

# TOWN OF RED HOOK

7340 SOUTH BROADWAY, RED HOOK, N. Y. 12571  
Tel:(845) 758-4600 • Fax:(845) 758-5313 • www.redhook.org

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SUPT. OF HIGHWAYS

THERESA BURKE

March 10, 2016

New York State Department of State  
Division of Corporations, State Records and  
Uniform Commercial Code  
One Commerce Plaza  
99 Washington Avenue  
Albany, New York 12231

Re: Town of Red Hook Local Law No. 1 of 2016

Dear Sir or Madam:

Enclosed for filing on behalf of the Town of Red Hook please  
find the following local law:

Local Law No. 1 of 2016 entitled, "A LOCAL LAW  
AMENDING CHAPTER 143 ENTITLED 'ZONING' OF THE  
TOWN CODE OF THE TOWN OF RED HOOK".

Thank you for your assistance. If you have any questions,  
please do not hesitate to contact me.

Very truly yours,



Susan McCann

Enclosures

# 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 Red Hook

Local Law No. 1 of the year 2016

A local law amending Chapter 143 entitled 'ZONING' of the Town Code of the Town of Red Hook  
(insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Red Hook as follows:

(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. 1 of 2016 of the ~~(County)(City)(Town)(Village)~~ of Red Hook was duly passed by the Town Board on March 8 2016, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

**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) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted ~~(Elective Chief Executive Officer\*)~~ on \_\_\_\_\_ 20    , in accordance with the applicable provisions of law.

**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) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. ~~(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) ~~(Name of Legislative Body)~~ (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.

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\* 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 1 above.



(Seal)

*Doreen McCann*

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

Date: March 15, 2016

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

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

Town of Red Hook

Local Law No. 1 of 2016

A local law amending Chapter 143 entitled ZONING of the Code of the Town of Red Hook.

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

#### SECTION 1. LEGISLATIVE INTENT

This Local Law shall amend the Town of Red Hook Zoning Law. The amendments will replace an existing section entitled “Development within the Hamlet (H) District” with a new section entitled “Historic Structures and Districts” to protect regulated historic structures in the Town; will modify the allowable uses in the Town’s Zoning Districts; will delete the definitions of hotels and inns, modify the definition, requirements and permitted Districts for lodging; will replace the definition of hunting or fishing clubs with separate definitions and modify the requirements and permitted Districts for hunting clubs and fishing clubs; will permit uses that will encourage adaptive reuse of Hudson River estates to preserve their historic and natural character; will increase the required minimum lot area in the LD and I Districts; and will increase the minimum open space requirement for conservation subdivision in the WC, LD, RD5 and I Districts. 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.

#### SECTION 2. APPLICATION

This Local Law shall apply within the unincorporated areas of the Town of Red Hook.

#### 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. AMENDMENTS TO ARTICLE I OF THE ZONING LAW ENTITLED “GENERAL PROVISIONS”

§ 4.1. The definition of “Design Review Committee” in § 143-4 of the Code is hereby amended by deleting it in its entirety and substituting thereof the following new definition of “Design Review Committee:”

DESIGN REVIEW COMMITTEE – A committee established by the Town Board whose powers and duties are set forth in § 143-45.1 of this Chapter.

§ 4.2. The definition of “Hamlet Buildings Review Committee” in § 143-4 of the Code is hereby deleted.

§ 4.3. Section 143-4 is hereby amended by the addition of the following new definition:

HEALTH SPA – A use which employs therapists licensed by New York State whose services include massage and/or body or facial treatments. Private treatment rooms are provided for each client receiving a personal service. Hydrotherapy, steam and sauna facilities, spa cuisine, exercise facilities and instruction may be provided in addition to the massage and treatment services. The term “health spa” shall not be construed to include physical therapy, outpatient substance abuse treatment facilities for the treatment of alcohol or other drug abuse, or membership clubs.

§ 4.4. The definition of “Hotel” in § 143-4 of the Code is hereby deleted.

§ 4.5. The definition of “Inn” in § 143-4 of the Code is hereby deleted.

§ 4.6. The following new definition for “Lodging” is inserted in § 143-4 of the Code:

LODGING – One or more structures where overnight accommodation is provided for transient occupancy for compensation in accordance with Section 143-92 of this Chapter, but excluding boardinghouses and roominghouses.

§ 4.7. The definition of “Motel” in § 143-4 of the Code is hereby deleted.

§ 4.8. The definition of “Swimming Pool, Public” is hereby amended by deleting subsection (2) in its entirety and inserting the following amended subsection in its place:

(2) As an accessory use to a residential development, multiple dwelling, lodging; and/or

§ 4.9. The definition of “Dwelling Unit” is hereby amended by deleting it in its entirety and inserting the following new definition:

DWELLING UNIT -- A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the

premises, and having no enclosed space (other than vestibules, entrances or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A boardinghouse, dormitory, lodging, nursing home, fraternity, sorority or other similar building shall not be deemed to constitute a "dwelling unit."

SECTION 5. AMENDMENTS TO ARTICLE III OF THE ZONING LAW ENTITLED "USE REGULATIONS"

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

SECTION 6. AMENDMENTS TO ARTICLE IV OF THE ZONING LAW ENTITLED "AREA AND BULK REGULATIONS"

§ 6.1. Section 143-12A of the Code is hereby amended by replacing the District Schedule of Area and Bulk Regulations, attached to the existing Code as 143 Attachment 2 with an amended and restated "143 Attachment 2, District Schedule of Area and Bulk Regulations, annexed hereto as Attachment B.

SECTION 7. AMENDMENTS TO ARTICLE V OF THE ZONING LAW ENTITLED "SUPPLEMENTARY REGULATIONS"

§ 7.1. Section 143-26 of the Code is hereby amended by deleting the entry for "hotel, motel or inn" in subsection B (1)(a) in its entirety and substituting the following new entry in its place:

Lodging            1 per guestroom, plus 1 per employee, plus required spaces for any accessory use.

§ 7.2. Section 143-33 of the Code is hereby amended by deleting subsection D(1) in its entirety and inserting the following amended and restated subsection in its place:

(1) Minimum required open space. A conservation subdivision shall preserve a minimum percentage of the tract's gross acreage as open space land for the district in which it is located, as listed below. Parking areas and roads shall not be included in the calculation of the minimum required open space.

Zoning District	Minimum Open Space Requirement
Waterfront Conservation (WC), Limited Development (LD), Rural Development 5 (RD5), and Institutional (I) Districts	85 percent
Agricultural Business (AB) District,	80 percent
Rural Development 3 (RD3) District	70 percent
All other Districts	50 percent

§ 7.3. Section 143-39.1C(2) is hereby amended by adding a new subsection “j” and renumbering the existing subsection “j” to “k” to read as follows:

- (j) Restaurant with no more than 20 seats accessory to a Farm Market 1, 2, or 3, subject to minor site plan review without requiring a special permit under § 143-96.
- (k) Other uses customarily incidental to the permitted or special permitted use and located on the same lot.

§ 7.4. Sections 143-39.1C(3)(a) and (b) are hereby deleted in their entirety and the following new subsections are inserted in their place:

- (a) Lodging, subject to the provisions of § 143-92 of this Chapter, including accessory uses such as a restaurant subject to the provisions of § 143-96 of this Chapter.
- (b) Restaurant with more than 20 seats accessory to a Farm Market 1, 2, or 3 and subject to the provisions of § 143-96 of this Chapter.

§ 7.5. In § 143-39.1E(1)(a), the word “Inn” in the off-street parking facilities table under the heading “Use” shall be deleted and replaced with the word “Lodging.”

§ 7.6. Section 143-45 of the Code, entitled “Development within the Hamlet (H) District” is hereby deleted in its entirety and the following new Section is inserted in its place:

§ 143-45. Historic Structures and Districts.

