

# Local Law Filing

(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.

County  City  Town  Village  
(Select one.)

of BEEKMAN

FILED  
STATE RECORDS

SEP 16 2022

DEPARTMENT OF STATE

Local Law No. 2 of the year 2022

A local law A LOCAL LAW CONCERNING SHORT-TERM RENTALS WITHIN THE  
(Insert Title)  
TOWN OF BEEKMAN

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of BEEKMAN

as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2022 of the (County)(City)(~~TOWN~~(Village) of BEEKMAN was duly passed by the TOWN BOARD on SEPTEMBER 13 2022, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

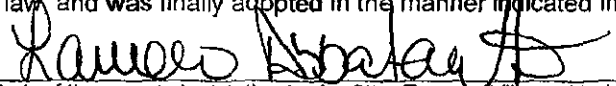
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

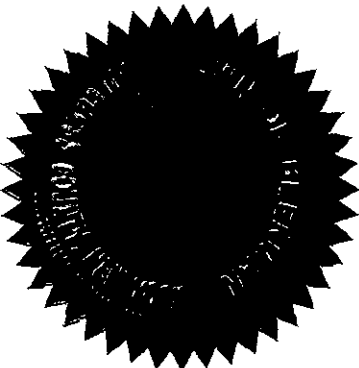
**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 9/14/22



**RESOLUTION NO. 09:13:22 - 11**  
**RE: RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BEEKMAN**  
**ADOPTING LOCAL LAW NO. 2 OF THE YEAR 2022, A LOCAL LAW CONCERNING SHORT-TERM RENTALS WITHIN**  
**THE TOWN OF BEEKMAN"**

**WHEREAS**, the Town of Beekman introduced a local law, known as Local Law No. 2 of the year 2022 establishing a new Chapter 126.1 of the Code of the Town of Beekman to be known as "Short-Term Rentals," and to amend Chapter 155 of the Code of the Town of Beekman entitled "Zoning," regarding short-term rentals; and

**WHEREAS**, a public hearings were duly held on July 26, 2022, August 09, 2022 and September 13, 2022 at Town Hall, 4 Main Street, Poughquag, NY regarding Local Law No. 2 of 2022; and

**WHEREAS**, the Town Board was given the opportunity to hear concerns of all Beekman residents;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Beekman does hereby affirm and adopt Local Law No. 2 of 2022 entitled, "A LOCAL LAW TO ESTABLISH A NEW CHAPTER 126.1 OF THE CODE OF THE TOWN OF BEEKMAN TO BE KNOWN AS "SHORT-TERM RENTALS," AND TO AMEND CHAPTER 155 OF THE CODE OF THE TOWN OF BEEKMAN, ENTITLED "ZONING," REGARDING SHORT-TERM RENTALS"; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby authorized and directed to file forth with a copy of this local with the New York Secretary of State.

**Introduced: SUPERVISOR COVUCCI**

**Seconded: COUNCILWOMAN WOHRMAN**

**ROLL CALL VOTE:**

Councilman Stiegler	AYE
Councilman Battaglini	AYE
Councilwoman Wohrman	AYE
Supervisor Covucci	AYE

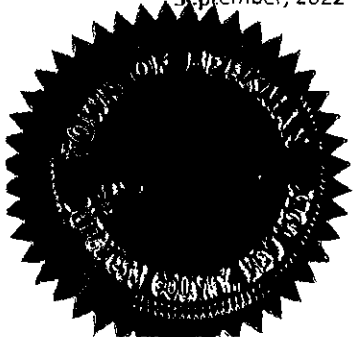
Dated: September 13, 2022

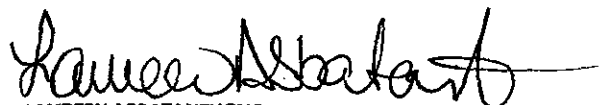
**CERTIFICATION**

I, **LAUREEN ABBATANTUONO**, the duly qualified and acting Clerk for the Town of Beekman Town Board, Dutchess County, State of New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of a regular meeting of the Town Board of the Town of Beekman, held on the 13th day of September, 2022 and that the Resolution set forth herein is a true and correct copy of the of the Town Board of said Town adopted at said meeting.

I **FURTHER CERTIFY** that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Town, this 14<sup>th</sup> day of September, 2022



  
**LAUREEN ABBATANTUONO**  
TOWN CLERK



**COUNTY OF DUTCHESS**  
DEPARTMENT OF PLANNING AND DEVELOPMENT

August 25, 2022

To: Town Board, Town of Beekman  
Re: ZR22-212, LL regarding Short Term Rentals

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-1/m).

**ACTION**

The Town Board is considering adoption of a local law to regulate short-term rentals.

**COMMENTS**

We have reviewed the draft regulations and offer the following comments, listed as they appear in the proposed law:

- Section 126.1-3 (A) notes that, in addition to a short-term rental permit, planning and zoning approvals may be required for short-term rentals. However, these approvals are not detailed in the proposed local law. We suggest the Board either include details on when additional approvals would be required, or remove the reference to "requisite planning and zoning approvals" in this section.
- Section 126.1-3 (B) refers to "where such use is permitted by Chapter 155" but we do not see any changes proposed to the use table within the zoning code. The *Permitted Uses* table (Schedule A) should be updated to reflect the short-term rental use.
- The Town could consider rewording Section 126.1-3 (C) to clearly state that that this requirement is referring to the *online* listing of the property.
- Section 126.1-7 (B) requires that a property owner only operate a short-term rental on one parcel in the Town. As this requirement is specifically zoning-related, we suggest restating this requirement in Section 155-39.1 (C).
- We note that Section 126.1-10 and Section 126.1-11 identify the Building Department and the Building Inspector, respectively, as the parties responsible for denying and revoking short-term rental permits. Was it the Town's intent to have different parties listed in these roles? Many responsibilities within this chapter seem to fall specifically to the Building Inspector. The references could be brought into alignment with each other.
- The Town proposes to create two sets of regulations which will govern the regulation of short-term rentals in Beekman: Section 126.1 (Short-Term Rentals) is its own chapter of the Town Code and Section 155-39.1 (Short-Term Rentals) resides with the Zoning Code. For ease of reference for both the Town and applicants applying for these permits, we suggest each code section reference the other.

