



VILLAGE OF RHINEBECK

Village of Rhinebeck Board of Trustees
Tuesday, June 25, 2019
7:00 PM

Mayor Bassett opened the meeting at with the Pledge of Allegiance at 7:00 PM.

Mayor Gary Bassett:	Present
Deputy Mayor Richard Lewit:	Present
Trustee Paul Korczak:	Present
Trustee Brant Neuneker:	Present
Trustee John Rossi	Present

Also present was: Village Clerk Patricia Coon, Codes Enforcement Officer John Fenton and Village Counsel Rich Olson and approximately 40 members of the public.

Water Distribution Award Bid- Trustee Neuneker reported that there were not any bids received for the water distribution project- possibly due to the season, and the Village will have to go out to bid again. Village will be coordinating with the EFC and Stantec to schedule a new date.

Court consolidation- Mayor Bassett discussed the purpose of the court consolidation grant and the RFP to study the various ways the municipalities could save money. He summarized that what we had approved included the Town and Village of Red Hook and Town and Village of Rhinebeck. The Trustees discussed the RFP and the study as presented. Trustee Rossi stated there were several typos in the RFP, and he would submit changes to the Town of Rhinebeck who is the lead agency in the RFP for correction.

Motion: Deputy Mayor Lewit- To approve the Request for Proposals for court consolidation with the changes submitted by Trustee Rossi

Second: Trustee Korczak

Mayor Bassett:	Yes
Deputy Mayor Lewit:	Yes
Trustee Korczak:	Yes
Trustee Neuneker:	Yes
Trustee Rossi	Yes

Hudson River Estuary Program grant application- Mayor Bassett discussed the Hudson 7 quest to hire an administrator funded through a grant. The work scope as determined by Hudson 7. Mayor Bassett stated the Village of Rhinebeck would be the lead agency, would be the advocate and would handle the administration of the grant and

administrator. The administrator would not be an employee of the village, would be a contractor.

Mayor Bassett read the resolution-

Village of Rhinebeck
Hudson 7 Strategic Plan to Protect Hudson River Drinking Water

WHEREAS: The Hudson River Drinking Water Intermunicipal Council (Hudson 7) represents seven municipalities that draw drinking water from the Hudson River. They are: Town of Esopus, Town of Hyde Park, Town of Lloyd, Town and City of Poughkeepsie, Town and Village of Rhinebeck.

WHEREAS: The Hudson 7 formed on May 31st, 2018 to join forces to protect the collective drinking water supply that serves over 100,000 people through planning, advocacy and action.

WHEREAS: After a year of regular monthly meetings, are ready to build on their successful Hudson 7 partnership by hiring a coordinator who can provide structural and educational support to the group, act as a liaison with source water protection planning process, and produce a strategic plan for the next five years to help to implement source water protection and infrastructure goals.

WHEREAS: The coordinator's work plan will be in part to: Coordinate logistics for monthly meetings, work toward drinking source water protection plan; Increase capacity of H7 membership through education on key Hudson 7 issues (e.g. by organizing speakers for meetings) such as risk of spills, pollution sources in watershed, land use planning to reduce future pollution, protection of streams and wetlands; Increase capacity of H7 organization by maintaining and strengthening membership and structure; Assisting in research and outreach on timely issues; Engaging additional partners; Produce a 5-year strategic plan that integrates both source water protection priorities and drinking water infrastructure needs and to form basis for direct action or grant proposals.

WHEREAS: The grant request will be made through the Department of Environmental Conservation (DEC) Hudson River Estuary Program (HREP) in the amount of \$50,000 to pay a coordinator for two years (\$25,000 per year, approximately 10 hrs/week) as an initial investment.

WHEREAS: The Village of Rhinebeck has agreed to submit the grant application on behalf of the Hudson 7 with a deadline of July 10, 2019.

NOW THEREFORE BE IT RESOLVED: That we as representatives of the **Village of Rhinebeck** in **Dutchess** County support the "Hudson 7 Strategic Plan to Protect Hudson River Drinking Water" grant application and commit at least \$550 per year (in funds or in-kind) for two years (\$1,100 total) as the local match to the grant.

Mayor Bassett asked for the Village to submit the grant by July 11, 2019, with the village providing the in-kind service.

Motion: Deputy Mayor Lewit

Second: Trustee Rossi

Mayor Bassett:

Yes

Deputy Mayor Lewit:	Yes
Trustee Korczak:	Yes
Trustee Neuneker:	Yes
Trustee Rossi	Yes

Walk Bike Rhinebeck project grant application- Trustee Rossi discussed the walk and bike project grant as well as other grants the committee would like to submit. The Board discussed the funds required for all. Submitted to Clerk Coon was the following resolution:

Whereas, the Village of Rhinebeck hereby requests financial assistance from the New York State Climate Smart Communities Grant Program pursuant to Environmental Conservation Law Article 54 Title 15.

Whereas, the Village of Rhinebeck certifies that it has identified and secured \$12,500.00 of matching funds from the general fund pursuant to the requirements of Environmental Conservation Law Article 54 Title 15.