A. Purpose and intent.

- (1) The Town of Red Hook is home to the Hudson River National Historic Landmark District, the most prestigious designation of historic resources in the nation. Its significance, in part, relates to the district's importance in American history, architecture and landscape design in a scenic region that inspired the Hudson River School of Painting. The Town has also been recognized with New York State's Mid-Hudson Historic Shorelands Scenic District

designation, is located within the Estates District Scenic Area of Statewide Significance, contains state scenic byways and a coastal zone area, and is within the area designated by the federal government as an American Heritage River. It is also within the Hudson River Valley National Heritage Area and the state's Hudson River Valley Greenway.

- (2) In addition to the specific historic designations, the Town has structures that are individually listed on the State or National Registers of Historic Places.
- (3) The goal of the Hamlet (H) District is to foster compatibility in building architecture and related site design so as to sustain and enhance the small-town rural character, historic and architectural presence and sense of community within each of these hamlets and to preserve any cultural and archaeological resources that may be located within these early settlements.
- (4) The hamlets of Barrytown, Annandale-on-Hudson and Upper Red Hook are established settlements with many significant historic, architectural, cultural and archaeological resources. The importance of Barrytown and Annandale-on-Hudson have been recognized through their inclusion within the Hudson River National Historic Landmark District and Mid-Hudson Historic Shorelands Scenic District. River Road and Annandale Road have also been designated by NYSDEC as “scenic roads.”
- (5) It is in the best interests of the Town of Red Hook that recognized historic resources be protected for the continuing use and enjoyment of future residents within the community. The Town of Red Hook specifically finds that many of these vital and irreplaceable historic resources have heretofore been afforded recognition, but not protection, through their inclusion, or deemed eligibility for inclusion, on the National Register of Historic Places. The Town further finds that preservation of Red Hook’s historic architectural character will foster civic pride in the beauty and architectural achievements of the past and result in economic benefits to Red Hook by uniformly preserving its heritage and distinctive character.
- (6) This section is designed to provide for the protection of those historic structures and Hamlet Districts which, by reason of their antiquity, uniqueness, setting, historical association or architectural distinction or quality, have been recognized, both for their contribution to a strong sense of identity within the community and for the tangible linkages they provide to the Town's historic, architectural and cultural heritage.
- (7) This section is also intended to reinforce the importance of the historic structures and hamlets of the Town of Red Hook and support the objectives of the specific historic designations, the Town's Comprehensive Plan and the Local Waterfront Revitalization Program by:
  - (a) Providing for the careful, thoughtful evaluation of any proposed action that would cause the alteration, removal or demolition of any such recognized historic structure;

- (b) Emphasizing as a statement of local policy that the conservation, protection, enhancement and preservation of such historic structures is necessary to promote the economic, cultural, educational, and general welfare of the Town's residents; and
  - (c) Allowing the continuing identification and recognition of historic structures that represent distinctive elements of historic, architectural and cultural heritage.
- (8) This section is also intended to foster compatibility in building architecture and related site design in the Hamlet Districts so as to sustain and maintain the vernacular character, scale of buildings and small lot development pattern which distinguishes the Hamlet Districts.
- (9) This section is not intended to regulate the interior of historic structures.

B. Applicability.

- (1) The provisions of this Section apply only to regulated structures. Regulated structures include the following:
- (a) All structures within the Town's Historic Landmark Overlay (HL-O) District, which is coincident with the Hudson River National Historic Landmark District established in 1990, as depicted on the Historic Resources Map.
  - (b) Individual structures, or structure complexes, listed on, or deemed eligible to be listed on, the State or National Register of Historic Places by the State Historic Preservation Office or Keeper of the National Register of Historic Places.
  - (c) Structures located within the Hamlet (H) Zoning District.
  - (d) Other structures, if any, locally designated as historically significant by the Town Board of the Town of Red Hook, as depicted on the Historic Resources Map, as it may be amended from time to time.
  - (e) New construction in the HL-O and Hamlet Districts or on a lot containing a regulated structure.

C. Definitions.

- (1) As applied to regulated structures, the following terms shall, for the purpose of this section, have the meanings herein indicated:

ALTERATION — Any change, construction, reconstruction, covering over, or removal, of a regulated structure or exterior architectural feature(s) thereof. "Alteration" shall not include routine maintenance or repair of a regulated structure required by normal wear and tear with the same materials unless such maintenance would result in a change in the

architectural appearance of the structure. Interior alterations that do not affect the exterior architectural features of the regulated structure are not regulated by this section.

**CERTIFICATE OF APPROPRIATENESS** — A permit issued by the Planning Board pursuant to this Section to authorize alteration, demolition or new construction of a regulated structure.

**DEMOLITION** — The act of pulling down, destroying, removing, moving, relocating, or razing a regulated structure or portion thereof, or commencing the work of total or substantial destruction with the intent of completing same, including removal of a structure.

**EMERGENCY DEMOLITION** – A demolition authorized pursuant to the NYS Uniform Building Code, Chapter 52 of the Town Code or Chapter 74 of the Town Code when, after inspection, it is determined by the Building Inspector or other authorized official, after consultation with the Town Engineer, that a regulated structure poses an imminent threat to the health or safety of the community that cannot be adequately mitigated and that immediate demolition is necessary to protect public health and safety.

**EXTERIOR ARCHITECTURAL FEATURES** — The architectural style, general design and general arrangement of the exterior of any regulated structure, including but not limited to the kind and texture of the siding and other building materials and the type and style of the trim, doors, windows, steps, entryways, and other architectural features, but shall not include the kind and color of paint and light fixtures on any regulated structure.

**NEW CONSTRUCTION** – The erection or installation of any new structure that requires a building permit pursuant to Chapter 74 of the Town Code.

**REMOVAL OF A STRUCTURE** – A type of demolition that involves relocation of a regulated structure or portion thereof to another location on the same lot or on another lot.

D. Certificate of appropriateness.

- (1) No person shall carry out any alteration, demolition, or new construction of a regulated structure until the Planning Board has issued a certificate of appropriateness or a resolution deeming such certificate is not required and, when required, a building or demolition permit from the Building Inspector. The certificate of appropriateness required by this section shall be in addition to, and not in lieu of, any building permit or other approval required by the Town of Red Hook Code.
- (2) The Building Inspector shall not issue a building or demolition permit for any activity regulated by this section, other than in the case of an Emergency Demolition as provided in Section 143-45(K), until the Planning Board has issued a certificate of appropriateness or a

resolution deeming such certificate is not required, or subsequently, upon request for review of the disapproval of such certificate of appropriateness, a certificate of hardship.

E. Application procedure.

- (1) Every sketch phase application for a certificate of appropriateness shall be forwarded by the Building Inspector to the Planning Board and the Design Review Committee for an initial screening. The applicant shall provide the Building Inspector with the name, address, and telephone number of the owner and applicant, if different, the property location and tax map number(s), photograph(s), and a sketch or description of the proposed alteration, demolition or new construction.
- (2) The Design Review Committee shall issue an initial recommendation to the Planning Board within 15 days after receipt of the sketch phase application or by the next regularly scheduled Planning Board meeting, whichever is later.
- (3) The Design Review Committee's initial recommendation shall including the following information:
  - (a) A list of additional information that should be submitted for a complete application; or
  - (b) An opinion that the proposed activity is of a minor nature and does not warrant additional review.
- (4) Once the Design Review Committee has submitted its initial recommendation to the Planning Board, a sketch conference between the Planning Board and the applicant shall be held to initially review the sketch phase application and to determine the extent of review necessary for the intended project.
  - (a) At the sketch conference, the Planning Board shall take one of two actions:
    - (i) Where the Design Review Committee has determined that the project is of a minor nature, the Planning Board may confirm the determination of the Design Review Committee that the project requires no further review under this section.
    - (ii) Determine that the project does require full review under this section, that a complete application is required and whether to waive, in its discretion, any application requirements set forth in subsection F.

