Tentative
1) Call to order
2) Pledge of Allegiance
3) Approval of minutes, Town Clerk report
4) Approval of Bills
5) Supervisor’s Statement
   a. Marc Coviello—DC Veterans Services
6) Public Comment
7) Resolutions/Amendments
   Town Attorney, Warren Replansky
   a. Historic Building Demolition Policy
   b. Old Library Sale
   c. Fire Department
   d. Deuel’s Zoning
8) Executive Session
9) Department Reports
   a. Highway Department, Heather Emerich
   b. Building Inspector, Drew Weaver
   c. Assessor
   d. Police Department, John Hughes
   e. Water/Engineer
   f. Recreation Department, Mike Cooper
Pine Plains Town Board Meeting
August 15, 2019
7 p.m.

Tentative

g. CAC, John Hoffman III—New committee members

10) Old Business

11) New Business

a. Solar Law Discussion

12) Executive Session

13) Adjourn
Town of Pine Plains Dog Control Officer's  
Monthly Report  
Month of: **JULY 2019**

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<th>Current Month</th>
<th>Year To Date</th>
<th>Previous Year</th>
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**Notes / Comments:**

Respectfully Submitted,  
Richard J Prentice Jr  
Town of Pine Plains Dog Control Officer (Shield#3)

Detail Log Books Available Upon Request
Code Enforcement Officer
Monthly Report for July 2019

Building Permits: 4
   New home-Damon, 157 Knob Hill
   Pool deck-Toombs, 4 Sheldon
   Covered deck-French, 7 Carla Terrace
   Interior alteration-Mosher, 46 Lake

Total permits year to date: 29
Total new homes year to date: 2
Certificates of Occupancy issued: 5
Certificates of Occupancy searches: 5
Site inspections performed: 17

Comparison

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<th>Total for year to date - 29</th>
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<td>2009</td>
<td>2</td>
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</tbody>
</table>

Danah
Hollick Contracting, LLC

July 15, 2019

Quote

Re: Deck and Stair Surface Replacement

SCOPE OF WORK:

- Repair the existing metal roof with Black EPDM. Clean the two repair areas. Prime the repair areas with EPDM primer. Fully adhere 6” elastomeric flashing at leak areas.
- At the 4” bathroom vent pipe, install a “never-leak” gasket over the existing pipe portal.
- Provide a lift for gutter work.
- Remove existing gutters and dispose of in Highway Department metal container.
- Shop-fabricate and install new matching steel gutters on both sides of the building.
- Replace all leader pipes with 3” x 4” Aluminum.
- Clean all debris generated from our work.

Total Project Cost: $18,250.00 (Eighteen thousand two hundred fifty dollars) Tax included.

$9,125.00 will be paid in advance.
$9,125.00 will be paid within 30 days of completion.

William B. Hollick       Date: 7-14-2019

Po Box 236, Pine Plains, NY 12567
wbhollick@optonline.net
hollickcontracting@gmail.com
845-293-7599 cell
Serving NY & CT
Chapter 125. Zoning

Article V. Supplementary Regulations


A. Purpose and intent.

(1) Within the Town of Rhinebeck there exist a significant number of buildings of historic importance. The Town of Rhinebeck believes it important that these historic buildings be both afforded proper recognition by Town residents and protected for the continuing use and enjoyment of future residents within this community. The Town of Rhinebeck specifically finds that many of these vital and irreplaceable historic buildings have heretofore been afforded recognition, though not protection, through their inclusion on the National Register of Historic Places.

(2) Listed buildings within the town-outside-village area of Rhinebeck include those identified as "contributing buildings" within the National Register Hudson River National Historic Landmark District (1990) and its predecessor 16 Mile District (1979), those buildings within the Evangelical Lutheran Church of St. Peter (1975), Grasmere (1987) and Rock Ledge (1989) National Register Historic Districts, and those individual buildings included on the National Register of Historic Places, including first the Robert Sands Estate (1975), then more than 30 individual buildings, or complexes of buildings, concomitantly nominated as part of the Town of Rhinebeck Multi-Resource Area (1987) and recently the Neher-Elseffer House (2003). The Town of Rhinebeck has also designated four buildings, Wilderstein, the Neher-Elseffer House, the Old Stone Church and Quitman House, as local landmarks.

(3) This section is designed to provide for the protection of those historic buildings situated within the town-outside-village area which, by reason of their antiquity, uniqueness, setting or architectural construction, have been recognized, or may so be similarly recognized in the future, for both their contribution to a strong sense of identity within the community and for the tangible linkages the buildings provide to the Town's historic, architectural and cultural heritage.

