

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: _____

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

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

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

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: YES
 NO

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

Location: Town of Red Hook, Dutchess County, NY

Reasons Supporting This Determination:

1. The Town Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) and the Coastal Assessment Form for the proposed action, the Town Board has concluded that environmental effects of the proposed action will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. **Impact on Historic Resources.** The proposed amendments will apply to lands that are located within the Hudson River National Historic Landmark District, which is on the State and National Register of Historic Places, and to other properties that are individually listed on the Register. They will also apply to lands that have been identified as sensitive for archaeological resources on the NYS Historic Preservation Office archaeological site inventory. Archaeologically sensitive areas contain one or more variables that make them likely locations for evidence of past human activities. No development is proposed as part of the action and therefore the Town Board concludes that no significant adverse environmental impacts will occur to historic and archaeological resources. Based on the foregoing, the Town Board concludes that the proposed action will not result in a significant adverse environmental impact on cultural resources.
4. **Impact of Noise, Odors, or Outdoor Lighting.** Currently there are no provisions expressly governing short-term rentals in the Town Code. Allowing short-term rentals could result in an increase in noise and odor. The proposed Local Law would require short-term rentals, where permitted, to post a copy of the Town's noise ordinance in the rental unit, and would require short-term rental operators to comply with the noise limits in Chapter 92 ("Noise") of the Town Code; failure to comply with these provisions would constitute a violation of Chapter 112 (Short-Term Rentals). Activities other than residential occupancy (such as parties, weddings, banquets or similar activities) would not be permitted, and no restaurants would be permitted to be operated in connection with a short-term rental; these provisions would minimize impacts of noise and odors. Outdoor lighting would be consistent with residential development and is not anticipated to have a significant impact. Based on the foregoing, the Town Board concludes that the proposed action will not result in a significant adverse environmental impact on noise, odors, or outdoor lighting.
5. **Impact on Community Plans.** New York State Town Law in § 272-A(11) requires that "All town land use regulations must be in accordance with a comprehensive plan." The Town of Red Hook's adopted *Comprehensive Plan* (1993), as amended, establishes the Town's objective to ensure that economic development opportunities are consistent with the character of the community. The *Plan* states that while economic development is important to maintain a healthy community, "The Town Red Hook is, however, vitally concerned about the location, type and scale of economic development activity that could be promoted and encouraged within the community. The clear preference of the Town is for limited economic activity which addresses the day-to-day needs of the resident population and is in keeping with the community's overall rural, small-town character. . . The Town of Red Hook does not seek to become either a regional commercial or employment center or a 'point of destination' for tourists." While the Town recognizes the important of tourism, it seeks to encourage

“appropriate levels of tourism activity that would not alter the Town’s historic and rural character by attracting substantial numbers of visitors, generating significant traffic within the Villages of Red Hook or Tivoli or the community’s residential neighborhoods, or causing the development of major tourism or tourist-support facilities.”

6. The proposed Local Law is consistent with these goals. It provides balanced regulations that will allow short-term rentals, subject to certain conditions and approvals, in rural large lot districts and commercial districts to support a modest amount of tourism without adverse impacts to rural character, while prohibiting short-term rentals in smaller residential districts. These provisions would minimize traffic impacts and preserve the quiet character of residential neighborhoods, where the effects of short-term rentals on quality of life is a frequently raised concern. As noted in the Dutchess County Planning Federation eNewsletter [“Understanding Short-term Rentals: the Challenges and Possibilities of STRs in Our Communities”](#) (September/October 2019), “Stories of wild bachelor parties, numerous cars parked on lawns, and mounds of trash abound, all of which puts additional stress on already overworked police departments and building inspectors. Since short-term rentals often result in a steady stream of guests who come and go from a property, existing residents also mention safety and security as a concern. . . . Even if STRs are well run, conversion from a primary residence for full-time residents to an STR housing transient visitors will affect the character of the neighborhood, as fewer people will know these temporary ‘neighbors.’”
7. Although the use of short-term rentals as an alternative to traditional lodging has increased in the nation and the region in recent years, short-term rentals are currently not allowed in the Town of Red Hook. The proposed amendments to the Town Code would permit both hosted and unhosted short-term rentals in the Town’s rural and agricultural districts (Rural Development 3-acre [RD3], Rural Development 5-acre [RD5], Limited Development [LD], and Agricultural Business [AB] Districts). Since these districts comprise approximately 75 to 80 percent of the land area of the Town, the proposed Local Law will allow ample opportunity for this form of lodging to support tourism without adversely impacting the smaller residential neighborhoods. Hosted short-term rentals with up to four (4) bedrooms located within a detached single-family dwelling, two of which could be located in an accessory dwelling unit on the property, would also be permitted in the Institutional (I), Hamlet Business (HB), Business 1 (B1), and Business 2 (B2) Districts, further increasing the opportunities for this use without adverse impacts to the residential districts. In all of these cases, short-term rentals would be permitted with no requirement for Planning Board review, only the issuance of an annual operating permit from the Building Department, thereby streamlining the application process. While these districts are either large lot districts (RD5, RD3, LD, and AB), or commercial districts (I, HB, B1, and B2), they still contain residential development; therefore various measures are proposed to protect residents in these districts by minimizing impacts of nuisances, as discussed in more detail in the next section. In the residential districts—Residential 1.5-acre (R1.5), Residential 1-acre (R1), Hamlet (H), and Traditional Neighborhood Development Residential Neighborhood (TND-RN)—short-term rentals would be prohibited, with the exception of one time per year when single-family dwellings that are the property owner’s primary residence could be rented unhosted subject to registration with the Town and compliance with all other provisions of Chapter 112 and the Zoning Law. The Town Board concludes that the proposed action is consistent with the economic development recommendations of the *Comprehensive Plan* to encourage appropriate levels of tourism while protecting the community's residential neighborhoods.