F. Application requirements for certificate of appropriateness.

- (1) Sketch Phase. The sketch application shall include the name, address, and telephone number of the owner and applicant, if different, the property location and tax map

number(s), photograph(s), and a sketch or description of the proposed alteration, demolition or new construction.

(2) Complete Application. The following information is required unless waived by the Planning Board in its discretion:

- (a) Photographs and a brief description of any structure proposed to be altered or demolished, including approximate date of construction, name of architect if known, historic and/or architectural significance, and a description of the setting, including related grounds, accessory buildings and structures and property boundaries.
- (b) Past 10 years' chronology of the use, occupancy and ownership of the property.
- (c) A complete description of the proposed work adequate to provide a full understanding of the work to be done.
- (d) Construction drawings and materials lists.
- (e) Any other information specific to the proposed alteration, demolition, or new construction required by the Planning Board to make a determination on the application for a certificate of appropriateness, including data to demonstrate compliance with the criteria for approval set forth in subsection 143-45(G) below.
- (f) For a proposed demolition, plans for the redevelopment of the property, including at least one of the following:
  - (i) A redevelopment plan for the property that provides for a replacement or rebuilt structure for the regulated structure being demolished or relocated, indicating in sufficient detail the nature, appearance and location of all replacement or rebuilt structures; or
  - (ii) For property to remain vacant, a restoration plan for the property following demolition including a description of the materials, grading, landscaping, and maintenance procedures to be utilized to ensure that the restoration conforms to the approved plan and that landscaping survives in a healthy condition; and/or
  - (iii) A treatment plan for any walls of adjacent buildings exposed as a result of the demolition.
- (g) An Environmental Assessment Form (EAF), when applicable. If demolition is proposed in conjunction with the alteration or new construction of a regulated structure, the EAF shall consider both actions.

G. Criteria for approval of a certificate of appropriateness.

- (1) Alteration. In reviewing an application for a certificate of appropriateness for the alteration of a regulated structure, the Planning Board shall determine whether the proposed alteration is appropriate, based on the following standards:
  - (a) Insofar as possible, the proposed alteration shall retain exterior architectural features of the regulated structure which contribute to its historic character as seen from the street or other public property or which contribute to the overall character and integrity of the HL-O District or Hamlet District;
  - (b) Alteration of the regulated structure shall be compatible with its historic character. The Planning Board shall be guided, where appropriate, by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
  - (c) In the Hamlet District, alteration of a regulated structure shall be compatible with the community character of the Hamlet District. In the HL-O District, alteration of a regulated structure shall be compatible with the historic character of the HL-O District. For projects proposed in the HL-O District, refer also to § 143-46 of this Chapter.
  - (d) In applying the principle of compatibility, the Planning Board shall consider the following factors:
    - (i) The general design, character and appropriateness of the proposed alteration to the regulated structure;
    - (ii) The scale of proposed alteration in relation to the regulated structure and the applicable district;
    - (iii) Texture and materials, and their relation to similar features of the regulated structure and similar structures of the same historic period and style;
    - (iv) Visual compatibility, including proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof shape and the rhythm or spacing of properties along the street or roadway, including consideration of setback and the treatment of yard areas; and
    - (v) The importance of the regulated structure and its architectural or other features to the historic significance of the Town, the Hamlet District, the HL-O District, or other regulated structures on the Lot.
    - (vi) The history, use, occupancy and ownership of the property.

- (vii) Information and/or testimony as to the appropriateness or inappropriateness of the proposed alteration.
  - (viii) In the Hamlet District, the importance of the regulated structure and related property to the hamlet's heritage, where applicable.
- (2) Demolition. In reviewing an application for a certificate of appropriateness for the demolition of all or a portion of a regulated structure, the Planning Board shall consider whether:
- (a) The structure is of such architectural or historic significance that its demolition would be to the detriment of the public interest;
  - (b) Retention of the structure in its current form and/or at its present location is important to the Town's history or character or to the cohesiveness and character of the HL-O or Hamlet District;
  - (c) The structure is of such old and unusual or uncommon design, texture and material that it could be reproduced only with great difficulty, or not at all;
  - (d) Retention of the structure would help preserve and protect an historic place or area of historic interest in the Town;
  - (e) Retention of the structure would promote the general welfare by maintaining real estate values and encouraging interest in American history and architecture;
  - (f) Whether throughout the review process the applicant has consulted cooperatively with the Planning Board, local preservation groups and other identified interested parties in a diligent effort to seek an alternative that would result in preservation of the regulated structure.
  - (g) In the Hamlet District, the importance of the regulated structure and related property to the hamlet's heritage.
  - (h) In order to approve an application for a certificate of appropriateness for demolition, the Planning Board shall find that the demolition will not result in a significant avoidable diminution of the historic character of the neighborhood and that one or more of the following additional criteria have been met:
    - (i) The structure or portion of the structure to be demolished is in such condition that its preservation or restoration would not be feasible.
    - (ii) In the case of removal or demolition of a portion of a structure, the historic characteristics of the remaining portion of the structure will remain intact.

- (iii) After considering the interests of the public and the owner, the benefits of demolition outweigh any reasonable interest in preserving the building.
- (3) New construction. Criteria for approval of a certificate of appropriateness for new construction of a regulated structure.
  - (a) New construction shall not detract from the historic significance of the property, district or adjacent regulated structures or from the community character of the HL-O and Hamlet Districts. Review of new construction shall be limited to visual compatibility and minimizing impacts to any adjacent regulated structures. In applying the principle of compatibility, the Planning Board shall consider the following factors:
    - (i) The scale of proposed new construction in relation to adjacent regulated structures and the neighborhood.
    - (ii) The proposed texture and materials, and their relation to similar features of adjacent regulated structures.
    - (iii) The visibility of the property from regulated structures.
    - (iv) Information and/or testimony as to the appropriateness or inappropriateness of the proposed structure in connection with the purpose and intent of this section.
  - (b) Nothing herein shall prohibit the Planning Board from granting a certificate of appropriateness for a structure of exceptional architectural merit if the Planning Board finds, in writing, that the exceptional architectural merit of the new structure outweighs any visual impacts on nearby regulated structures.

#### H. Planning Board review procedure.

- (1) Upon receipt of a complete application, the Planning Board shall refer the submission to the Design Review Committee for a substantive recommendation, which recommendation shall be returnable to the Planning Board 31 calendar days following said referral. If the Design Review Committee does not submit a recommendation within 31 days, or if the Design Review Committee has previously recommended that no further review is warranted as the project is of a minor nature, the Planning Board may act without it. The Planning Board may in its discretion extend the time for the Design Review Committee to respond.
- (2) The Planning Board shall refer the submission to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law, when required.
- (3) The Planning Board shall hold a public hearing within 62 calendar days after receipt of a complete application. Notice of the public hearing shall be mailed to all property owners

within 200 feet of the boundaries of the lot on which the regulated structure for which the certificate of appropriateness is requested is located and published at least once in the Town's official newspaper at least 10 calendar days prior to the public hearing.

