

Draft Procedural Resolution

Shauna Berry

Site Plan

TMP#135089-6069-00-978263

The Town of Rhinebeck Planning Board hereby acts as follows on the application by Susan Merriam for Site Plan and Special Use Permit Approval under Town Code Chapter 125, Section 125-72 for installation of a pool at 373 Mill Road (TMP#135089-6069-00-978263) within the RA10 Zoning District.

1. Accepts the application and supporting documents as adequate for initiating review by the Planning Board, its advisors, and the public.
2. Classifies the proposed action as Type II (617.5.c.12) for which coordinated environmental quality review is not required.
3. Schedules a Public Hearing on the Application for _____, 2024 at 6:05pm and directs the Clerk to undertake or otherwise cause the noticing and posting thereof in accordance with the requirements set forth within Town Code Chapter 125, Section 125-77.
4. Delegates Planning Board Members _____ and _____ to conduct a field visit to the project site and report their observations at the time of Public Hearing.
5. In accordance with Town Code Chapter 9, Conservation Advisory Board refers the application to the Conservation Advisory Board for review and written comment concerning environmental factors.
6. In accordance with Town Code Chapter 118, Waterfront Advisory Committee, refers the application to the Waterfront Advisory Committee for review and written comment concerning consistency with the LWRP.
7. In accordance with the Dutchess County Department of Planning and Development 239 Planning/Zoning Referral, refers the application to the Dutchess County Department of Planning and Development for review.
8. Authorizes, without prejudice to any information or comment that may be presented at the Public Hearing or may arise based on both the above-cited field visit and referral, preparation of a working draft of an Approvals Resolution for the Planning Board's consideration on _____, 2024 or as may be later timely.

Annexed Document: Draft Notice of Public Hearing

Draft Approval Resolution

Susan Merriam

Site Plan

TMP#135089-6171-00-427976

The Town of Rhinebeck Planning Board hereby acts as follows on the application by Susan Merriam for Site Plan Approval under Town Code Chapter 125, Section 125-72 for demolition of a historic shed and replacement with a new shed 28 Lemon Lane Ext. (TMP#135089-6171-00-427976) within the RA10 Zoning District.

1. Reaffirms the proposed action as Type II (617.5.c.9) for which coordinated environmental quality review is not required.
2. Based upon review of submitted information, finds that the proposed work is consistent with the objectives and regulations of Chapter 125.
3. With respect to the application for Site Plan approval:
 - a. Finds the proposed work and intended use to be consistent with Town Code Chapter 125, Section 125-75, and approves the application inclusive of the application materials dated January 28, 2024.
 - b. Waives the full site plan submission requirements as permitted by Section 125-77.F and accepts the application and plans as submitted.
 - c. Authorizes the Planning Board Chair to stamp and sign the above cited Site Plan upon the Applicant's satisfaction of the below conditions and/or requirements within six (6) calendar months of the adoption of this resolution:
 - i. Submission of the above cited site plan in the form and number specified within Town Code Chapter 125, Section 125-78.B, except as may be modified as to lesser number by the Chair in consideration of filing and distribution requirements, and including thereon all required stamps, seals, and certifications.
 - ii. Payment of any outstanding fees and/or reimbursable amounts due to the Town of Rhinebeck related to the review and processing of Applications subject to this Resolution.
 - iii. Receipt of all approvals, authorizations, or certifications required herein or from any other Town, County, State, or other agency as required to undertake the proposed action(s).

In taking this action the Planning Board further authorizes the Town Zoning Enforcement Officer/Zoning Administrator and/or Building Inspector, to issue any required permits for the proposed use upon their determination that both the terms of this Resolution and all other applicable codes, laws, rules or regulations, including but not limited to the provisions of the New York State Uniform Fire Prevention and Building Code, within the purview of the ZEO/ZA and/or Building Inspector have been satisfied.

No later than two weeks prior to six months beyond the date of adoption of this resolution, and upon specific written request by the applicant, a time extension may be made per Section 125-78 D-2.

Draft Approval Resolution

Margot Lulick

Site Plan

TMP#135089-6069-00-847079

The Town of Rhinebeck Planning Board hereby acts as follows on the application by Margot Lulick for Site Plan Approval under Town Code Chapter 125, Section 125-72 for installation of heat pumps at 383 Morton Road (TMP#135089-6069-00-847079) within the RA10 Zoning District.