Therefore, be it resolved, that the Village of Rhinebeck hereby authorizes Trustee John Rossi an official or employee, to act on its behalf in submittal of an application through the Consolidated Funding Application for \$25,000.00 to be used for the “Walk Bike Rhinebeck” project. The “Walk Bike Rhinebeck” project seeks an updated feasibility study of the 2011 Village of Rhinebeck and Poughkeepsie-Dutchess County Transportation Council (PDCTC) collaborated study.

Motion: Mayor Bassett

Second: Trustee Korczak

Mayor Bassett:	Yes
Deputy Mayor Lewit:	Yes
Trustee Korczak:	Yes
Trustee Neuneker:	Yes
Trustee Rossi	Yes

STR Workshop- Mayor Bassett gave a summary of the STR workshop and where the village is at this point and what the next step will be. Mayor asked the Board for comments.

Proposed new legislation:

Section TBD. Short Term Rental.

(1) Purpose. The purpose of this section is to establish a set of regulations applicable to publically advertised non-hosted short term rentals of residential property. These regulations are in addition to all other provisions of this Chapter. In the adoption of these standards the Board of Trustees find that non-hosted short term rentals have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, thereby having the potential for a deleterious effect on the

adjacent full-time residents. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods they are located within.

(2) Definition. A non-hosted single-family or two-family dwelling, or an accessory dwelling unit, in which at least one and not more than three bedrooms are publically advertised for overnight accommodation, the rates for which including lodging only, and in which no public restaurant is maintained and no other commercial services are offered. A qualifying property must be the owner's primary residence and be owner occupied for at least 260 days each calendar year.

(3) A short-term rental may be allowed subject to an application for a permit, renewable on an annual basis, and compliance with the following standards:

A. Permits issued for short term rentals shall be limited to a maximum of fifteen (15) within the Village decided by lottery on an annual basis. No permit may be allowed for any lot located within two (2) lots from a lot where a current permit has been issued from a lottery draw.

B. The property shall be designed, maintained, and operated so as to preserve and complement the residential appearance of the site and the existing character of the surrounding area. There shall be no change permitted to the residential character of the outside appearance of the building, either by the use of colors, materials, or lighting.

C. An owner leaving Dutchess County overnight during the rental period must engage the services of agent with the right to enter and maintain possession of the dwelling. This agent must be available twenty-four (24) hours a day to respond to tenant and neighborhood concerns and be capable of responding within two hours of notification from the Village.

D. There shall be no more than six occupants as lodgers at any given time, with a maximum of two occupants per bedroom.

E. The guest bedrooms shall be limited to the principal dwelling and/or one accessory building. Any guest room in an accessory building shall have sanitary facilities within that accessory building approved by the applicable authority.

F. Short term rentals are limited to sixteen (16) days in any one calendar year and no more than one rental is allowed within a seven (7) consecutive day period.

G. The owner shall collect and preserve registration records for a minimum of three years.

H. Parking shall be consistent with Section 120-16 and Table 3. Any required additional parking shall not be allowed in front of a principal structure by expanding use of an existing driveway.

I. If a property owner publicly advertises their dwelling, a Village issued registration plaque must be displayed on the front of the dwelling and a copy of the permit must be displayed within the interior during the duration of its validity. Other than the plaque, the availability of the rental to the public shall not be advertised on the premises.

J. If a property owner publicly advertises their rental, the Village permit number must be included in the listing.

K. An annual satisfactory inspection from the Code Enforcement Officer is mandatory prior to issuance of a permit. The owner shall give reasonable access for inspections to be conducted to ensure compliance with the provisions of the Village of Rhinebeck Code, the NYS Uniform Fire Protection and Building Code and Department of Health Code.

L. All guests are subject to the provisions of Section 120-13, the General Performance Standards, and of the enforcement provisions of Section 120-62. The owner/agent is responsible for informing each guest of these provisions.

M. A property found not to be in compliance with any section of this law will be subject to a monetary fine in accordance with the schedule below, in addition to any and all applicable remedies and penalties found in Section 120-62 that do not conflict with this section.

1. A one thousand dollar (\$1,000.00) fine will be assessed for the first offense.

2. A two thousand dollar (\$2,000.00) fine will be assessed for the second offense.

3. A third violation will result in the revocation of the permit, or if the property is operating without a permit the owner will be prohibited from applying.

N. At the time of passage of this law, property owners operating a short term rental in violation of the above listed standards will be given a ninety (90) day grace period in which to apply for a permit.

Proposed changes to Section 120-6 Use Chart

The language **Short Term Rental, subject to §_____** will be an added Use in Section 120-6, Table 1, Allowable Use Groups Chart with a “p” used to denote the requirement of a permit in the categories of Village Center, Residential and Medical and Professional.

Proposed changes to Section 120-16 and Table 3

In Table 3, Off-Street Parking Chart, add a category for Short Term Rental, having the same standards as Room Rental Home.