- (4) The Planning Board shall render its written decision and findings within 62 calendar days after the conclusion of the public hearing.
  - (5) Conditions. The Planning Board, in granting any approval, shall have the authority to impose such reasonable conditions and restrictions as necessary.
  - (6) The Board's decision shall be filed with the Town Clerk and Code Enforcement Officer and mailed to the owner and applicant within 5 days. If the Planning Board denies approval of the application for a certificate of appropriateness, the applicant may apply for relief, in accordance with the procedures set forth in subsection J below, on the grounds that the determination results in an economic hardship.
- I. Waivers. The Planning Board may waive the requirement for a substantive referral to the Design Review Committee and/or a public hearing, in its discretion, upon a finding that the alteration, demolition or new construction will not result in a significant avoidable diminution of the historic character of the regulated structure or property, and that the alteration, demolition or new construction would be appropriate in relation to any other regulated structure existing or proposed within 300 feet after applying the standards in subsection G.
- J. Certificate of Hardship. An applicant whose certificate of appropriateness has been denied by the Planning Board may apply to the Planning Board for relief on the grounds of hardship.
- (1) No person who has been denied a certificate of appropriateness shall carry out any alteration, demolition or new construction of a regulated structure without obtaining both a certificate of hardship from the Planning Board and a building or demolition permit from the Building Inspector.
  - (2) Procedure.
    - (a) A public hearing shall be held on the hardship application within 62 days of receipt of a complete application by the Planning Board. Notice of the public hearing shall be published in the official newspaper of the Town at least 10 days prior to the hearing.
    - (b) The Planning Board shall make a decision within 62 days of the close of the public hearing.
    - (c) The decision of the Planning Board shall be in writing and shall state the reasons for granting or denying the hardship application. If the application is granted, the Planning Board shall approve only such work as is necessary to alleviate the hardship. In granting

any approval, the Planning Board shall have the authority to impose such reasonable conditions and restrictions as necessary.

- (3) In order to prove the existence of hardship, the Planning Board must find that:
  - (a) In the absence of the requested hardship determination, the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
  - (b) In the case of a proposed demolition, the applicant shall establish that:
    - (i) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
    - (ii) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- (4) The applicant shall consult in good faith with the Planning Board, the New York State Historic Preservation Office, preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.
- (5) The Planning Board shall take into consideration the economic feasibility of alternatives to alteration, demolition, or new construction and balance the interest of the public in preserving the regulated structure or portion thereof and the interest of the owner in alteration, demolition or new construction.
- (6) The Planning Board may require that the applicant make submissions concerning any or all of the following information before it makes a determination of hardship:
  - (a) Estimate of the cost of the proposed alteration, demolition or new construction, and an estimate of any additional cost that would be incurred to comply with the recommendation of the Planning Board for changes necessary for the issuance of a certificate of appropriateness;
  - (b) A report from a licensed engineer or architect, with demonstrated qualifications and experience in rehabilitation, regarding the structural condition of any structures on the property and their suitability for rehabilitation;
  - (c) Estimated market value by a licensed appraiser of the property in its current condition; after completion of the proposed alteration, demolition, or new construction; after any changes recommended by the Planning Board; and, in the case of a proposed demolition, after renovation of the existing property for continued use;

- (d) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation, regarding the economic feasibility of rehabilitation or renovation for reuse of a structure proposed for demolition;
  - (e) Amount paid for the property, deed, the date of purchase, and the party from whom purchased, and a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
  - (f) If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation and annual cash flow before and after debt service, if any during the same period;
  - (g) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;
  - (h) All appraisals obtained within the previous two years by the owner or applicant in connection with purchase, financing, or ownership of the property;
  - (i) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years;
  - (j) Assessed value of the property according to the two most recent assessments;
  - (k) Real estate taxes for the previous two years;
  - (l) Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other; and;
  - (m) Any other information deemed necessary by the Planning Board to make a determination of economic hardship.
- (7) Upon a finding by the Planning Board that without the issuance of a certificate of appropriateness all reasonable use of, or return from, the property will be denied a property owner, then the Planning Board shall issue a certificate of hardship approving the proposed work.

#### K. Expiration.

- (1) Certificates of appropriateness and of hardship for demolition shall expire one year from the date of approval. Certificates of appropriateness and hardship for alteration and new construction shall expire if any of the following circumstances occur: work authorized

under the Certificate is not commenced and diligently pursued through the completion of substantial construction within 30 months of the date of approval by the Planning Board or within 30 months of the stamping and signing of a related site plan, whichever is later.

- (2) Upon prior written request to the Planning Board at least 21 days before expiration, including a statement of justification for the requested time extension, the time in which to exercise the permit may be extended by the Planning Board for a maximum period of six calendar months and one calendar year, respectively.

L. Emergency Demolition. Nothing in this section shall prevent the emergency demolition of a regulated structure.

§ 7.7. A new Section 143-45.1 entitled “Design Review Committee” is hereby inserted into the Code to read as follows:

§ 143-45.1 Design Review Committee. There is hereby established a Design Review Committee. The Committee shall be appointed by the Town Board and shall be comprised of the Town Historian as an ex-officio non-voting member, and five other residents of the Town of Red Hook, who shall have a term of office of five years, with terms to be staggered so that one member’s term expires each year.

- A. Membership. At least one member shall be a resident of the Hamlet District. At least one member shall be an architect experienced in working with historic buildings or shall have demonstrated significant interest in and commitment to the field of historic preservation evidenced either by involvement with a local historic preservation group, employment, or volunteer activity in the field of historic preservation, or other serious interest in the field. Members may not also be members of the Planning Board, Zoning Board of Appeals, or Town Board.
- B. Meetings. The Committee shall meet monthly, or as otherwise needed to review applications referred to it by the Planning Board in accordance with the Zoning Law.
- C. Board Chair. The Town Board shall annually designate the Chair of the Committee. The Chair or a majority of the Committee may call a meeting of the Board.
- D. Vacancies. A person appointed to fill a vacancy shall serve the unexpired term of the member he/she replaces.
- E. Quorum. Three voting members of the Committee are required for the purpose of conducting a meeting.
- F. Powers and Duties. The Committee shall serve in an advisory capacity to the Planning Board, Zoning Board of Appeals, and Town Board. The Committee shall review and comment on applications for a certificate of appropriateness referred to it pursuant to §143-45 of the Zoning

Law and any other application for site plan, special permit, variance or subdivision approval referred to it by the Planning Board or Zoning Board of Appeals. In addition, the Committee may make recommendations with respect to the drafting and adoption of amendments to the Zoning Law or the creation of design manuals upon request of the Town Board.

§ 7.8. Section 143-46 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following new § 143-46:

§ 143-46. Additional standards for development in the Historic Landmarks Overlay (HL-O) District.

A. The Zoning District Map set forth in § **143-7** of this chapter delineates the boundaries of the Historic Landmarks Overlay (HL-O) District, and its intent is set forth in the preceding § **143-6**.

B. Through the HL-O District designation and the underlying WC, LD, RD5, AB, I and Hamlet District classifications, the Town recognizes the economic value of these lands while encouraging the preservation, restoration and conservation of their unique buildings and settings for the enjoyment of future generations. The Town construes such activity as including both the improvement of existing buildings and other structures, e.g., stone walls, and the imaginative and unobtrusive siting of new uses and buildings within the estate-type settings. The Town requires that:

(1) Residential development. Pursuant to § 143-45 of this Chapter, a certificate of appropriateness or hardship is required before alteration, demolition or new construction of a structure within the district. In addition, the following standards shall apply:

(a) Residential development which is subject to site plan or special permit review shall comply with the community standards in subsection 3 below.

(b) New residential subdivisions proposed within the HL-O District shall be undertaken as a conservation subdivision in accordance with Chapter **120**, Subdivision of Land, § **143-33** of this chapter, and the community standards set forth in subsection 3 below.

(2) Nonresidential development. Pursuant to § 143-45 of this Chapter, a certificate of appropriateness or hardship is required before alteration, demolition or new construction of a structure within the District. Except for authorized agricultural and conservation uses, any nonresidential development permitted in Article III and proposed within the HL-O District shall be carried out in accordance with an overall plan for the use, operation and management of the parcel and with the community standards set forth in subsection 3 below.

(3) Community standards. Within the HL-O District the Planning Board shall apply the following community standards in its consideration of any application for a certificate of

appropriateness under Section 143-45, issuance of a special use permit and/or review and approval of a site plan in accordance with Articles **VI** and **VII**, respectively, of this chapter or, as stated above, in the Planning Board's consideration of an application for approval of a conservation subdivision under Chapter **120**, Subdivision of Land, and §143-33 of this Chapter.