1. Reaffirms the proposed action as Type II (617.5.c.2) for which coordinated environmental quality review is not required.
2. With respect to the application for Site Plan approval:
 - a. Finds the proposed work and intended use to be consistent with Town Code Chapter 125, Section 125-75, and approves the application inclusive of the application materials and site plan by Robert L. Campbell L.S. dated January 1, 2024.
 - b. Authorizes the Planning Board Chair to stamp and sign the above cited Site Plan upon the Applicant's satisfaction of the below conditions and/or requirements within six (6) calendar months of the adoption of this resolution:
 - i. Submission of the above cited site plan in the form and number specified within Town Code Chapter 125, Section 125-78.B, except as may be modified as to lesser number by the Chair in consideration of filing and distribution requirements, and including thereon all required stamps, seals, and certifications.
 - ii. Payment of any outstanding fees and/or reimbursable amounts due to the Town of Rhinebeck related to the review and processing of Applications subject to this Resolution.
 - iii. Receipt of all approvals, authorizations, or certifications required herein or from any other Town, County, State, or other agency as required to undertake the proposed action(s).

In taking this action the Planning Board further authorizes the Town Zoning Enforcement Officer/Zoning Administrator and/or Building Inspector, to issue any required permits for the proposed use upon their determination that both the terms of this Resolution and all other applicable codes, laws, rules or regulations, including but not limited to the provisions of the New York State Uniform Fire Prevention and Building Code, within the purview of the ZEO/ZA and/or Building Inspector have been satisfied.

No later than two weeks prior to six months beyond the date of adoption of this resolution, and upon specific written request by the applicant, a time extension may be made per Section 125-78 D-2.

Draft Approval Resolution

Marie-Laure Chandumont

Site Plan and Special Use Permit

TMP#135089-6268-00-232735

The Town of Rhinebeck Planning Board hereby acts as follows on the application by Marie-Laure Chandumont for Site Plan Approval and Special Use Permit, under Town Code Chapter 125, Section 125-72 Section 125-65, respectively, for a bathroom addition and roof addition to a pool house, and conversion of an existing garage to a pool house at 426 Primrose Hill Road (TMP#135089-6268-00-232735) within the RC5 (Rural Countryside) Zoning District.

1. Reaffirms the proposed action as Type II (617.5.c.12) for which coordinated environmental quality review is not required.
2. Based upon review of submitted information, finds that the proposed work for a bathroom addition and roof addition to a pool house, and conversion of an existing garage to a pool house is consistent with the objectives and regulations of Chapter 125.
3. With respect to the application for Special Use Permit:
 - a. Finds the proposed work and intended use to be consistent with the “General Standards” for special use permits set forth in the Town Code Chapter 125, Section 125-67.
 - b. Grants the requested Special Use Permit conditional upon receipt of site plan approval by the Planning Board.
4. With respect to the application for Site Plan approval:
 - a. Finds the proposed work and intended use to be consistent with Town Code Chapter 125, Section 125-75, and approves the application inclusive of the application materials and plans by Mark R. Graminski P.E., L.S., P.C. dated January 31, 2024.
 - b. Notes that the Planning Board reviewed the application for the conversion to an accessory structure and finds that the proposal is providing for a single bedroom only.
 - c. Authorizes the Planning Board Chair to stamp and sign the above cited Site Plan upon the Applicant’s satisfaction of the below conditions and/or requirements within six (6) calendar months of the adoption of this resolution:
 - i. Submission of the above cited site plan in the form and number specified within Town Code Chapter 125, Section 125-78.B, except as may be modified as to lesser number by the Chair in consideration of filing and distribution requirements, and including thereon all required stamps, seals and certifications.
 - ii. Payment of any outstanding fees and/or reimbursable amounts due to the Town of Rhinebeck related to the review and processing of Applications subject to this Resolution.
 - iii. Receipt of all approvals, authorizations, or certifications required herein or from any other Town, County, State, or other agency as required to undertake the proposed action(s).

