Revitalization Program (LWRP), and has reviewed the LWRP Consistency Determination Form approved by the Town Planning Board.
- 13. The Town Board has concluded that there are no significant adverse environmental impacts associated with the proposed action.

For Further Information:

Contact Person: Deanna Cochran, Town Clerk
Address: 7340 South Broadway
Red Hook, NY 12571
Telephone: 845-758-4600

A Copy of this Notice Filed With:

Town Board of the Town of Red Hook (Lead Agency)
Robert McKeon, Town Supervisor
Any person who has requested a copy
Environmental Notice Bulletin: cnb@gw.dcc.state.ny.us

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session on December 22, 2021 at 7:30 p.m., local time via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

	Present	Absent
Supervisor Robert McKeon	Via Zoom	
Councilmember William Hamel	Via Zoom	
Councilmember Christine Kane	Via Zoom	
Councilmember Jacob Testa	Via Zoom	
[Vacant]		

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Councilmember Hamel, seconded by Councilmember Kane, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 88
DATED DECEMBER 22, 2021**

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF
LOCAL LAW G-3 (PROPOSED) OF 2021, A LOCAL LAW ADOPTED
REGARDING SHORT-TERM RENTALS**

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilmember Christine Kane	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Resolution Authorizing the Issuance of Serial Bonds in the Town of Red Hook to Finance Acquisition of a Dump Truck.

Supervisor McKeon explained the resolution.

**TOWN OF RED HOOK
RESOLUTION NO. 89
DATED DECEMBER 22, 2021**

BOND RESOLUTION DATED DECEMBER 22, 2021

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF RED HOOK DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$200,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE ACQUISITION OF A DUMP TRUCK AT A MAXIMUM ESTIMATED COST OF \$270,000, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

BE IT RESOLVED, by the Town Board of the Town of Red Hook in the Town of Red Hook, Dutchess County, New York (the “Town”) (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is the acquisition of a dump truck with plow and wing assembly for maintenance purposes. The estimated maximum cost of said purpose is \$270,000 and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen years.

SECTION 2. It is hereby determined that the aforesaid purpose constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQR not to have a significant impact on the environment.

SECTION 3. The Town Board plans to finance a portion of the cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$200,000, hereby authorized to be issued therefor pursuant to the Local Finance Law. The remaining cost of the project is expected to be financed from other available funds.

SECTION 4. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five years from the original date of issuance of such obligation.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds, and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, the power to determine to issue said bonds as statutory installment bonds, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and
- (3) An action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (4) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, being a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 12. This resolution shall take effect immediately.

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Red Hook, Dutchess County, New York was convened in public session via videoconference and/or teleconference pursuant to NYS Laws Ch. 417 of 2021, and via in person meeting at the Town Hall, 7340 South Broadway, Red Hook on

December 22, 2021, at 7:30 p.m., local time. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required by such law.

The meeting was called to order by Supervisor Robert McKeon, and, upon roll being called, the following members were: (Note: Where members are marked Present, specify whether In Person at the Town Hall, 7340 South Broadway, Red Hook, NY, via Videoconference, or via Teleconference.)

PRESENT:

	Present	Absent
Supervisor Robert McKeon	Via Zoom	
Councilmember William Hamel	Via Zoom	
Councilmember Christine Kane	Via Zoom	
Councilmember Jacob Testa	Via Zoom	
[Vacant]		

ABSENT:

The following persons were ALSO PRESENT:

Christine M. Chale, Esq., Attorney for the Town

The following resolution was offered by Supervisor McKeon, seconded by Councilmember Testa, to wit;

**TOWN OF RED HOOK
RESOLUTION NO. 89
DATED DECEMBER 22, 2021**

BOND RESOLUTION DATED DECEMBER 22, 2021

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF RED HOOK DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$200,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE ACQUISITION OF A DUMP TRUCK AT A MAXIMUM ESTIMATED COST OF \$270,000, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Robert McKeon	VOTING <u>Aye</u>
Councilmember William Hamel	VOTING <u>Aye</u>
Councilmember Christine Kane	VOTING <u>Aye</u>
Councilmember Jacob Testa	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

ANNOUNCEMENTS: The Town of Red Hook obtained at home COVID rapid test kits via NYS. There was a distribution December 22, 2021 at the town hall, and we expect to have more distributions in the near future. Sign up for notifications at the Town’s Website.

On a motion of Supervisor McKeon seconded by Councilmember Kane to close the meeting.

Adopted	Ayes	4	McKeon, Kane, Hamel, Testa
	Nays	0	

Respectfully Submitted,

Deanna Cochran, Town Clerk