- Section 155-39.1 (C)(5) outlines that “hosted” short-term rentals are permitted within a single-family dwelling in all zoning districts in the Town. As stated earlier, short-term rentals should be added to Schedule A, *Permitted Uses*, in accordance with this regulation. We also note that this is the first reference to “hosted” short-term rentals in the proposed local law. The Town should add definitions of “hosted” and “unhosted” short-term rentals to both short-term rental code sections (126.1 and 155-39.1), and clearly state within Section 155-39.1 that “unhosted” short-term rentals are prohibited within the Town.
  - The Town could also consider adding a footnote on Schedule A, *Permitted Uses*, which restates that short-term rentals are only permitted within single-family residences.
- The proposed local law also details the parking requirement for these uses, which is “1 per guest room/bedroom available for rent.” This standard may be appropriate for 1- or 2-bedroom residences, but would likely require more parking spaces than needed for 3 bedrooms or more. The Town could consider giving the Planning Board discretion to reduce this requirement on a case-by-case basis.

As always, we would be happy to discuss our comments further with representatives from the Town.

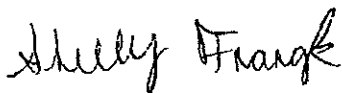
Please also note that in 2019, Dutchess County began contracting with a web-based service known as Host Compliance (now partnered with Granicus), a program that helps to identify short-term rentals, aiding in the collection of the required hotel bed tax pursuant to Dutchess County Local Law. Host Compliance/Granicus can also work directly with local municipalities to provide a variety of services related to short-term rental identification, compliance monitoring, and more. We recognize permitting and enforcement of zoning ordinances can present a challenge to municipal officials and local budgets. We are pleased to share that Dutchess County will cover the cost of Host Compliance’s Address Identification and Compliance Monitoring modules for local municipalities who have adopted short-term rental regulations and are looking for assistance in communicating those regulations. The County would continue to pay the renewal of the subscription each year, provided that the funding is approved in the budget by the Legislature. The County’s Department of Finance will be taking the lead in coordinating this shared services opportunity between Host Compliance, the municipality, and the County. To learn more about this opportunity, please reach out to Heidi Seelbach, Dutchess County Commissioner of Finance, at (845) 486-2033.

#### RECOMMENDATION

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP, Commissioner

By



Shelby Frangk  
Planner

**Dutchess County Department of Planning and Development**

Fax Info Only	To _____	Date _____ #pgs _____
	Co./Dept. _____	From _____
	Fax # _____	Phone # _____

**239 Planning/Zoning Referral - Exemption Communities**

Municipality: **Town of Beekman**

Referring Agency: **Municipal Board**

Tax Parcel Numbers(s): \_\_\_\_\_

Project Name: **LL re Short Term Rentals**

Applicant: **Town Board**

Address of Property: \_\_\_\_\_

Please Fill in this section.

<p><b>Exempt Actions:* 239 Review is NOT Required</b></p> <ul style="list-style-type: none"> <li>● Administrative Amendments (fees, procedures, penalties, etc.)</li> <li>● Special Permits for residential uses (accessory apts, home occupations, etc.)</li> <li>● Use Variances for residential uses</li> <li>● Area Variances for residential uses</li> <li>● Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals</li> </ul> <p><b>No Authority to review these Actions</b></p> <ul style="list-style-type: none"> <li>● Subdivisions / Lot Line Adjustments</li> <li>● Interpretations</li> </ul> <p><input type="checkbox"/> Exempt Action submitted for informal review</p>	<p><b>Actions Requiring 239 Review</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Comprehensive/Master Plans</li> <li><input checked="" type="checkbox"/> Zoning Amendments (standards, uses, definitions, district regulations, etc.)</li> <li><input type="checkbox"/> Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)</li> <li><input type="checkbox"/> Rezoning involving all map changes</li> <li><input type="checkbox"/> Architectural Review</li> <li><input type="checkbox"/> Site Plans (all)</li> <li><input type="checkbox"/> Special Permits for all non-residential uses</li> <li><input type="checkbox"/> Use Variances for all non-residential uses</li> <li><input type="checkbox"/> Area Variances for all non-residential uses</li> <li><input type="checkbox"/> Other (Describe): _____</li> </ul>	<p><b>Parcels within 500 feet of:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> State Road:</li> <li><input type="checkbox"/> County Road:</li> <li><input type="checkbox"/> State Property (with recreation area or public building)</li> <li><input type="checkbox"/> County Property (with recreation area or public building)</li> <li><input checked="" type="checkbox"/> Municipal Boundary</li> <li><input type="checkbox"/> Farm operation in an Agricultural District</li> </ul>
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Date Response Requested: **8/9/2022**