8. The *Comprehensive Plan* also establishes a goal to provide for a variety of housing types to meet the housing needs of the community. The *Plan* notes that “housing type, cost and availability have important implications for providing quality shelter to existing and future residents of the Town,” and it is important to ensure that housing is located “in suitable residential environments and within the economic reach of all Town residents.” As discussed in the afore-mentioned Dutchess County Planning Federation [eNewsletter](#), “The effect of STRs on housing affordability and availability is another frequently cited concern. Housing prices are very much a function of supply and demand so it makes sense that when housing units are removed from the regular market, either rental or owner, it is likely that prices will increase. A recent joint [study](#) from the National Bureau of Economic Research, California State University, and University of Southern California shows this is, in fact, happening. Their study states, ‘the results presented in this paper suggest that the increased ability to home-share has led to increases in both rental rates and house prices.’ In addition, it states ‘an increase in Airbnb listings leads to a decrease in the number of units available to long-term renters.’ Dutchess County has long struggled with low vacancy rates in the rental housing market, so even a small shift further in that direction could create a crisis.” (See also [“Could You Bnb My Neighbor”](#) by Jeffrey Goodman, Planning, February 2016). To prevent investors from buying residential properties and converting them for the sole purpose of conducting short-term rentals, thereby removing dwellings from the long-term housing market and impacting housing availability and affordability, the proposed Local Law requires that the dwelling to which a hosted or unhosted short-term rental is accessory must be the primary residence of the property owner. The annual operating permit will require proof that the property is the owner’s primary residence. The Local Law will also prohibit short-term rentals in smaller residential districts to ensure the continued suitability of these districts for housing, and to minimize the conversion of dwelling units in the Town to short-term rentals. The Town Board concludes that these measures will ensure the availability of housing in suitable residential neighborhoods, consistent with the housing recommendations of the *Comprehensive Plan*.
9. Finally, both the *Comprehensive Plan* and the Town's *Open Space Plan* recommend supporting the Town’s agricultural industry by permitting a “diversification of agricultural activities” and “farm enterprises.” The proposed “farm stay short-term rental” as an accessory use in the AB District is consistent with this goal.
10. Based on the foregoing, the Town Board concludes that the proposed action will not result in a significant adverse environmental impact on community plans.
11. **Impact on Community Character.** While short-term rentals can have beneficial economic impacts resulting from increased tourism, they can also adversely impact community character due to nuisance activities. Noise, garbage, inadequate parking, excessive traffic, speeding, trespassing and similar activities can impact quality of life, undermine neighborhood cohesion, and displace long-term residents who have a greater investment in place (as residents, taxpayers, voters) than transient visitors. As noted in the preceding section, the presence of transient visitors can also result in safety and security concerns, along with affects on the residential character of the neighborhood as fewer people know their neighbors. These impacts are greater in more densely developed areas where neighbors live in close proximity. The proposed Local Law addresses these potential impacts to community character by prohibiting short-term rentals, with the exception of registered short-term rentals that are used only once per year, in the R1, R1.5, H, and TND-RN Districts, the

most compact residential districts in the Town. For the remaining districts, all short-term rentals must be the primary residence of the property owner, and in some districts only hosted rentals will be permitted. Rentals will be restricted to an aggregated of 120 days per year, and activities other than residential occupancy, such as events, parties and weddings, will not be allowed as part of the short-term rental. The law will require short-term rentals to provide adequate off-street parking, facilities for solid waste, and a copy of the Town's noise ordinance and the property map to be posted in the short-term rental unit to minimize impacts of noise and trespassing. It will also set occupational limits (the number of bedrooms that can be rented and the number of guests per bedroom) to discourage disruptive gatherings of large groups. To address the demand for additional community services, particularly police and fire, resulting from short-term rentals, the proposed Local Law requires evidence of payment of the Hotel Occupancy Tax required by Dutchess County as a requirement for the annual operating permit. Based on the foregoing, the Town Board concludes that the proposed action will not result in a significant adverse environmental impact on community character.

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

For Further Information:

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Telephone: 845-758-4600

A Copy of this Notice Filed With:

Town Board of the Town of Red Hook (Lead Agency)

Robert McKeon, Town Supervisor

Any person who has requested a copy

Environmental Notice Bulletin: enb@gw.dec.state.ny.us