(4) This section does not regulate appurtenances to historic buildings, i.e., stone walls, gates, fences, gazebos, gardens, landscapes or "noncontributing structures" listed within the documentation supporting the historic designations noted above. However, the Town of Rhinebeck recognizes these appurtenances as important features integral to historic properties and because of their community value encourages voluntary protection and conservation measures to be considered by property owners.
(5) Similarly, while this section does not regulate exterior architectural features, including building elements such as windows and doors and cornices and materials such as roofing and siding, the Town of Rhinebeck recognizes these features as important to the integrity of historic buildings and encourages voluntary efforts to preserve these features and, where replacement may be necessary, to employ either in-kind architectural elements and building materials or those exhibiting similar historical style.

(6) The purpose of this section is to reinforce the importance of the historic buildings of the Town of Rhinebeck and support the objectives of the aforementioned special 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 removal or demolition of any such recognized historic building;

(b) Emphasizing as a statement of local policy that the conservation, protection, enhancement and preservation of such historic buildings is necessary to promote the economic, cultural, educational, and general welfare of the Town's residents;

(c) Allowing the continuing identification and recognition of historic buildings that represent distinctive elements of historic, architectural and cultural heritage; and

(d) Providing a means for owners of historic buildings to find economically viable ways to preserve such buildings by allowing for their adaptive reuse in accordance with the provisions of Subsection F of this section.

B. Definitions. There are terms used in this section of the Zoning Law that are applicable principally if not exclusively within this section alone. The terms used in this section or in documents prepared or reviewed under this section of the Zoning Law shall have the meaning as set forth in Article XIII, § 125-38.

C. Certificate of removal or demolition or certificate of economic hardship required prior to issuance of demolition permit for historic building.

(1) No person shall carry out any removal or demolition of an historic building as defined in Article XIII, for which a demolition permit is required, without obtaining both a certificate of removal or a demolition or certificate of economic hardship from the Planning Board and a demolition permit from the Zoning Enforcement Officer.

(2) Where the certificate of removal or demolition is required, every application for a demolition permit, including the accompanying plans and specifications, and the name, address and telephone number of the individual, contractor, or corporation, responsible for undertaking the proposed removal or demolition, shall be forwarded by the Zoning Enforcement Officer to the Planning Board within seven calendar days of receipt of the application by the Zoning Enforcement Officer.

(3) The Zoning Enforcement Officer shall issue no permit for any activity regulated by this section until the Planning Board has issued in the first instance a certificate of
removal or demolition or subsequently, upon request for review of the disapproval of such certificate of removal or demolition, a certificate of economic hardship.

D. Application requirements for certificate of removal or demolition and Planning Board review procedure.

(1) In all cases where a certificate of removal or demolition is required, the applicant shall provide the Planning Board with the following information on the form prescribed by the Planning Board:

(a) Name, address and telephone number of both the applicant and owner of record if not the applicant;

(b) Location, Tax Map number, and photographs of each side of the building; and a brief description of the structure indicating approximate date of construction, name of architect if known, historic and/or architectural and archaeological significance and a description of its setting, including related grounds, accessory buildings and structures and property boundaries;

(c) Past 10 years' chronology of the use, occupancy and ownership of the property;

(d) Receipt for application fee, if any, as may be set forth on the Town's fee schedule as annually reviewed and established by the Town Board; and

(e) Any other information specific to the removal or demolition required by the Planning Board to make a determination on an application for a certificate of removal or demolition, including data to demonstrate compliance with the criteria for approval of a certificate of removal or demolition as set forth below in Subsection E of this section.

(2) The Planning Board shall hold a public hearing within 62 calendar days after receipt of an application completed in accordance with this section. At the hearing, all interested persons shall be provided the opportunity to present their views. Notice of the public hearing shall both be sent by certified mail to adjacent property owners and all other property owners within 200 feet of the parcel for which the certificate of removal or demolition is requested and published at least once in a newspaper of general circulation in the Town, i.e., the Town's official newspaper, at least 10 calendar days prior to the date of the public hearing.

(3) At the public hearing, the Planning Board may request and take testimony and entertain the submission of written evidence from any person, including, but not limited to, the following evidence:

(a) History of the environmental setting, use, occupancy and ownership of the property;

(b) Engineering evaluation of the physical condition of the property;

(c) The economic feasibility of rehabilitation or reuse of the historic building on the property, including consideration of both uses permitted by right and those uses permitted upon issuance of a special use permit by the Planning Board;

(d) The cost of the proposed removal or demolition;
(e) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;

(f) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years;

(g) Assessed value of the property according to the two most recent assessments;

(h) Real estate taxes for the previous two years;

(i) For income-producing property, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

(j) The importance of the structure and the related property to the community's heritage; and

(k) Any other information considered necessary by the Planning Board to make a determination as to whether the property does yield or may yield a reasonable return to the owners.