Entered By: **abbatantuono, laureen**

\*These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.\*

**For County Office Use Only**

**Response From Dutchess County Department of Planning and Development**

<p><b>No Comments:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Matter of Local Concern</li> <li><input type="checkbox"/> No Jurisdiction</li> <li><input type="checkbox"/> No Authority</li> <li><input type="checkbox"/> Withdrawn</li> <li><input type="checkbox"/> Incomplete - municipality must resubmit to County</li> <li><input type="checkbox"/> Exempt from 239 Review</li> <li><input type="checkbox"/> None</li> </ul>	<p><b>Comments Attached:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Local Concern with Comments</li> <li><input type="checkbox"/> Conditional</li> <li><input type="checkbox"/> Denial</li> <li><input type="checkbox"/> Incomplete with Comments- municipality must resubmit to County</li> <li><input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)</li> </ul>
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Date Submitted: **7/27/2022**

Date Received: **7/27/2022**

Date Requested: **8/9/2022**

Date Required: **8/25/2022**

Date Transmitted: **8/25/2022**

Notes:

Major Project

Referral #: **ZR22-212**

Also mailed hard copy

Reviewer:

*Shelley Frough*

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Adoption of Town of Beekman Short-Term Rental Local Law		
Project Location (describe, and attach a general location map): Entire Town of Beekman		
Brief Description of Proposed Action (include purpose or need): The Town Board of the Town of Beekman is considering the adoption of a local law regulating short-term rental uses within its borders. The Town Code currently contains no provisions for short-term rentals. The proposed local law seeks to enact a regulatory framework to permit the safe and orderly use of a portion of a property as a short-term rental, while at the same time also protecting the interests of the owners of the neighboring properties, community character, and the aesthetic qualities of the Town as a whole. Because the proposed amendments create regulations for this potentially objectionable use, they will have a positive environmental effect. Since the changes to the Code affect the entire Town, the adoption of the amendments is a Type I action under SEQR.		
Name of Applicant/Sponsor: Town Board of the Town of Beekman, Attn: Town Clerk		Telephone: 1 (845) 724-5300 Ext 221 E-Mail: townclerk@townofbeekmanny.us
Address: Town Hall, 4 Main Street		
City/PO: Poughquag	State: New York	Zip Code: 12570
Project Contact (if not same as sponsor; give name and title/role):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:



**B. Government Approvals**

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - adoption of local law	7/12/22
b. City, Town or Village <input type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part I</li> </ul>	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No

If Yes, what is the zoning classification(s) including any applicable overlay district?

Townwide - so all zoning districts within the Town

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Arlington Central School District

b. What police or other public protection forces serve the project site?

Dutchess County Sheriff's Office and New York State Police

c. Which fire protection and emergency medical services serve the project site?

The Beekman Fire District, which includes Beekman Rescue, and M Star

d. What parks serve the project site?

The Town is served by Beyer Park, Doherty Park, Recreation Park and Town Center Park

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

• Total number of phases anticipated \_\_\_\_\_

• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  Yes  No  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

• Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

---

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

---

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: \_\_\_\_\_
- Saturday: \_\_\_\_\_
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

ii. During Operations:

- Monday - Friday: \_\_\_\_\_
- Saturday: \_\_\_\_\_
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

---

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)

Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

---

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			



c. Is the project site presently used by members of the community for public recreation?  Yes  No  
 i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
 If Yes,  
 i. Identify Facilities: \_\_\_\_\_  
 \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
 If Yes:  
 i. Dimensions of the dam and impoundment:  
 • Dam height: \_\_\_\_\_ feet  
 • Dam length: \_\_\_\_\_ feet  
 • Surface area: \_\_\_\_\_ acres  
 • Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
 ii. Dam's existing hazard classification: \_\_\_\_\_  
 iii. Provide date and summarize results of last inspection: \_\_\_\_\_  
 \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
 If Yes:  
 i. Has the facility been formally closed?  Yes  No  
 • If yes, cite sources/documentation: \_\_\_\_\_  
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
 \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
 If Yes:  
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_  
 \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
 If Yes:  
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes - Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes - Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
 ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
 If yes, provide DEC ID number(s): \_\_\_\_\_  
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
 \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

---

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

---

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

---

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 If Yes:  
 i. Species and listing (endangered or threatened): \_\_\_\_\_  
 \_\_\_\_\_

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
 If Yes:  
 i. Species and listing: \_\_\_\_\_  
 \_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
 \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

---

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  Yes  No

---

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

---

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: \_\_\_\_\_

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

---

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

**F. Additional Information**

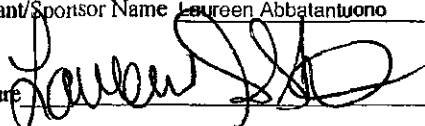
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Laureen Abbattanturo Date 7/12/2022

Signature  Title Town Clerk

# **P**oughkeepsie Journal **MEDIA GROUP** *Delivering Customers. Driving Results.*

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 POUGHQUAG, NY, 12570

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 POUGHQUAG, NY 12570

Acct No: POU-287898

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**Acct:** POU-287898

Ad #	Advertisement/Description	Zone	Items	# Col x # Lines	Cost
0005337424	NOTICE OF PUBLIC HEARING INTRODUCING LOCAL LAW NO 20 OF THE YEAR 2022 LEGAL NO		Legal Notices	2 col x 18 lines	\$19.22
			Affidavit of Publication Charge	1	\$25.00
			Tearsheet Charge		\$0.00
			<i>Subtotal:</i>		\$44.22
			Agency Commission	0	\$0.00
<b>Net Total Due:</b>					<b>\$44.22</b>