Proposed changes to Section 120-64

The definition of Lodging Facility shall be, "Any hotel, motel or inn providing sleeping accommodations for transient guests, with or without a dining room or restaurant, excluding room rental homes, short- term room rentals and bed-and-breakfast establishments.

The definition of Owner-Occupancy shall be, "Where owner-occupancy is required, the lot and dwelling unit must be the owner's legal home where the owner resides on a permanent basis for at least 260 days of the year."

Deputy Mayor Lewit- asked for clarification of timing. Discussed the fee schedule would be set by the Board.

Trustee Rossi- in #1 to remove publically advertise and #2 to also remove publically advertise.

Trustee Neuneker- in #1 to strike all before "a village"

With no further comments from the Board, Mayor Bassett opened discussion up to the public:

Donna Chesmel- 1 North Loop questioned the number of days an owner could rent.

Linda Christensen- 37 South Street stated everyone should need a permit. Suggested that the owner needs to keep and provide upon request. She asked for a definition of an agent be added in 3C and how and to define a lottery.

The Board discussed family and friends staying in someone's house, and that safety is to be maintained.

Laura Wasserman- asked if there are penalties if they don't have a permit, and discussed coordinating the permitting with the Dutchess County Fair. The Board responded it is up to the Judge to levy the fines.

Diana Brind- 118 Montgomery Street questioned item C on the proposal

Susan VanKleeck-56 Pond Drive East Questioned who the contact in item C of the proposal would be. Codes Enforcement Officer John Fenton discussed the reasoning and how violations are enforced. Susan also asked about the lottery of awarding the 15 permits.

Phyllis Marsteller- 4 Pond Drive East questioned a shorter frame for the permit and suggested a shorter term, possibly 3-6 months, 90 days. She questioned 3N and the 90 days.

Pat Strong- Questioned about the choice of a lottery and where it puts the owner as there is not consistency.

Martha Gershun- 41 Lorraine Drive discussed the drafting of an unhosted Questioned the number of bedrooms and why the increase to 3 bedrooms. She asked how this is to be regulated and suggested having it made a special permit so the neighbors will know. She also suggested a time diary where the neighbors will be notified of rentals. Counsel discussed the notification of 10 neighbors and with 3 violations restricted forever. Stated need the government so this is done properly, and for the government to notify the neighbors.

Donna Warner- 23 Beech Street stated glad the board agreed to remove publically advertised and concerned about expanding to 3 bedrooms. She questioned the number of days at 16 and asked for the Board to clarify used or paid days. Questioned hosted-unhosted.

John Fenton- discussed the current litigation of room rentals and enforcement. He suggested the owner keep a schedule of rentals on site, and that 3C may need to be tightened up.

Howard Traudt- 63 Violet Place had questions over who will be enforcing as Code Enforcement Officer lives in Wappingers and works M-F.

John Fenton- discussed how it works on weekends and how the police become involved. He relies on the police department and other reports and what triggers an appearance ticket.

Mariann Callahan- 30 Locust Grove asked who will regulate the 16 days- will it have to be the neighbors?

Trustee Korczak stated will have to be a collaborative effort, asking the public to help. If you see something- say something.

Paula Kitola- 42 South Street questioned what is considered a day and the number of nights. She asked if this is for lodging only and about serving food.

Dod Crane- 78 Livingston Street asked for the owner to provide who and when they will be staying and have it on file in the CEO's office. Possibly post it on the village's website as well and have it part of the public records kept in office. Puts pressure and responsibility on the owners and will give the neighbors some information. Suggested 2 strikes and out, and asked about the penalty for Air BnB, suggested to keep it the same as 3M.

END OF PUBLIC COMMENT-

Mayor Bassett asked the Board how they would like to proceed. After discussion on the amount of information and comments that will need to be digested, it was suggested having counsel take another draft and present at the next regular board meeting.

The Board discussed and agreed by a pole vote to changing to 2 strikes. Trustee Rossi questioned the rationale for 3 rooms over 2, it was explained to Trustee Rossi this would better accommodate visitors to the Village traveling with two adult children not of the same sex, and therefore 3 rooms would be preferred. The Board discussed the number of rooms, and suggested to stay at 3 rooms.

Other Business-

Trustee Neuneker discussed the Grasmere project which is on Mill Road in the Town of Rhinebeck, but in the Village’s water district, and the possible impact it will have on the water and wastewater departments. It was discussed having an engineering firm investigate the impact on the Village.

Motion: Trustee Neuneker- To hire Tighe and Bond for the Grasmere project.

Second: Deputy Mayor Lewit

Mayor Bassett:	Yes
Deputy Mayor Lewit:	Yes
Trustee Korczak:	Yes
Trustee Neuneker:	Yes
Trustee Rossi	Yes

Motion: Mayor Bassett- Adjourn the special Village Board meeting at 9:20 pm

Second: Trustee Korczak

Mayor Bassett:	Yes
Deputy Mayor Lewit:	Yes
Trustee Korczak:	Yes
Trustee Neuneker:	Yes
Trustee Rossi	Yes

Respectfully Submitted,

Patricia D. Coon, CMC, RMC
Village Clerk