- (a) Formal and informal landscaping, as well as structures such as stone walls and entrance gates, shall be restored whenever feasible. When evaluating a proposal for such restoration, the Planning Board shall consider original design and construction of such features, along with subsequent modifications, current conditions, historic quality and overall relationship to the character of the overlay district.
- (b) Any new construction shall complement the appearance of historic structures and development patterns.
- (c) Any new construction shall have a minimal impact on fields, meadows and woodlands. Soil erosion shall be minimized; substantial regrading or changes in topography shall not be permitted.
- (d) Unique natural areas and open spaces such as bays, streams, ponds, marshes, steeply sloped areas, woodlands, etc., shall remain preserved in their natural condition.
- (e) All development shall be consistent with the objectives of the Comprehensive Plan of the Town of Red Hook.

§ 7.9. Section 143-47D(3) is hereby amended by deleting it in its entirety.

§ 7.10. Section 143-49.1U is hereby amended by deleting the definition of TND Lodging and replacing it with the following new definition:

TND Lodging - One or more structures where overnight accommodation is provided for transient occupancy for compensation but excluding a boardinghouse or roominghouse as defined in 143-4 of this Chapter. The area allocated for food service shall be calculated and provided with parking according to retail use.

## SECTION 8. AMENDMENTS TO ARTICLE VI OF THE ZONING LAW ENTITLED "SPECIAL PERMIT USES"

§ 8.1. Section 143-53 is hereby amended by deleting the introductory sentence, subsection A. and the first sentence of subsection B. and substituting in lieu thereof the following new introductory sentence, subsection A. and the first sentence of subsection B.:

Single-family dwellings (new construction) shall be allowed by special permit in the Institutional (I) and Waterfront Conservation (WC) Districts, provided that:

- A. The applicant does not own contiguous buildable land area outside the I and WC Districts to which all or some of the permissible number of single-family lots or dwelling units authorized within the I and WC Districts can be transferred in accordance with the conservation subdivision procedure and standards set forth in § 143-33 of this chapter.
- B. Any residential development that does occur in the I and WC Districts is subject to site plan review and approval by the Planning Board in accordance with the procedure established in Article VII of this chapter and adheres to the following guidelines so as to mitigate visual and other environmental effects:

§ 8.2. Section 143-71 is hereby amended by deleting in its entirety and substituting thereof the following new § 143-71:

§ 143-71. Fishing clubs shall be allowed by special permit in the AB, WC, LD, RD5 and RD3 Districts, provided that:

- A. The minimum lot area shall be 10 acres.
- B. No building or parking area shall be located closer than 100 feet to any property line, nor within 250 feet of any existing neighboring residence.
- C. Specific plans for public address systems and/or lighting for outdoor recreational facilities shall be submitted to and approved by the Planning Board, including the specific proposed hours of operation for such facilities.
- D. The activities associated with any active outdoor recreation facilities shall be suitably screened from neighboring residential properties so as to create a visual and noise-detering buffer.
- E. The hours of operation for such outdoor recreation facilities shall generally be restricted to the period 1/2 hour after sunrise to 1/2 hour before sunset.

§ 8.3. Article IV is hereby amended by adding the following new § 143-71.1:

§ 143-71.1. Hunting clubs shall be allowed by special permit in the AB, LD, RD5 and RD3 Districts, provided that:

- A. The minimum lot area shall be 10 acres.
- B. No building or parking area shall be located closer than 100 feet to any property line, nor within 250 feet of any existing neighboring residence.

- C. Specific plans for public address systems and/or lighting for outdoor recreational facilities shall be submitted to and approved by the Planning Board, including the specific proposed hours of operation for such facilities.
- D. No outdoor target range or similar facility for the discharge of firearms shall be located on a club site of less than 50 acres or closer than 500 feet from any property boundary or such greater distance as may be specified by the New York State Environmental Conservation Law or other applicable laws, rules or regulations.
- E. The activities associated with any active outdoor recreation facilities, including a target range, shall be suitably screened from neighboring residential properties so as to create a visual and noise-detering buffer.
- F. The hours of operation for such outdoor recreation facilities shall generally be restricted to the period 1/2 hour after sunrise to 1/2 hour before sunset.

§ 8.4. Section 143-88 is hereby amended by deleting subsection G in its entirety.

§ 8.5. Section 143-92 is hereby amended by deleting it in its entirety substituting in lieu thereof the following § 143-92:

§ 143-92. Lodging.

Lodging facilities shall be allowed by special permit in the AB, LD, B1 and I Districts, provided that:

- A. A lodging facility shall be limited to a maximum of:
  - (1) 10 guestrooms in the AB District, unless lot frontage and access to the facility is provided from a state highway, in which case a lodging facility shall be limited to 16 guestrooms;
  - (2) 25 guestrooms in the LD and I Districts provided that lot frontage and access to the facility is provided from a state or county highway;
  - (3) 8 guestrooms per acre in the B1 District.
- B. The minimum lot area for a lodging facility established through adaptive reuse shall be five acres in the AB, LD and I Districts, and two acres in the B1 District.
- C. The minimum lot area for construction of a new lodging facility in the AB, LD and I Districts shall be 15 acres, and two acres in the B1 District
- D. All uses integral to the lodging facility shall either be clearly accessory to the lodging facility, as defined in § 143-4 of this chapter, unless separately permitted as a principal permitted or special

permit use within the zoning district in which the lodging facility is proposed. Permitted accessory uses to a lodging facility include:

- (1) Meeting rooms.
- (2) Restaurant open to both its guests and the general public. The total number of seats in its dining room(s) shall not exceed two seats per guestroom.
- (3) A health spa.
- (4) Such accessory uses shall not be construed to include a bar, tavern or nightclub open to the general public.

E. Adequate water supply and sewage disposal facilities shall be provided in accordance with the requirements of the Town of Red Hook, the Dutchess County Health Department and the New York State Departments of Health or Environmental Conservation.

F. No parking area or other improvement associated with the facility shall be located within 50 feet of a property line in the AB, LD, or I Districts. Screening shall be provided by intervening landform and/or vegetation to reduce visual and other impact on neighborhood residential properties.

§ 8.6. Section 143-93 of the Code, entitled, “Inns” is hereby deleted.

§ 8.7. Section 143-96A is hereby deleted in its entirety and the following new subsection is inserted in its place:

A. In the AB District, a restaurant shall be accessory to a lodging facility or farm market and shall meet the setback requirements for such associated uses.

## SECTION 9. HISTORIC RESOURCES MAP

The attached map entitled, “Town of Red Hook Historic Resources Map,” attached hereto as Exhibit “C” prepared by the Dutchess County Department of Planning and Development and dated February 2016, is hereby adopted as and made a part of Chapter 143 as “143 Attachment 5.” The Town of Red Hook Historic Resources Map identifies the applicability of § 143-45 of the Zoning Law. This map is a reference map and is intended to depict the existing Hudson River National Historic Landmark District (which is coincident with the existing HL-O District), the existing Hamlet District, and existing properties with structures that are listed on the State or National Register of Historic Places, as outlined in greater detail in § 143-45B.

SECTION 10. EFFECTIVE DATE

This local law shall take effect immediately after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.