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**The Poughkeepsie Journal**  
 P. O. Box 822837  
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**AFFIDAVIT OF PUBLICATION  
FROM**



Linda Tuttle being duly sworn says that he/she is the principal clerk of **THE  
POUGHKEEPSIE JOURNAL**, a newspaper published in the County of Dutchess and the State of New York, and the  
notice of which the annexed is a printed copy, was published in the newspapers editions dated below :

Zone:

Read- Editions Dated:  
07/15/2022

Linda Tuttle  
Signature

Sworn to before me, this 15 day of July, 2022

Sarah Bertelsen  
Notary Signature State of Wisconsin County of Brown

7/27/25  
My commission expires

SARAH BERTELSEN  
Notary Public  
State of Wisconsin

**NOTICE OF PUBLIC HEARING INTRODUCING "LOCAL LAW NO.2 OF  
THE YEAR 2022**

LEGAL NOTICE IS HEREBY GIVEN that the Beekman Town Board will hold a Public Hearing on Tuesday July 26th, 2022 at 7:00pm at the Beekman Town Hall, 4 Main Street, Poughquag, NY. PURPOSE of the Hearing is to Introduce "LOCAL LAW NO.2 OF THE YEAR 2022 , INTRODUCING SHORT-TERM RENTALS IN THE TOWN OF BEEKMAN, it hereby is introduced before the Town Board of the Town of Beekman in the county of Dutchess and State of New York;

BY ORDER OF THE TOWN BOARD  
TOWN OF BEEKMAN  
LAUREN ABBATANTUONO  
TOWN CLERK  
Dated: 13 July, 2022

Date: July 15, 2022  
0005337424



TOWN OF  
**BEEKMAN**  
*New York*

4 Main Street  
Poughquag, NY 12570  
[www.townofbeekman.com](http://www.townofbeekman.com)  
(845) 724-5300

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BY ORDER OF THE TOWN BOARD  
TOWN OF BEEKMAN  
LAUREEN ABBATANTUONO  
TOWN CLERK  
Dated: 13 July, 2022





TOWN OF  
**BEEKMAN**  
*New York*

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December 15, 2022

DEPARTMENT OF STATE

Please see the attached Local Law NO.2 of the Year 2022 "SHORT TERM RENTALS". I need to request this be added as a CORRECTION to the filing which was done on September 16<sup>th</sup>, 2022. Please let me know if you need anything further.

Thank you,

Lauren Abbatantuono

Town Clerk

*Local Law Filing*

NEW YORK STATE DEPARTMENT OF STATE 162  
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 BEEKMAN  
LOCAL LAW NO. 2 (PROPOSED) OF THE YEAR 2022

A LOCAL LAW TO ESTABLISH A NEW CHAPTER 126.1 OF THE CODE OF THE TOWN OF BEEKMAN TO BE KNOWN AS "SHORT-TERM RENTALS," AND TO AMEND CHAPTER 155 OF THE CODE OF THE TOWN OF BEEKMAN, ENTITLED "ZONING," REGARDING SHORT-TERM RENTALS.

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

SECTION 1. LEGISLATIVE INTENT

This local law amends the Beekman Town Code to regulate short-term rentals. The law establishes new regulations requiring permits for short-term rentals, and amends the Town's Zoning Law to adequately regulate short-term rental uses.

The use of short-term rentals has increased in the nation and in the region in recent years, and many visitors now seek accommodations in short-term rentals via various website platforms. Short-term rentals can offer an additional means of income for some property owners, but they also have the potential to adversely impact neighborhoods because they are effectively transient lodging uses, often operated without permits or approvals and in buildings and areas where such lodging may not be permitted. In addition, the presence of short-term rentals also can lead to a reduction in the 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 that are available.

This local law will allow certain short-term rental uses as permitted uses in the Town subject to specific conditions and approvals. To protect the character of neighborhoods and avoid "party houses," unhosted short-term rentals are prohibited throughout the Town, because they are deemed to be incompatible with the existing uses and neighborhood character. By restricting the type and location of short-term rentals, and by requiring them to undergo review and receive approval from the Town, this law lessens the potential negative impacts associated with these uses and will promote the public safety, health, and welfare. This law also will discourage unsafe structures from being rented to transient visitors by requiring that short-term rentals comply with applicable codes and implement certain safety measures.

9-1-2022 DRAFT

The proposed amendments to the Town Code are designed to protect the health, safety, and welfare of the public. The amendments are consistent with the recommendations of the Town's *Comprehensive Plan*, last revised February 16, 2011, including to "[p]rovide a diversified range of housing opportunities consistent with a well-balanced community" (*Comprehensive Plan* at p. 28) and with "Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities" pursuant to § 155-2(M) of the Town Code.

## **SECTION 2. APPLICATION**

This Local Law shall apply within the Town of Beekman.