(4) Using the criteria set forth below in Subsection E of this section, the Planning Board shall act to approve, deny or approve with conditions the application for a certificate of removal or demolition within 62 calendar days after the conclusion of the public hearing except where such time shall be extended by mutual agreement of the Planning Board and the applicant. Such determination shall be in writing and accompanied by findings. Such findings shall seek to balance, to the extent practicable, the objectives of the applicant with broader issues that may be associated with the value of the historic building to the community's heritage. Within seven calendar days following the determination, the applicant shall be sent, by registered mail, either a certificate of removal or demolition in the case of an approval, or a written notice of denial in the case of disapproval. A copy thereof shall be provided to both the Town Clerk's office and the Zoning Enforcement Officer.

(a) In the case of an approval of the application for a certificate of removal or demolition, the Planning Board shall be empowered to impose reasonable conditions upon the applicant to ensure that the activity is conducted in a manner consistent with the spirit and intent of this section and to cause a dialogue with the applicant to ensure, to the extent practicable, opportunity is made available for the historic building to be recorded and, in the case of demolition, salvageable architectural elements are removed prior to the demolition for use in the rehabilitation of other historic buildings.

(b) A written statement of the reasons for the denial of the certificate of removal or demolition shall accompany any such denial. In the case of denial, the Planning Board shall be required to make nonbinding recommendations to the applicant concerning reuse or restoration of the building. The Planning Board may also notify a governmental agency with the authority to acquire the property and prevent its demolition through exercise of its power of eminent domain.
E. Criteria for review of application for certificate of removal or demolition of an historic building.

(1) In reviewing an application for a certificate of removal or demolition for an historic building, the Planning Board decision shall consider whether:

(a) The building is of such architectural or historic significance that its removal or demolition would be to the detriment of the public interest;

(b) Retention of the building in its current form and/or at its present location is important to the Town's history or character;

(c) The building is of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty;

(d) Retention of the building would help preserve and protect an historic place or area of historic interest in the Town;

(e) Retention will promote the general welfare by maintaining real estate values and encouraging interest in American history and architecture; and

(f) 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 will result in preservation of the historic building.

(2) In order to approve an application for a certificate of removal or demolition for an historic building, the Planning Board shall find that one or more of the following criteria have been met:

(a) The building or portion of the building is in such condition that it is not feasible to preserve or restore.

(b) In the case of the removal or demolition of a portion of the building, the historic characteristics of the remaining portion of the building will remain intact.

(c) After considering the interests of the public and the owner, the benefits of demolition of the building outweigh any reasonable interest in preserving the building. The Planning Board shall further determine that the removal or demolition will not result in a significant avoidable diminution of the historic character of the community.

(3) If the Planning Board denies approval of the application for a certificate of removal or demolition, the applicant may apply for relief, in accordance with the procedures set forth in Subsection F of this section, on the grounds that the determination results in an economic hardship.

F. Application requirements and review procedure and criteria for approval of a certificate of economic hardship.

(1) An applicant whose certificate of removal or demolition has been denied may apply for a certificate of economic hardship to obtain relief on the grounds set forth in this section. Upon receipt of an application for relief in such form as the Planning Board may prescribe, the Planning Board shall, within 30 calendar days thereafter, hold a
public hearing and give notice in the same manner as required above in Subsection D(2). At the public hearing, all interested persons shall be afforded the opportunity to present their views.

(2) At the public hearing, the Planning Board may take testimony and entertain the submission of written evidence from the applicant and/or the public, including, but not limited to, the following:

(a) The cost of the proposed removal or demolition and an estimate of any other cost that would be incurred relating to compliance with a certificate of removal or demolition;

(b) The economic feasibility of rehabilitation or reuse of the existing building on the property;

(c) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;

(d) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years;

(e) Assessed value of the property according to the two most recent assessments;

(f) Real property taxes for the previous two years;

(g) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;

(h) For income-producing property, the previous two years' annual gross income, itemized operating and maintenance expenses, depreciation deduction, and annual cash flow before and after debt service, if any; and

(i) Any other reasonable information considered necessary by the Planning Board in order to make a determination as to whether the property does yield or may yield a reasonable return to the owners.

(3) To obtain a certificate of economic hardship, the applicant must prove the existence of economic hardship by establishing that:

(a) The building in its current state is incapable of earning a reasonable return; and/or is causing an unreasonable financial burden;

(b) The building cannot be adapted for any other use permissible under the Town's Zoning Law, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(c) Reasonable efforts to find a purchaser interested in acquiring the property at fair market value for rehabilitation and preservation have been made and have failed.

(4) The Planning Board shall take into consideration the economic feasibility of alternatives to removal or demolition, and balance the interest of the public in
preserving the historic building or portion thereof and the interest of the owner in removing or demolishing it.