## **ATTACHMENT A**

**Town of Red Hook Zoning Chapter  
District Schedule of Use Regulations**

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

Structure/Land Use	Zoning District											Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											
	WC	LD	RD5	RD3	R1.5	R1	H	I	B1	B2	LI	
<b>RESIDENTIAL PRINCIPAL USES</b>												
Single-family dwelling (existing)	P	P	P	P	P	P	P	P	P	P	P	
Single-family dwelling (new construction or adaptive reuse)	SP*	P	P	P	P	P	P	SP*	X	X	X	§ 143-53
Two-family dwelling (new construction)	X	X	X	X	X	SP	SP	P	X	X	X	§ 143-54
Two-family dwelling (conversion)	X	SP	SP	SP	X	X	SP	SP	X	X	X	§ 143-55
Multifamily dwelling (new construction)	X	X	X	X	SP*	SP*	X	X	SP*	X	X	§§ 143-56 and 143-57
Multifamily dwelling (conversion or adaptive reuse)	X	SP*	SP*	SP*	SP*	SP*	X	SP*	SP*	X	X	§§ 143-58 and 143-59
Row or attached dwelling	X	X	X	X	X	SP*	SP*	X	X	X	X	
Mobile home on individual lot	X	X	X	X	X	X	X	X	X	X	X	
Mobile home park	X	X	X	X	X	SP*	X	X	SP*	X	X	§ 143-60
Boarding- or rooming house	X	X	X	X	X	X	SP	SP	SP	X	X	§ 143-61
Community residence	X	P	P	P	P	P	P	P	X	X	X	
Elderly or senior citizen housing complex	X	X	X	X	SP*	SP*	X	X	SP*	X	x	§ 143-62
Enriched housing for the elderly	X	X	SP	SP	SP	SP	X	X	X	X	X	§ 143-63
<b>RESIDENTIAL ACCESSORY USES</b>												
Accessory apartment within single-family dwelling structure (new construction or conversion)	X	SP	SP	SP	SP	SP	SP	SP	SP	SP	X	§§ 143-64 and 143-65
Accessory apartment within separate structure (adaptive reuse and new independent structure)	X	SP	SP	SP	X	X	X	SP	X	X	X	§§ 143-66 and 143-66.1
Agriculture	P	P	P	P	P	P	P	P	P	P	P	
Bed-and-breakfast establishment	X	SP	SP	SP	X	X	SP	SP	SP	X	X	§ 143-67
Cottage on residential premises	X	SP	SP	SP	SP	SP	SP	X	X	X	X	§ 143-68
Home occupation Class 1, occurring within dwelling unit	X	P	P	P	P	P	P	P	P	P	X	
Home occupation Class 2, occurring within customary accessory building on residential premises	X	SP	SP	SP	X	X	SP	X	P	P	X	§ 143-69
Private airstrip or heliport	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-70
Roadside stand	P	P	P	P	P	P	P	P	P	P	P	

**Town of Red Hook Zoning Chapter  
District Schedule of Use Regulations**

Structure/Land Use	Zoning District											Special Permit Reference	
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1												
	WC	LD	RD5	RD3	R1.5	R1	H	I	B1	B2	LI		
Customary accessory use or structure incidental to the permitted or special permit use and located on the same lot, as defined in § 143-4 of this chapter	X	P	P	P	P	P	P	P	P	P	P	X	
<b>NONRESIDENTIAL PRINCIPAL USES (in addition to permissible home occupations and farm industries)</b>													
<b>Agricultural, Conservation and Open Space Uses</b>													
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	
Conservation use; nature and wildlife preserves, including environmental field station	P	P	P	P	P	P	P	P	P	P	P	P	
Farm	P	P	P	P	P	P	P	P	P	P	P	P	
Golf course and country club	X	X	P*	P*	P*	X	X	X	X	X	X	X	
Fishing club	SP*	SP*	SP*	SP*	X	X	X	X	X	X	X	X	§ 143-71
Hunting club	X	SP*	SP*	SP*	X	X	X	X	X	X	X	X	§ 143-71.1
Other forestry management uses	P	P	P	P	P	P	P	P	P	P	P	P	
Outdoor recreation facility, including uses such as skiing, skating, picnicking, and outdoor camping	SP*	SP*	SP*	SP*	SP*	SP*	X	SP*	X	X	SP*	SP*	§ 143-72
Public park and/or trail system	SP*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	
Timber harvesting	SP	SP	P	P	P	P	P	P	P	P	P	P	§ 143-73
Timber operation	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Community Services and Facilities; Institutional Uses</b>													
Alternate-care facility	X	X	X	X	X	X	X	SP*	X	X	X	X	§ 143-74
Congregate-care facility	X	X	X	X	SP*	SP*	X	X	X	X	X	X	§ 143-75
Cemetery, including mausoleum	X	X	SP*	SP*	X	X	SP*	SP*	X	X	X	X	§ 143-76
Child day-care center	X	X	X	SP*	SP*	SP*	X	SP*	SP*	X	X	X	§ 143-77
Church or other place of religious worship, including meeting hall, parish house and similar facilities	X	X	SP*	SP*	SP*	SP*	SP*	SP*	P*	X	X	X	§ 143-78
Cultural facility (e.g., library, art gallery or museum)	X	SP*	X	X	X	X	SP*	SP*	P*	X	X	X	§ 143-79
Day camp	X	SP*	SP*	SP*	X	X	X	SP*	X	X	X	X	§ 143-80
Educational campus	X	X	X	X	X	X	X	SP*	X	X	X	X	§ 143-81
Educational institution, including school for elementary, secondary education or higher education	X	X	X	SP*	X	X	X	SP*	X	X	X	X	§ 143-82
Family day-care or group family day-care facility	X	P*	P*	P*	P*	P*	P*	P*	X	X	X	X	
Fire station	X	X	X	P*	X	X	P*	X	P*	P*	X	X	

**Town of Red Hook Zoning Chapter  
District Schedule of Use Regulations**

Structure/Land Use	Zoning District											Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											
	WC	LD	RD5	RD3	R1.5	R1	H	I	B1	B2	LI	
Government office and/or meeting hall	X	X	X	X	X	X	P*	X	P*	P*	X	
Hospital	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-83
Membership club	X	X	X	X	X	X	X	P*	P*	P*	X	
Nursery school or day nursery	X	X	X	SP*	SP*	SP*	X	SP*	SP*	SP*	X	See § 143-77.
Nursing home	X	X	X	X	X	SP*	X	SP*	X	X	X	§ 143-84
Post office	X	X	X	X	X	X	P*	P*	P*	X	X	
Public transportation terminal	X	X	X	X	X	X	SP*	SP*	SP*	SP*	X	§ 143-85
<b>Business and Service Uses (in addition to permissible home occupations, farm industries and generally accepted agricultural and farm management practices)</b>												
Airport facility	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-86
Bakery	X	X	X	X	X	X	X	X	P*	X	X	
Bank	X	X	X	X	X	X	X	X	P*	X	X	
Bar, tavern or nightclub	X	X	X	X	X	X	X	X	P*	X	X	
Building material supply and sales; lumberyard	X	X	X	X	X	X	X	X	X	P*	X	
Business and/or professional office or establishment; office building	X	X	X	X	X	X	X	X	P*	P*	X	
Commercial boarding and/or breeding kennel; animal hospital (unenclosed)	X	X	SP*	SP*	X	X	X	X	X	SP*	X	§ 143-87
Commercial nursery	X	X	X	X	X	X	X	X	P*	P*	X	
Commercial amusement and recreation facility, including health club	X	X	X	X	X	X	X	X	P*	P*	X	
Conference center, including accessory dining and lodging facilities	X	SP*	X	X	X	X	X	SP*	X	X	SP*	§ 143-88
Convenience store	X	X	X	X	X	X	X	X	SP*	SP*	X	§ 143-89
Farmers' market	X	X	X	X	X	X	X	X	SP*	SP*	SP*	§ 143-90
Food or grocery store	X	X	X	X	X	X	X	X	P*	X	X	
Funeral home	X	X	X	X	X	X	X	X	P*	X	X	
Gasoline station; automobile service facility	X	X	X	X	X	X	X	X	SP*	SP*	X	§ 143-91
Health Spa	X	X	X	X	X	X	X	X	P*	X	X	
Home furnishing and/or appliance store	X	X	X	X	X	X	X	X	P*	X	X	
Lodging	X	SP*	X	X	X	X	X	SP*	SP*	X	X	§ 143-92
Medical or dental clinic	X	X	X	X	X	X	X	X	P*	P*	X	
Office park	X	X	X	X	X	X	X	X	SP*	SP*	SP*	§ 143-94
Personal service use or establishment	X	X	X	X	X	X	X	X	P*	X	X	