## **SECTION 3. SEVERABILITY**

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

## **SECTION 4. ADOPTION OF A NEW CHAPTER 126.1 ENTITLED "SHORT-TERM RENTALS"**

*A new Chapter 126.1 is hereby inserted into the Code of the Town of Beekman to read as follows:*

### **CHAPTER 126.1. SHORT-TERM RENTALS**

#### **§ 126.1-1. Purpose.**

The Town Board of the Town of Beekman has determined it is in the best interest of the Town and its residents to regulate short-term rentals. The Town Board recognizes the benefits of short-term rentals to allow homeowners to supplement their income to defray the cost of housing and to provide lodging for visitors to the Town. However, to protect the health, safety and welfare of the Town and its residents, it is necessary to restrict the rental of dwelling units for terms shorter than 30 consecutive days because such use has the potential to negatively impact residential neighborhoods by allowing what are effectively transient lodging uses in buildings and areas where commercial uses may not be permitted. In addition, the presence of short-term rentals also can lead to a reduction in the 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 that are available. The Town Board believes that the restrictions and requirements imposed herein further the Town's goals and objectives and promote the protection of the health, safety and welfare of the Town and its residents. This chapter describes procedures and requirements for obtaining a permit for a short-term rental and is intended to operate in conjunction with the regulations of the Town of Beekman Code Chapter 155 entitled "Zoning."

#### **§ 126.1-2. Definitions.**

As used in this chapter, the following words shall have the meanings indicated:

#### **PRIMARY RESIDENCE**

The domicile and principal dwelling that a person inhabits and resides in for the majority of the year. If title to the property is not held in the name of a natural person, then the following

shall apply: if the property is held in the name of a trust, the person that inhabits the residence must be a grantor or a beneficiary of the trust; if the property is held by an entity other than a trust (corporation, limited liability company, partnership, etc.), the resident must be a majority owner of the entity.

**OWNER**

Any person having a fee interest in the real property to be used as a short-term rental.

**PERSON**

A natural person, partnership, corporation, limited liability company, trust, governmental entity or other legal entity.

**SHORT-TERM RENTAL**

A portion of a single-family dwelling made available for rent or lease, or otherwise assigned, for an occupancy of fewer than 30 consecutive days. The term "short-term rental" does not include the rental or lease, for a period of fewer than 30 days, of the entirety of a single-family dwelling, and does not include dormitories, hotel or motel rooms, bed-and-breakfast establishments, or inns as regulated by the Town of Beekman Zoning Law, and does not include the use of any accessory structure(s) for dwelling purposes. The following are types of short-term rentals:

- (1) Hosted short-term rental. A short-term rental where the property owner is residing in the dwelling overnight with their guest(s).
- (2) Unhosted short-term rental. A short-term rental where the property owner is not present in the dwelling overnight with their guest(s). Unhosted short-term rentals are prohibited within the Town.

**§ 126.1-3. Short-Term Rental Permit.**

- A. *Permit required.* It shall be unlawful to use, establish, maintain, operate, rent or lease, or advertise for rent or lease, any property as a short-term rental within the Town of Beekman without first having obtained a short-term rental permit for such purpose in accordance with provisions of this chapter. The failure or refusal to obtain a short-term rental permit prior to the commencement of a short-term rental use shall be deemed a violation of this chapter.
- B. *Zoning use authorized.* Subject to the conditions set forth in this chapter and in Chapter 155, including §155-39.1, a short-term rental shall be a permitted accessory use to a lawful single-family dwelling.
- C. *Advertisement.* If a property owner advertises their rental online or in print, the short-term rental permit number issued by the Town must be included in the listing.
- D. *Presumptive evidence.* The presence or existence of any of the following shall create a rebuttable presumption that a property is being utilized as a short-term rental:
  - (1) The property is offered for lease or rent on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO or similar websites; or
  - (2) The property is offered for lease or rent by the use of any other advertising mechanism for a period of fewer than thirty (30) consecutive days.

**§ 126.1-4. Term of Permit.**

A short-term rental permit shall be issued annually and shall expire on the last day of December next succeeding the date of issuance, unless sooner terminated, revoked or suspended. A property owner may apply for renewal for the following calendar year up to 90 days prior to the expiration of the permit, but no later than 30 days prior to such expiration.

**§ 126.1-5. Application for permit.**

- A. Application. An application for a short-term rental permit shall be made to the Building Department on forms provided by the Town and signed by the owner of the property. The form and content of the permit application shall be as determined from time to time by the Town and shall request such information and materials as the Town deems necessary. Such application shall contain, at a minimum, the information required by this chapter, including the following:
- (1) The name, address, e-mail address, and telephone number of the property owner.
  - (2) Property information, including:
    - (a) The property address and Tax Parcel ID number;
    - (b) The total number of bedrooms and bathrooms in the dwelling;
    - (c) The total number of bedrooms proposed for short-term rental use;
    - (d) The square footage and ceiling height of bedroom(s) proposed to be used for short-term rental;
    - (e) A sketch indicating the location of each bedroom in the dwelling proposed to be rented, and two means of egress from each such bedroom; and
    - (f) The number of persons (1 or 2) to be accommodated in each short-term rental bedroom.
  - (3) Certification that the property is the owner's primary residence. Primary residency shall be verified by one of the following:
    - (a) Proof of receipt of New York State STAR Credit or STAR property tax exemption for the short-term rental property; or
    - (b) A copy of a filed federal or state tax return showing the owner being domiciled at the property address; or
    - (c) Other evidence satisfactory to the Town that the property meets the primary residence criteria.
  - (4) Proof of insurance coverage for the short-term rental use.
  - (5) A sketch map or photos of the site sufficient to show the location of driveway, the number and location of existing on-site parking spaces, and the number of available on-site parking spaces for the short-term rental. It is not necessary for the sketch map to be prepared by a licensed professional surveyor or engineer.
  - (6) A signed and notarized certification in a form acceptable to the Town Attorney by the property owner attesting to the fact that:
    - (a) The property is the applicant's primary residence;