(5) The Planning Board shall render its written decision and findings within 30 calendar days of the conclusion of the public hearing. In the case of an approval of the application for a certificate of economic hardship, the Planning Board shall be empowered to impose reasonable conditions upon the applicant to ensure that the activity is conducted consistent with the spirit and intent of this section, including causing a dialogue with the applicant to ensure, to the extent practicable, opportunity is made available for the historic building to be recorded and for salvageable architectural elements to be removed prior to demolition for use in the rehabilitation of other historic buildings.

(6) A copy of the decision shall be sent within seven calendar days to the applicant by registered mail and a copy thereof filed with both the Town Clerk's office and the Zoning Enforcement Officer.

G. Adaptive reuse.

(1) The Town of Rhinebeck 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 and its significance as a landscape that inspired the Hudson River School of Painting, where "America's love of its landscape was born." The Town has also been recognized with New York State's Mid-Hudson Historic Shorelands Scenic District designation, 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. To protect and preserve such prestigious designations, the Town of Rhinebeck encourages the adaptive reuse of existing historic buildings, that will preserve and enhance their architectural or historic integrity and the district in which it is located, by broadening the permitted uses allowed and by relaxing the dimensional standards governing those permitted uses, where applicable. The adaptive reuse provisions of this subsection apply only to designated historic buildings and not to historic sites lacking a designated historic building. Designated historic buildings are those buildings that have been designated by the federal and/or state governments as contributing historic structures listed on the National and/or State Registers of Historic Places, the Hudson River National Historic Landmark District, or by local designation by the Town Board of the Town of Rhinebeck.

(2) The Planning Board may grant a special use permit, in accordance with Article VI of this chapter, to authorize actions that would otherwise not comply with the provisions of this chapter and that would allow the renovation, repair, and adaptive reuse of designated historic buildings. The granting of a special use permit also requires compliance with the site plan review requirements outlined in Article VII of this chapter. The Planning Board may grant relief from specific sections of the Zoning Law, as outlined below, without the necessity of an area or use variance from the Town Zoning Board of Appeals:

(a) In order to permit conversions of designated historic buildings, the Planning Board may grant a special use permit to modify the standards in the District Schedule of Area and Bulk Regulations, with regards to maximum density, minimum lot frontage, maximum coverage, minimum lot width, and front, side
and rear yard setbacks to allow residential uses in a designated historic building or in a proposed addition to a designated historic building, when it can be demonstrated that the modification is necessary to preserve the building. In addition to compliance with the general standards for a special use permit, the applicant shall demonstrate that, if the conversion were to cease in the future, the architectural integrity of the designated historic building would be unimpaired.

[1] Editor's Note: The Schedules of Area and Bulk Regulations are included as attachments to this chapter.

(b) The Planning Board may grant a special use permit for conversions within designated historic buildings, in all residential zoning districts, to allow business and professional offices, an artisans shop and gallery, and an antiques shop, as such uses are defined in Article XIII of this chapter, when it can be demonstrated that the conversion is necessary to preserve the building. In addition to compliance with the general standards for a special use permit, the applicant shall demonstrate that, if the conversion were to cease in the future, the architectural integrity of the designated historic building would be unimpaired. Nothing herein shall prevent a residential use from continuing within the designated historic building, when a special use permit has been granted for conversion to allow business and professional offices, an artisans shop and gallery, or an antiques shop.

(3) Dimensional and density requirements. The Planning Board may grant relief to the dimensional requirements listed under Subsection F(2)(a) without the approval of the Zoning Board of Appeals. In reviewing the application for an adaptive reuse special use permit, the Planning Board shall consider the following in making its determination:

(a) Density. In determining the total number of proposed residential dwelling units, the Planning Board shall take into consideration traffic circulation, parking requirements and location, impact on the integrity of the designated historic building and the property, and the overall impacts to the general character of the district and neighborhood. In particular, the Planning Board will evaluate the aesthetic impacts to the designated historic building and the property from the proposed renovations, alterations, extensions or additions. Up to four residential dwelling units may be allowed on the lot(s) proposed for an adaptive reuse special use permit, provided the Planning Board makes a finding that such renovations, alterations, extensions or additions satisfy the stated objectives found in Subsection F(4) of this section.

(b) Entrances and parking. Dwelling unit entrances shall not be visible from a public way. Multiple entrances visible from the public way may be allowed if consistent with the architectural style of the building or structure. Secondary means of egress, especially from upper stories, shall not be visible from the public way. On-site parking should be provided in accordance with Article V, § 125-36, of this chapter. The Planning Board shall endeavor to protect historic resources and may waive some or all of the parking requirements for such purposes. If more than six parking spaces are required, excess spaces shall be adequately screened or concealed in accordance with the requirements of Article V, § 125-36 (Off-street parking and loading standards), and Article V, § 125-57 (Landscaping standards), of this chapter.