**Town of Red Hook Zoning Chapter  
District Schedule of Use Regulations**

Structure/Land Use	Zoning District											Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											
	WC	LD	RD5	RD3	R1.5	R1	H	I	B1	B2	LI	
Recreational vehicle park	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-95
Restaurant	X	X	X	SP*	X	X	X	X	P*	X	X	§ 143-96
Restaurant, fast-food or drive-in	X	X	X	X	X	X	X	X	SP*	X	X	§ 143-97
Retail business; store or specialty shop	X	X	X	X	X	X	X	X	P*	X	X	
Riding academy; boarding stable	X	X	SP*	SP*	X	X	X	X	X	X	X	§ 143-98
School conducted for profit, including vocational training and specialized nonacademic instruction	X	X	X	X	X	X	X	X	P*	P*	P*	
Self-service laundry or laundromat	X	X	X	X	X	X	X	X	P*	P*	X	
Service business shop or office	X	X	X	X	X	X	X	X	P*	P*	X	
Shopping center	X	X	X	X	X	X	X	X	SP*	X	X	§ 143-99
Theater, movie (indoor)	X	X	X	X	X	X	X	X	P*	X	X	
Theater for performing arts	X	X	X	X	X	X	X	SP*	X	X	X	§ 143-100
Veterinarian's office; animal hospital (fully enclosed)	X	X	P*	P*	X	X	X	X	X	P*	X	
<b>Commercial and Light Industrial Uses (in addition to permissible home occupations, farm industries and generally accepted agricultural and farm management practices)</b>												
Automobile body shop	X	X	X	X	X	X	X	X	X	P*	X	
Automobile rental and/or sales establishment	X	X	X	X	X	X	X	X	P*	P*	X	
Bulk fuel storage and distribution	X	X	X	X	X	X	X	X	X	X	SP*	§ 143-101
Car wash	X	X	X	X	X	X	X	X	P*	P*	X	
Cold storage facilities	X	X	X	X	X	X	X	X	X	P*	P*	
Collecting the waters of a natural, free-flowing spring and operating an associated bottling works	X	X	X	SP*	X	X	X	X	X	X	SP*	§ 143-102
Commercial communications receiving and/or transmitting facility	X	X	X	SP*	X	X	X	X	X	X	X	§ 143-103
Contractor's yard or establishment	X	X	X	X	X	X	X	X	X	P*	X	
Dry-cleaning plant	X	X	X	X	X	X	X	X	X	P*	X	
Equipment rental and/or sales, small household-related	X	X	X	X	X	X	X	X	P*	P*	X	
Equipment rental and/or sales, heavy	X	X	X	X	X	X	X	X	X	P*	X	
Extractive operations, including soil mining	X	X	X	SP	X	X	X	X	X	X	X	§ 143-104

**Town of Red Hook Zoning Chapter  
District Schedule of Use Regulations**

Structure/Land Use	Zoning District											Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											
	WC	LD	RD5	RD3	R1.5	R1	H	I	B1	B2	LI	
Junkyard; motor vehicle junkyard	X	X	X	X	X	X	X	X	X	X	X	
Landfill, construction and/or demolition	X	X	X	X	X	X	X	X	X	X	X	
Landfill, sanitary	X	X	X	X	X	X	X	X	X	X	X	
Light industrial park	X	X	X	X	X	X	X	X	X	SP*	SP*	§ 143-105
Light manufacturing or processing and associated office, warehousing and storage facility	X	X	X	X	X	X	X	X	X	P*	P*	
Public or franchise utility station	X	X	X	P*	X	X	X	P*	P*	P*	P*	
Public or franchise utility garage and/or storage yard, including recycling center and/or transfer station	X	X	X	X	X	X	X	X	X	P*	X	
Repair and/or machine shop	X	X	X	X	X	X	X	X	X	P*	P*	
Research laboratory and related facilities	X	X	X	X	X	X	X	X	X	P*	P*	
Sawmill and related facilities	X	X	X	SP*	X	X	X	X	X	X	P*	§ 143-106
Warehousing independent of production facilities	X	X	X	X	X	X	X	X	X	P*	X	
Wholesale business or sales	X	X	X	X	X	X	X	X	X	P*	X	
<b>Waterfront Uses</b>												
Marinas, boat clubs, docks and boat ramps	SP*	SP*	X	X	X	X	SP*	SP*	X	X	X	§ 143-107
<b>NONRESIDENTIAL ACCESSORY USES</b>												
Single-family dwelling unit related to a principal institutional or business use and located on the same premises	X	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	§ 143-108
Composting facility accessory to farm	X	P	P	P	P	P	P	P	P	P	P	
Farm industry	X	P	P	P	P	P	X	P	P	P	X	
Farm market 1	X	P*	P*	P*	P*	P*	X	X	P*	P*	X	
Farm market 2	X	SP*	SP*	SP*	SP*	X	X	X	SP*	SP*	X	§ 143-109
Housing for farm principals and employees 1	X	P	P	P	P	X	X	P	X	X	X	
Housing for farm principals and employees 2	X	SP	SP	SP	SP	X	X	SP	X	X	X	§ 143-110
Private airstrip or heliport	X	X	X	SP*	X	X	X	X	X	X	X	See § 143-70.
Customary accessory use or structure incidental to the permitted or special permit use and located on the same lot, as defined in § 143-4 of this chapter	X	P	P	P	P	P	P	P	P	P	P	
<b>TEMPORARY USES</b>												

**Town of Red Hook Zoning Chapter  
District Schedule of Use Regulations**

Structure/Land Use	Zoning District											Special Permit Reference
	Uses for the AB and TND Districts are set forth in §§ 143-39.1 and 143-49.1											
	WC	LD	RD5	RD3	R1.5	R1	H	I	B1	B2	LI	
Carnival, fair, circus, flea market or similar event (off-premises)	X	X	X	X	X	X	X	P	P	X	X	
Carnival, fair, circus, flea market or similar event (on-premises)	X	P	P	P	P	P	P	P	P	P	X	
Private garage or yard sale	X	P	P	P	P	P	P	P	P	P	X	
Temporary building for construction or development purposes	X	P	P	P	P	P	P	P	P	P	P	

## **ATTACHMENT B**

Town of Red Hook Zoning Chapter  
District Schedule of Area and Bulk Regulations\*