- (b) The applicant will reside in the dwelling during the rental;
  - (c) The property is fit for human habitation and is safe;
  - (d) The applicant will comply with all of the conditions and restrictions of the permit;
  - (e) No portion of the area to be used for the short-term rental will utilize a cellar or attic, or any portion thereof, as habitable space unless it meets the requirements of the New York State Uniform Fire Prevention and Building Code; and
  - (f) The property is in compliance with all of the provisions of this chapter, the applicable provisions of the Town Code, and the New York State Uniform Fire Prevention and Building Code.
- (7) A non-refundable application fee, in accordance with the Schedule of Fees, payable upon application. In no instance shall the filing of an application or the payment of an application fee be construed as permission to operate a short-term rental, or to exonerate the property owner from responsibility for compliance with the building, housing, fire and maintenance requirements of any local, county, state or federal agency having jurisdiction.
- (8) If the owner intends to prepare and serve food to guests, proof of compliance with the licensing requirements administered by the Dutchess County Department of Behavioral and Community Health applicable to bed-and-breakfast establishments.
- (9) Any such other information and/or documentation deemed necessary by the Building Inspector or the Town Board.
- B. Inspection. The property shall be inspected by a Town Building Inspector at the time of the initial application and prior to any permit renewal to determine whether the property is in compliance with this chapter and all other applicable provisions of the Town Code and the New York State Uniform Fire Prevention and Building Code. The Building Inspector will confirm that the short-term rental contains functioning smoke and carbon monoxide detectors in appropriate locations as required by the New York State Uniform Fire Prevention and Building Code, as well as a functioning fire extinguisher, and two safe means of ingress/egress for each rented bedroom. The inspection report shall indicate the number of bedrooms in the dwelling permitted by the certificate of occupancy and/or as permitted by the size of the sanitary sewage disposal system approved for the dwelling by the Dutchess County Department of Behavioral and Community Health. A non-refundable inspection fee shall be payable upon application in accordance with the Schedule of Fees. If the Building Inspector determines that the short-term rental space is not in compliance, any existing permit shall be revoked, and the owner shall cease use of the dwelling unit as a short-term rental until all noncomplying elements have been corrected, as confirmed by re-inspection by the Building Inspector, which shall be subject to an additional fee as set forth in the Schedule of Fees.
- C. Permit Fee. A non-refundable permit fee shall be payable upon issuance of the permit in accordance with the Schedule of Fees.
- D. Duty to amend. If the information submitted as part of the permit application changes at any time after submittal, it is the responsibility of the owner to submit such changes to the Building Department in writing within 30 days of the occurrence of such change. Failure to do so shall be deemed a violation of this chapter.

**§ 126.1-6. Renewal of permit.**

A short-term rental permit may be renewed by application to the Building Department as in the case of an original permit application as outlined in § 126.1-5 above. All applications for a renewal of a permit shall be filed within the time period outlined in § 126.1-4 above. A permit may only be renewed by the same owner for the same property upon the payment of the requisite fees. In addition to the application and information required pursuant to § 126.1-5 above, for any renewal application, evidence of payment of the Hotel Occupancy Tax required by Dutchess County for the fiscal year covered by the current permit shall be submitted. No permit shall be issued for a renewal until such proof is provided.

**§ 126.1-7. Issuance of permit; conditions and restrictions.**

- A. **Transferability.** Only the owner of the property containing a proposed short-term rental may apply for and operate a short-term rental. Short-term rental permits are specific to the designated owner and property, and cannot be transferred to other owners or properties. Any person who purports to transfer a permit, or who uses a permit that has been transferred, shall be in violation of this chapter.
- B. **Primary residence.** It shall be unlawful for a person to use, establish, maintain operate, rent or lease any property as a short-term rental if the property is not the person's primary residence. The property used as a short-term rental shall be the primary residence of the owner at all times during the term of the permit. A property owner may only operate a short-term rental on one parcel in the Town.
- C. **Violations.** No short-term rental permit shall be issued to any owner or for any property with an outstanding notice of violation under the Town of Beekman Code, nor to any owner or property with a permit 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.
- D. **Authority of Building Inspector.** The Building Inspector may issue a permit upon such restrictions and conditions as he/she deems reasonable and necessary under the circumstances.
- E. **Conditions and restrictions of permit.** All permits issued pursuant to this chapter shall be subject to the following conditions and restrictions, whether or not they are itemized on the permit:
  - (1) **Signage.** There shall be no signage on the property advertising or identifying any portion of the property as a short-term rental.
  - (2) **Residential appearance and character.** All outward appearances of the property in which the short-term rental will be located must remain residential in character. A short-term rental shall be conducted in a manner which does not give the outward appearance of a business, does not have commercial-type outdoor lighting, 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.
  - (3) **Parking.** Off-street parking shall be located on the parcel on which the short-term rental is located, and shall be comply with § 155-56 of the Town Code to the satisfaction of the Building Inspector and the Town Board.