(c)
Frontage, lot width and setbacks. For all new additions to designated historic buildings, the Planning Board may waive the dimensional requirements (except height) of the zoning district up to 50% if the project is consistent with Article V, § 125-55 (Preservation of natural and cultural features; design standards) of this chapter.

(4) Use requirements. The Planning Board may grant relief to the use requirements listed under Article III of this chapter, without the approval of the Zoning Board of Appeals. In reviewing the application for an adaptive reuse special use permit to allow business and professional offices, an artisans shop and gallery, and an antiques shop within a designated historic building, the Planning Board shall consider the extent to which the proposal meets the following objectives:

(a) Restore the exterior of the designated historic building whenever feasible.

(b) Consider the quality of original architecture and subsequent modifications, current condition and relationship of the designated historic building to the overall property or area when evaluating the feasibility of restoration. The Planning Board shall use the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as a guide to restoration of such designated historic building.

(c) Restore the existing formal and informal landscaping, stone walls and entrance gates where feasible and applicable.

(d) Contemporary design for extensions or additions shall not be discouraged when such extensions or additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, district and neighborhood.

(e) Site new construction to have a minimum impact on the natural environment. Unique natural areas and open spaces such as streams, ponds, wetlands, steeply sloped areas, woodlands, and other sensitive environments shall be preserved to the greatest extent practicable. Where preservation is not practicable, appropriate mitigation measures shall be used to avoid or reduce impacts on such natural resources, as required by SEQRA.

[Amended 7-25-2016 by L.L. No. 5-2016]

(f) The maximum floor area should not exceed 5% of the land included in the project proposal.

(g) The development shall be in harmony with the objectives of the Town Comprehensive Plan and the Local Waterfront Revitalization Program.

H. Enforcement. All work performed pursuant to a certificate of removal or demolition or certificate of economic hardship issued under this section shall conform to both any requirements included in Article X of this chapter and those further requirements that may be imposed by the Zoning Enforcement Officer in the ensuing issuance of the demolition permit. It shall be the duty of the Zoning Enforcement Officer to inspect periodically any such work to assure compliance. In the event it is found that it is not being performed in accordance with the requirements of the certificate of removal or demolition, the certificate of economic hardship and/or the demolition permit, the Zoning Enforcement Officer shall immediately issue a stop-work order and all work
shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

I. Violations and penalties.

(1) Violations of the provisions of this section or violation of any application or statement submitted, certificate issued or permit approved under the provisions of this section, or otherwise taking part in or assisting in the violation, shall be considered an offense punishable in accordance with Article X of this chapter.

(2) Other remedies. The opportunity for citation of violations of the provisions of this section and related imposition of the penalties herein prescribed for such offenses shall not preclude the Town or any person from instituting an appropriate legal action or proceeding in a court of competent jurisdiction to prevent either the unlawful removal or demolition of an historic building or the conduct of such work in a manner inconsistent with the requirements of both the demolition permit and the underlying certificate of removal or demolition or certificate of economic hardship, including the restraining of such activity by injunction.

(3) Role of the Town Attorney. The Town Attorney is authorized and directed to cooperate with the Zoning Enforcement Officer and institute any and all actions and proceedings necessary to timely enforce this section. Any civil remedy pursued shall be in addition to and not in lieu of any criminal prosecution and penalty.

J. Taking of emergency action. Nothing herein shall, however, be construed to prevent the demolition in whole or in part of any building which has been officially certified pursuant to Section 106 of the New York State Town Law by the Zoning Enforcement Officer or other appropriate Town authorities as being imminently dangerous to life or public health. In the event such demolition is authorized, the property shall be cleared and left in a manner that will neither have an adverse impact on any adjacent properties nor present a public danger.
TOWN OF RHINEBECK

LOCAL LAW NO. ___ OF THE YEAR 2019

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

Section I: Title.

This Local Law shall be entitled: “A Local Law Amending Chapter 125 of the Town of Rhinebeck Code to Create a New §125-62.1 ‘Historic and Archaeological Site Preservation Law’.

Section II: Amendments to the Town Code, Article V, Chapter 125

The Town of Rhinebeck Code, Chapter 125 is hereby amended to add a new §125-62.1 entitled: “Historic and Archaeological Site Preservation Law”.

§125-62.1(A) Purpose and Intent

It is hereby declared, as a matter of public policy of the Town of Rhinebeck that the protection, enhancement and perpetuation of historic and archaeological resources are necessary to promote the economic, cultural, educational and general welfare of the public.

The Town of Rhinebeck finds that there exists within the Town many vital and irreplaceable historic structures and resources that have heretofore been afforded recognition, though not protection, through their inclusion on the National Register of Historic Places and Chapter 78 of the Town Code also known as the Historic Buildings Protection Law commonly referred to as the “Demolition Law”.