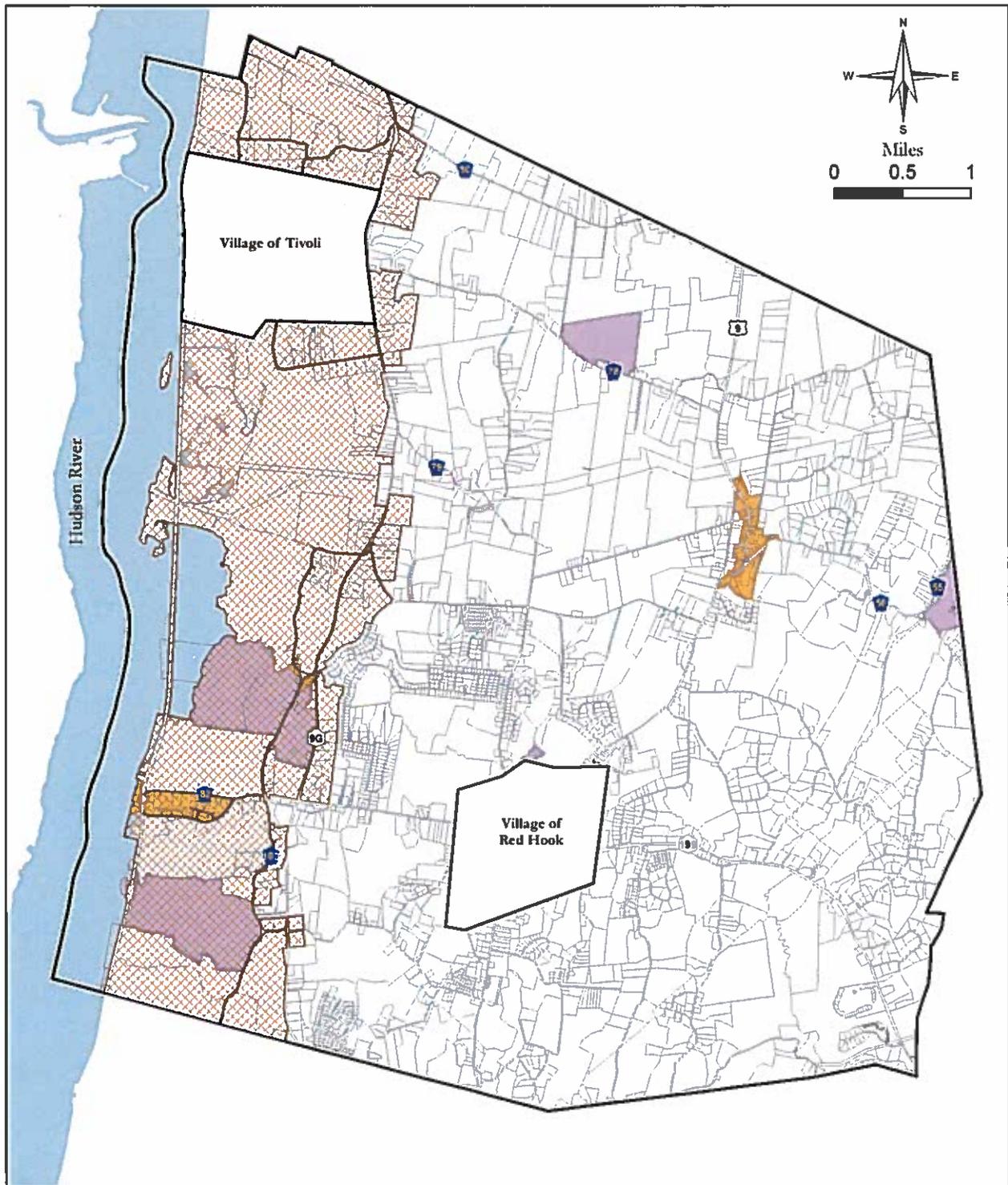
Zoning District	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Frontage (feet)	Minimum Yards <sup>1</sup> (feet)			Maximum Height (feet)	Maximum Building Coverage (percent)	Minimum Open Space <sup>4</sup> (percent)
				Front <sup>2</sup>	Side <sup>3</sup>	Rear <sup>3</sup>			
Waterfront Conservation WC**	10 acres	500	300	100/60	75/50	75/50	35	3	90
Limited Development LD***	10	400	240	100/60	75/50	75/50	35	5	85
Rural Development RD 5***	5	300	200	75/50	50/25	50/25	35	5	80
Rural Development RD 3***	3	240	160	60/35	35/20	35/20	35	7	80
Residential R1.5***	1.5	180	135	50/25	20/10	25/15	35	10	70
Residential R1***	1.0	160	120	35/15	15/5 <sup>5</sup>	25/15	35	12	65
Hamlet H***									
Upper Red Hook Annadale and Barrytown	1.5 5	180 300	135 200	50/25 75/50 <sup>6</sup>	20/10 <sup>5</sup> 50/25 <sup>5</sup>	25/15 50/25	35 35	10 5	70 80
Institutional I**/****	10	400	320	100/60	50/25	50/25	35	5	75
Business 1 B1*****	1.0	150	120	80/40	20/10	50/25	35	15	40 <sup>7</sup>
Business 2 B2*****	1.5	200	160	80/40	20/10	50/25	35	20	35 <sup>7</sup>
Light Industrial LI*****	See § 143-49 of this chapter						35	10	40 <sup>7</sup>
Traditional Neighborhood Development	See § 143-49.1 of this chapter								
Agricultural Business District	See § 143-39.1 of this chapter							7	80

Notes applicable to District Schedule of Area and Bulk Regulations:

- \* All stated requirements are minimum requirements for compliance with the Town of Red Hook Zoning Chapter; greater minimum lot area, other increased lot dimensions and/or the provision of central water supply and common sewage facilities may be necessary to comply with minimum development standards under the Public Health Law and/or related law, rules and regulations of the Dutchess County Health Department and/or the New York State Departments of Health and Environmental Conservation.
- \*\* See § 143-53 of this chapter for additional special permit criteria applicable to residential uses in the WC and I Districts.
- \*\*\* Cited minimum lot area requirements apply to permitted single- or two-family dwellings and authorized accessory uses and structures; see Article V, of this chapter and/or special use permit standards (§ 143-52 et seq. of this chapter) for requirements which apply to certain other permitted residential use types and/or nonresidential uses permissible within the zoning district.
- \*\*\*\* Permitted residential dwellings in the I District subject to LD District standards if situated to the west of NYS Route 9G and RD3 District standards if situated elsewhere in the town. Also see prior note regarding supplementary regulations and special use permit standards.
- \*\*\*\*\* Permitted residential dwellings in the B1 and B2 Districts subject to R1 District standards. Also see prior note regarding supplementary regulations and special use permit standards.
- \*\*\*\*\* See § 143-49 for standards applicable to any LI District use and § 143-52 et seq. for additional standards applicable to certain special permit uses authorized within the LI District.

- <sup>1</sup> First figure is required minimum setback for principal structure; second figure is required minimum setback for off-street parking spaces and related accessways, except for driveways serving single-family or two-family dwellings.
- <sup>2</sup> See supplementary regulations (Article V of this chapter) for increased minimum front setbacks applicable to parcels that either front on user highways or are located within designated scenic areas.
- <sup>3</sup> Where side or rear yards abut land in a more restricted zoning district, the side or rear yard requirement of the more restrictive zoning district applies. See § 143-22 of Article IV.
- <sup>4</sup> Not less than forty percent (40%) of the required minimum open space associated with any nonresidential land use, as such is set forth in the District Schedule of Use Regulations, shall be provided between the front building line and the public right-of-way, except in the case of a corner lot where not less than fifty percent (50%) of the required minimum open space shall be so located.
- <sup>5</sup> Side yard may be reduced to zero (0) feet in the R1 and H Districts to accommodate zero-lot line residential development.
- <sup>6</sup> Front yard may be reduced to twenty-five (25) feet in H District if consistent with established building setback on the contiguous parcels fronting the same street or roadway.
- <sup>7</sup> Pedestrian linkages to neighboring sites and establishments, as required by the Planning Board in its review and approval of a site plan pursuant to Article VII of this chapter, may be installed and maintained within that portion of the site designated as satisfying the minimum open space requirements.

# Proposed Town of Red Hook Historic Resources Map



Map Prepared By Dutchess County  
 Department of Planning and Development  
 February 2016

Zoning District boundaries are enacted by the Municipalities. These maps are based on information supplied by the Municipalities, per agreement with Dutchess County Department of Planning and Development. Zoning district lines are updated at the pleasure of the Municipality. Check with local municipal officials for most recent boundary delineations.

## Legend

-  Municipal Boundaries
-  Parcel Boundaries
-  The Hudson River National Historic Landmark District
-  Hamlet District
-  Sites Listed on State or National Register of Historic Places