- (4) Number of bedrooms. The number of bedrooms used by the residents of the dwelling unit and the short-term rental use shall not exceed the number of bedrooms that are permitted by the *certificate of occupancy and/or as permitted by the size of the sanitary sewage disposal system approved for the dwelling by the Dutchess County Department of Behavioral and Community Health.*
- (5) Number of guests. No more than two guests per bedroom may be accommodated on any occasion. Children under 5 years of age shall not count towards this maximum.
- (6) Size of bedrooms. Every bedroom in a short-term rental occupied by one (1) person shall contain at least seventy (70) square feet of floor area and every bedroom in a short-term rental occupied by two (2) persons shall contain at least one hundred (100) square feet of floor area. Children under five (5) years of age shall not be included in this calculation.
- (7) Traffic. Traffic attributed to the short-term rental must not result in significant adverse impacts to existing traffic patterns nor create a hazard to pedestrians in the neighborhood.
- (8) Code Compliance. Compliance with the provisions of Chapter 108 (Noise) and Chapter 124 (Sewage Disposal Systems) shall be required.
- (9) Solid Waste. Facilities to handle solid waste, including recycling, shall be made available to short-term rental guests and shall be easily accessible, secure and screened from adjacent properties. Instructions shall comply with (14) below.
- (10) Assembly. It shall be unlawful for a short-term rental property to be utilized by short-term rental guests for any type of assembly. As used in this chapter, assembly shall include, but not be limited to, a wedding; bachelor or bachelorette party; or any similar party, activity or gathering; or a luncheon, banquet, or meeting; or similar activities.
- (11) Meals. No restaurant may be operated, and no meals may be prepared or served to guests other than the rental occupants of the short-term rental. Meals served to permitted occupants of the short-term as in a typical "bed-and-breakfast" are permitted, subject to compliance with the regulations of the Dutchess County Department of Behavioral and Community Health.
- (12) Non-habitable structures. No owner shall offer or use any part of the property not approved for residential use as a short-term rental, including but not limited to a recreational or other vehicle parked on the property, a storage shed, recreation room, trailer, garage, or any temporary structure such as a tent or treehouse.
- (13) Transient recreational use not part of short-term rental use. It shall be unlawful for a property owner to offer for use, rent or lease, or advertise for use, rent or lease, any portion of the residential property, such as pool or hot tub rentals, party or yard rentals, or sport court rentals, to any third-party for transient recreational use separate from a permitted short-term rental use.
- (14) Postings. The property owner shall post a copy of the following in an open and conspicuous place in the rental unit, readily visible to all guests:
  - (a) Short-term rental Permit Number.
  - (b) A copy of Chapter 108 (Noise) of the Town Code.



- (c) A safety/egress plan, which shall be posted on the back of the door of each rented bedroom.
  - (d) A property map (either a survey of the property or a tax map printed from Dutchess County Parcel Access) depicting property boundaries, and a notice to guests not to trespass on neighbors' property.
  - (e) Information identifying the location of easily accessible solid waste and recycling facilities, days and times when garbage is picked up, and any recycling requirements (comingled, single stream, required receptacle, etc.).
- (1) **Registry of Guests.** The owner of the short-term rental shall maintain a true and accurate registry of the short-term rental use, including the dates and total number of days rented, number of bedrooms rented, and number of short-term rental occupants. Such registry shall be retained for at least three years, and shall be available for inspection by the Town upon request.
  - (2) **Hotel Occupancy Tax.** The property owner shall be responsible for payment of the Hotel Occupancy Tax to Dutchess County either directly or through Airbnb or other similar websites if applicable, and for collecting and remitting all applicable occupancy and sales taxes required by state and/or County 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.
  - (3) **Compliance with applicable laws.** The property owner shall comply with all applicable state, federal, and local laws.
  - (4) **Conditions and restrictions.** It shall be unlawful for a property owner to violate, fail, neglect or refuse to fully comply with any condition, restriction or requirement of the short-term rental permit.
- F. **Notification Requirements.** The Building Department shall provide a packet of information with each permit summarizing the restrictions, guidelines, and requirements applicable to the short-term rental use. The property owner shall provide a copy of the information packet to the occupant(s) of the short-term rental.

**§ 126.1-8. Denial or revocation of application.**

- A. **Basis for denial.** Any application for a short-term rental permit, including the renewal of a permit, may be denied for the reasons set forth in § 126.1-10.
- B. **Basis for revocation.** Any permit for a short-term rental may be revoked or the reasons set forth in § 126.1-11.
- C. **Form of denial or revocation.** In the event an application is denied, revoked or suspended, notice of the same shall be given in writing by mail to the applicant at the address shown on the application. If the notice is returned by the Post Office as undeliverable for any reason, as long as it was properly addressed, service of the notice shall be presumed valid.
- D. **Notice of denial, revocation or suspension.** The notice of denial, revocation or suspension shall set forth the grounds therefor and contain a statement that the applicant may appeal such determination pursuant to § 126.1-12 herein. The notice shall also contain a statement that the

applicant may submit written objections, and any other information the applicant deems advisable or necessary.

**§ 126.1-9. Reapplication for a permit.**

Once an application has been denied or revoked, no reapplication for a permit or a renewal of the permit shall be accepted for filing until the applicant has remedied the condition(s) that formed the basis for denial or revocation to the satisfaction of the Building Inspector.

**§ 126.1-10. Basis for denial of a permit.**

An application for the issuance of a short-term rental permit, or renewal thereof, may be denied under the following circumstances:

- A. Failure of the owner to file a full, true and complete application;
- B. Failure of the owner to meet any of the requirements for obtaining a short-term rental permit;
- C. Occupancy of the property or the short-term rental area(s) creates a hazard, public nuisance, or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community as determined by the Building Inspector; or
- D. The property owner had a previous short-term rental permit revoked by the Town.