... Many of these buildings are referred to in §125-62(a) of the Town Code. The Town of Rhinebeck Comprehensive Plan includes, as Appendix 4, a document entitled “Rhinebeck – Historic Sites” and a listing, and map, of historic sites having local, statewide and/or national significance (hereinafter “Rhinebeck Inventory of Historic Sites”).

In addition, the Town recognizes that the Hudson River Valley was inhabited by native peoples for thousands of years and that the area now regulated by the Town was particularly well-suited to habitation throughout human history. The Town believes that archaeological sites within its boundaries are irreparable cultural resources and, to the greatest extent possible, should be preserved for study.

Inasmuch as the identity of the people is founded on its past and since the Town of Rhinebeck contains many historic, archaeological, architectural and cultural resources that constitute and contribute to its heritage, this law is intended to:
(a) Identify and protect the historical and archaeological resources that represent distinctive elements of Rhinebeck's historic, architectural, archaeological and cultural heritage and the Town's sense of place and its unique character;

(b) Foster education and civic pride in the accomplishments of the past;

(c) Protect and strengthen Rhinebeck's attractiveness to residents and visitors, while providing support and stimulus to the Town's economy; and

(d) Insure the harmonious, orderly and sufficient growth and development of the Town in accordance with the goals and objectives of the Town's Comprehensive Plan.

(e) Provide a resource to the Town Planning Board and Town Board in their review and approval of projects which have the potential for negative impacts upon the Town's historical and archaeological resources.

The provisions of this section are intended to supplement and complement the provisions of §125-62 of the Town Code. The terms used in this section or in documents prepared or reviewed under this section of the Zoning Code shall have the meanings set forth in Article XIII of the Zoning Code, including but not limited to, §125-138.

§125-62.1(B): Historic and Archaeological Preservation Advisory Committee

1. There is hereby created in the Town of Rhinebeck an advisory committee which shall be known as the Rhinebeck Historic and Archaeological Preservation Advisory Committee.

(a) The Advisory Committee shall consist of five (5) members to be appointed by the Town Board as follows: (i) at least one member should be an architect or restoration specialist experienced in working with historic structures; (ii) at least one member should be an historian; (iii) at least one member should be a person with working knowledge of archaeology; (iv) at least one member shall have demonstrated significant interest in commitment to the field of historic preservation evidenced either by an involvement in a local historic preservation group, employment or voluntary activity in the field of historic preservation or other interest in, and commitment to, the field; (v) the other member shall have a demonstrated interest in the preservation of historical, archaeological, cultural and/or architectural resources within the Town of Rhinebeck. The Town Historian shall act as an ex-officio member of the Committee.

(b) Committee members shall serve for a term of four years. However, the initial term of one of the five members shall be one year, two shall be two years, and two shall be three years.
(c) The Chairperson of the Committee shall be appointed by the Town Board. The Vice Chairperson shall be selected by the Committee.

(d) The role and responsibilities of the Committee shall include, but not necessarily be limited to:

(i) assist the Town Board in developing an annual budget for the Committee for approval by the Town Board;

(ii) administer rules and regulations which may be adopted by the Town Board to carry out the duties of the Committee;

(iii) recommend additional criteria for identification of significant historical, archaeological, architectural and cultural resources;

(iv) conduct surveys to identify significant historical; archaeological, architectural and cultural resources within the Town;

(v) recommend to the Town Board structures and/or resources identified as Local Landmarks, Historic Districts and Zones of Archaeological Sensitivity;

(vi) recommend the acquisition of easements or other interests in real property as may be necessary to carry out the purposes of this law;

(vii) increase public awareness of the economic value of historical archaeological, architectural, and cultural preservation by developing and participating in public education programs, which include tax credits and identification of grants and other funding resources; and

(viii) make recommendations to the Town Board concerning the utilization of state, federal or private funds to promote the preservation of Local Landmarks and historical, archaeological, and cultural resources within the Town.

(ix) review applications and make findings and recommendations as set forth in §2 of this local law.

(e) The Committee shall meet at least monthly, but meetings may be held at any time or on the call of the Chairperson or a majority of the Committee.

(f) A quorum for the transaction of business shall consist of three of the Committee’s members.
(g) The Committee shall function in an advisory capacity but shall comply with the requirements of the New York State Open Meetings Law.

2. The Committee shall make recommendations to the Town Board for the designation of structures and resources as Local Landmarks, historical structures, Historic Districts and Zones of Archaeological Sensitivity.

(a) Individual properties shall be designated as an historic building, contributing building, local landmark or non-contributing building as those terms are defined in Chapter 125, Article VIII, §125-138(B) of the Town Code. In making such recommendations, the Committee shall apply the criteria set forth in §125-62(E), and with the purposes and intent for protection of historic buildings and landmarks as set forth in §125-62(A) of this Code. In addition, the Committee may consider one or more of the following factors, as applicable in its designation.