In taking this action the Planning Board further authorizes the Town Zoning Enforcement Officer/Zoning Administrator and/or Building Inspector, to issue any required permits for the proposed use upon their determination that both the terms of this Resolution and all other applicable codes, laws, rules or regulations, including but not limited to the provisions of the New York State Uniform Fire Prevention and Building Code, within the purview of the ZEO/ZA and/or Building Inspector have been satisfied.

No later than two weeks prior to six months beyond the date of adoption of this resolution, and upon specific written request by the applicant, a time extension may be made per Section 125-78 D-2.

Town Board Referral

The Town Board has forwarded a draft of the short term rental Local Law for review and comment by the Planning Board. While we assisted the Town Board in developing a draft over the past several years and were involved in discussions of the issues related to STRs that can be regulated, we were not directly involved in development of the draft resolution submitted for review. As such, we were able to take a fresh look at the proposed local law.

Our review includes comments related to any issues or concerns that we have identified that might come about when implementing the law. We have not reviewed the submitted draft to debate the methodology that the Town Board has decided to take with respect to regulating STRs.

We offer the following technical assessment comments for your consideration in a referral response letter to the Town Board:

- 1) Though not necessary, for consistency with other sections of the Zoning Code, the definition of short term rental may be best located in Section 125-135 (Terms used throughout this Chapter) as terms are for much of the rest of the Zoning Ordinance, unless a separate terms section has been provided as has been done for some code sections.
- 2) Section 125-62.A.1 – The presumption that a property is offered for lease as an STR if on a website for a rental period of 30 days or less or offered for lease for a period of 30 days or less through any form of advertising will capture existing and proposed bed-and-breakfast uses, hotels and motels, and potentially boarding/lodging houses or month-to-month tenancies. This is seemingly inconsistent with the Short Term Rental definition. We therefore recommend that Section 125-62.A.1 either exempt these uses in this section just as they are in the definition of Short Term Rental or reference the definition to note such exemptions. If the language is to remain, the Town may want to actively reach out to all exempt uses immediately upon approval of this local law by the Town Board and before it is approved by the New York State Office of the Secretary of State, so that “...rebutted evidence that a premises is not operated as a short term rental” can be obtained from existing uses prior to the law being officially added to the Town Code.
- 3) An item for consideration is the potential issues that could come about if someone rents their principal residence/structure for more than 6 months and stays in an accessory structure on the property. If this situation were to occur, it would seem that the principal residence would no longer be the principal residence but rather a rental unit (accessory unit) and the accessory structure would become the principal structure since that is where the owner is living more than 6 months of the year. While we do not see a practical concern with this situation as one unit is a rental and one is lived in, we can see the potential for future legal issues if concerns come about from an STR that is used primarily as the principal structure as the use(s) may not be consistent with existing zoning definitions of how a property is used.
- 4) Section 125-64.A –
 - a) The first sentence has “may be obtained” twice in the same line. One should be removed.
 - b) We are not certain that the term “Code Enforcement Officer” is an official title of a staffer in Town Hall. Should this term be changed to align with current staffing title of Zoning Administrator or some other revision be made?

- c) Subsection A.6 – The ability of an applicant to submit a scale plan that does not require professional preparation is an understandable regulation, however, Subsection C of this section states that in certain circumstances, applications for STRs must receive a Special Use Permit from the Planning Board. It might be useful to provide a reference in Subsection A.6 to Subsection C so that it is clear that any Special Use Permit application will require a professionally drafted site plan and all other Special Use Permit elements.
 - d) Subsection C – Given the density of the NI-O Zoning District adjacent to Sepasco Lake with small lots and many residential units, should the NI-O zoned area also require additional review and a Special Use Permit by the Planning Board?
- 5) Section 125-65
- a) Subsection A.1 - While we defer to the Building Department and Fire Inspector for their input, does this sentence as written suggest that older homes that do not meet current NYS Uniform Building and Fire Codes cannot be used as short term rentals?
 - b) Subsection A.5 – There are lots, particularly in the Hamlet of Rhinecliff, where a house number at the street may not be feasible. As drafted, not placing such a sign appears to require a variance from the ZBA. It may be useful to modify this language to state that such a sign is required unless it is not feasible, as determined by the Code Enforcement Officer (Zoning Administrator?).

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