**§ 126.1-11. Revocation of a permit.**

The grounds upon which a permit can be revoked shall include but shall not be limited to:

- A. Permanent Revocation.
  - (1) The permit was issued in whole or in part as a result of a false, untrue, or misleading statement on the permit application or other document submitted as part of the application, including but not limited to the schematic or certification;
  - (2) The property owner ceases to be an owner, or fails to continue to occupy the property as a primary residence;
  - (3) The Town either has suspended, or is in the process of suspending or revoking, the certificate of occupancy or letter in lieu thereof for the property;
  - (4) The use of the property as a short-term rental creates a hazard or public nuisance, threat to public safety or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community, as determined by the Building Inspector;
  - (5) The failure by the applicant to comply with, or violation of, the conditions and restrictions of the permit; or
  - (6) The failure by the applicant to comply with, or violation of, any federal, state, or local law, regulation or rule.
- B. Temporary Revocation/Suspension.
  - (1) The receipt by the Town of three (3) or more complaints about the short-term rental use within a thirty-day period shall cause the permit to be revoked for a period of thirty days.

- (2) The receipt by the Town of more than six (6) complaints about the short-term rental use within a forty-five-day period shall cause the permit to be revoked for a period of time to be determined by the Building Inspector, such time to be determined based upon the type and nature of the complaint, the complainant, and the ability to remedy the complaint.

**§ 126.1-12. Appeals.**

- A. Upon the denial, suspension or revocation of a permit, the applicant may, within 20 business days from the date of the written notice, file a request for a hearing before the Town Board. Such request shall be filed with the Town Clerk. The Town Clerk shall promptly forward a copy of the appeal to the Town Attorney and the Building Inspector for further processing. Notice of the date, place and time of the hearing shall be given in writing by mail to the applicant at the address shown on the application. If the notice is returned by the Post Office as undeliverable for any reason, as long as it was properly addressed, service of the notice shall be presumed valid. The hearing shall be scheduled no later than 30 days after the date on which the request was filed.
- B. In the event that demand for a hearing is not made within the prescribed time or in the event that the applicant does not timely appear for the hearing, the Building Inspector's decision shall become final.
- C. The applicant shall be given an opportunity to present evidence why such denial of application, or such suspension or revocation of the permit, should be modified or withdrawn. The Building Inspector or his or her designated agent may also give testimony or submit evidence in support of the proposal to deny or revoke the permit. All hearings shall be recorded and may be adjourned by the Town Board upon good cause shown. Upon consideration of the evidence presented, the Town Board shall within fifteen (15) days of the close of the hearing sustain, modify or reverse the decision of the Building Inspector, and the Town Board's decision shall be filed with the town Clerk,
- D. The applicant may file an Article 78 proceeding under the New York Civil Practice Law and Rules challenging the Town Board's decision. The Article 78 proceeding must be filed within 30 days of the filing of the Town Board's decision with the Town Clerk.

**§ 126.1-13. Effect of Revocation.**

- A. If a permit is revoked, the property owner shall not be eligible to re-apply for a permit for a period of one (1) year from the date of the revocation. Following the one (1) year period, no application for a new permit will be accepted for filing until the applicant has remedied the conditions that formed the basis of the revocation to the satisfaction of the Building Inspector, if applicable. A prior revocation may be a factor in the determination as to whether a new permit will be issued. Once remedied, the applicant will have to apply for a new permit.
- B. Notwithstanding the foregoing paragraph and the provisions of § 126.1-11(B), if an owner moves to a new residence in the Town and provides timely notice to the Town of the same, the failure to continue to occupy the original residence shall not subject the owner to the one-year waiting period.

**§ 126.1-14. Violations and Enforcement.**

- A. It shall be the duty of the Building Inspector and his or her duly authorized representatives, to enforce the provisions of this Chapter.

- B. Appearance tickets. The individuals identified in Subsection A are authorized to issue appearance tickets as defined in § 150.10 of the Criminal Procedure Law, as well as orders to remedy and notices of violation, to enforce the provisions of this Chapter.
- C. A violation of any provision of this chapter is an offense, punishable as provided for in § 126.1-15.

**§ 126.1-15. Penalties for offense(s).**

Every person violating any provision of this chapter shall also be subject to a civil penalty as follows:

- A. For the first offense: a civil penalty in a minimum amount of \$350 and a maximum amount of \$500;
- B. For the second and subsequent offenses: a civil penalty in a minimum amount of \$500 and a maximum amount of \$5,000; and
- C. Each violation shall be deemed a separate violation.

**SECTION 5. AMENDMENTS TO ARTICLES V AND VIII OF CHAPTER 155 "ZONING" LAW ENTITLED "SUPPLEMENTAL REGULATIONS"**

*§ 5.1. A new § 155-39.1 is hereby inserted into the Code of the Town of Beekman to read as follows:*

**§ 155-39.1. Short-term rentals.**

- A. Purpose. The purpose of this section, and of chapter 126.1 of the Town Code, is to regulate short-term rentals within the Town of Beekman in a manner that protects the public health, safety, and welfare.
- B. Definitions. As used in this section, the following words shall have the meanings indicated:

**PRIMARY RESIDENCE**

The domicile and principal dwelling that a person inhabits and resides in for the majority of the year. If title to the property is not held in the name of a natural person, then the following shall apply: if the property is held in the name of a trust, the person that inhabits the residence must be a grantor or a beneficiary of the trust; if the property is held by an entity other than a trust (corporation, limited liability company, partnership, etc.), the resident must be a majority owner of the entity.

**OWNER**

Any person having a fee interest in the real property to be used as a short-term rental.

**PERSON**

A natural person, partnership, corporation, limited liability company, trust, governmental entity or other legal entity.

**SHORT-TERM RENTAL**

A portion of a single-family dwelling made available for rent or lease, or otherwise assigned, for an occupancy of fewer than 30 consecutive days. The term "short-term rental" does not