(i) Possesses special character, historic or aesthetic interest, or value as part of the broad, cultural, political economic or social history of the Town, region, state or nation; or

(ii) Is identified with historic personages or the site of an historic event in the Town, region, state or nation; or

(iii) Embodies the distinguishing characteristics or a type, period, style, or method or architecture or engineering; or

(iv) Is the work of an important builder, designer, artist or architect whose work has significantly influenced an age; or

(v) Because of its unique location or singular physical characteristic, or landscape, topographical features, earthworks, or streetscapes represents an established and familiar visual or aesthetic feature of the neighborhood; or

(vi) Is significant for containing elements of design, details or craftsmanship which represent a significant innovation.

(b) Groups of properties shall be designated as a Historic District if they contain properties which meet one or more of the criteria for designation of an historic structure or local landmark. The boundaries of each Historic District designated by the Town Board pursuant to this section shall be specified in detail and shall be filed, in writing, in the Town Clerk’s office. For purposes of this code provision the Historic Preservation (HP20) District and the Rhinecliff Hamlet (ReH) Districts as those Districts are defined in §125-15 of the Town Code shall be deemed to be Historic Districts.
(c) The Committee shall prepare a map, or other inventory, of known cultural and natural resources utilizing the Cultural Resources Information System, as established by the New York State Historic Preservation Office (SHPO) and other resources to establish a mapping of zones of archaeological sensitivity within the Town.

(d) The recommendations of the Committee for identification of structures and/or resources as local landmarks, historical structures, historical districts and/or Zones of Archaeological Sensitivity shall be submitted to the Town Board for adoption as resource inventories.

(e) The Town Board shall send notice of the proposed designation by registered mail to the owner of each property recommended for designation as a historic building, contributing building or local landmark.

(f) The Town Board shall hold a public hearing prior to designating any property as a historic building, contributing building, or landmark and before designating a historic district or Zone of Archaeological Sensitivity. After the public hearing and review of public comments, reports and other pertinent data including input from the individual property owners within such designated areas, the Town shall develop its Findings and vote to make or deny the historic designation and/or Zone of Archaeological Sensitivity. Any person aggrieved by a designating determination by the Town Board pursuant to this section may appeal such determination only by filing an Article 78 petition in the Supreme Court, Dutchess County. No appeal from this designation may be made to the Zoning Board of Appeals.

(g) The Planning Board and/or Town Board before taking any final action on any application before it, including, but not limited to, applications for special use permit, site plan review and approval, subdivision, expansion of a non-conforming use and applications pursuant to §125-62 of the Town Code, for properties containing an historic building, contributing building or designated as a local landmark or within a Historic District or Zone of Archaeological Sensitivity as designated by the Town Board, shall follow the procedure set forth herein.

(i) Any application to the Planning Board for special permit, subdivision and/or site plan approval for any property containing an historic building, local landmark, contributing building or within an Historic District or within a Zone of Architectural Sensitivity and all applications to the Planning Board for removal or demolition of a building pursuant to §125-62 of the Code shall be referred to the Committee for its review and comment. The Committee shall within thirty-one (31) days after receipt of the
referral provide such comments and suggestions concerning the project if it determines that the action would have a substantial adverse effect on the aesthetic, historical, architectural significance and value of the individual historic structure or landmark or on the Historic District and make appropriate recommendations to the Planning Board for conditions and/or modifications to the project which may mitigate those impacts. If the project is within a Zone of Architectural Sensitivity, the Committee shall make recommendations to the Board for the imposition of conditions and/or modifications to the project which will serve to protect the archaeological resources of that property to the maximum practical extent. The Board, upon receipt of those comments and suggestions, shall take them into consideration in making its ultimate determination but the Board shall not be bound by those recommendations and comments from the Committee.

(ii) The Planning Board shall provide a copy of the complete application before it to the Committee for utilization in its review process. The Committee may request such other documentation and records, as it deems necessary, from the applicant in conducting its review and formulating its recommendations and comments. The Committee may also perform a site visit of the property.

(iii) For every action which does not require permitting and/or other approval from the Planning Board, but does require the issuance of a building permit by the Town’s Building Inspector, the Building Inspector shall refer that application to the Planning Board for its determination as to whether, or not, that project has the potential for adversely impacting the historic building, Historic District or Landmark District or the archaeological resources of that property. If it is determined by the Board that there is such potential for adverse impact, the application shall be referred to the Committee for its review and comments and suggestions which the Board may then impose as a condition of the issuance of a building permit protecting the historic character, district or archaeological resources of the property.

(h) For any matter referred to the Committee, if the Committee does not respond in writing to the Board within thirty-one (31) days of its receipt of the referral, the Planning Board, or Building Inspector, as the case may be, may proceed to act upon the application before it without the necessity of consideration of any opinion or recommendation from the Committee.

(i) Any property owner aggrieved by a determination made by the Planning Board and/or Building Inspector pursuant to this Code section shall have
the right to appeal any determination of the Board or Building Inspector to the Zoning Board of Appeals in accordance with the provisions of Article XI of the Town Code.

Section III. Supersession and Enabling Authority

This local law is hereby adopted pursuant to the provisions of Section 10 of the New York State Municipal Home Rule Law, Section 10 of the New York State Statute of Local Governments, Article V, §96-A; §119-dd of the General Municipal Law. It is the intent of the Town Board to supersede any provisions of the New York State Town Law to the extent they may be inconsistent with the provisions of this local law.

Section IV. Severability

If any section or part of this local law is declared invalid or unconstitutional by a court of competent jurisdiction, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this local law.

Section V. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.
Chapter 9
FIRE PROTECTION AND EMERGENCY AMBULANCE SERVICES

§ 9-1. Purpose. Generally speaking, towns are not authorized to provide fire protection as a town function (although there are a few towns that do have town fire departments). Instead, fire protection is provided in towns outside of villages by means of a fire, fire alarm or fire protection district (see Town Law §§ 170, 171). A fire district provides fire protection services within the district as a "political subdivision" or "district corporation," separate and apart from the town (see Town Law § 174 [7]), while a fire alarm district or fire protection district is a geographic area in which the town board must contract on behalf of to provide fire protection services (see Town Law §§ 170, 171). A town may contract with any city, village, fire district or incorporated fire company to furnish fire protection within fire alarm districts and fire protection districts (see Town Law §§ 183, 184).

§ 9-2. Fire Districts.

A. Creation or extension; public hearing requirements. A fire district may be created or extended either on petition by resident taxpayers owning taxable real property amounting to at least one-half of the assessed valuation of the taxable real property encompassed within the proposed district, or by the town board on its own motion. In each case, a public hearing before the town board on notice is required; specifically, the town board must publish notice in a newspaper of general circulation throughout the town 10 to 20 days before such hearing.

Additionally, the town clerk must post notice of the public hearing on the town sign board, as well as on the town's website, 10 to 20 days prior to the hearing. The notice must include a description of the proposed district or extension, the estimated rate per thousand dollars of assessed valuation projected to be assessed, levied and collected, as well as the time and the place the public hearing will occur. Additionally, a detailed explanation of the estimated rate of assessment for the proposed district or extension must be made available for public inspection at the town clerk's office.

A fire district or an extension thereof must be outside of an incorporated village or city or existing fire, fire alarm or fire protection district. On the creation or extension of a fire district, the approval of the state comptroller is required if any expenditure of the district is to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness (see Town Law § 173 [2]). The resolution of the town board to create or extend the district, whether the town board proceeds by petition or by its own initiative, is not subject to a permissive referendum. It should be noted that a fire district may not be extended until the written consent of a majority of the fire district commissioners is obtained.

Once the resolution establishing or extending the fire district is adopted by the town board, the town clerk must file a certified copy of the resolution in the county clerk's office. Additionally, the town clerk must file a certified copy of the resolution with the state department of audit and control within 10 days from the date the resolution is adopted.

B. Status; administration; budget. After a fire district is created, it becomes an independent unit of government, possessing independent taxing, borrowing and purchasing powers. It is administered by a separate board of five elected fire commissioners. This board annually prepares the budget for the operation of the fire district during the ensuing year. A public hearing on the budget must be conducted on the
third Tuesday in October. The board of commissioners must adopt the budget on or before November 4. Once the fire district budget is adopted, the fire district secretary must deliver two certified copies of the budget to the town clerk within three days from the date of adoption. The town board is prohibited from making any changes to the fire district budget and must append it to the town budget as is (see Town Law § 181).

C. Expenditures; employees; public hearing requirements. Town Law limits the amount of fire district revenues that may be expended annually without the adoption of a proposition. Pursuant to Town Law § 176 (18) (4), a fire district has the authority to expend funds appropriated, without proposition, for the compensation of paid fire district officers, fire department officers, firemen and other paid personnel. Moreover, Town Law § 176 (18-a) provides that the fire district may employ such individuals as may be necessary to effectuate the objects and purposes of the district. If such person to be employed is a paid fireman, the fire district must conduct a public hearing regarding the employment, publishing notice of the public hearing in the official newspaper at least once not more than 20 and no less than 10 days prior to the hearing, and such notice shall include the time, date and location of the hearing, as well as the number of paid firemen to be employed and the total annual amount to be spent for the salaries or other compensation of such firemen.

Accordingly, the fire district has the authority to hire employees and personnel without a referendum or proposition, so long as the district stays within the confines of the amount appropriated for such fiscal year. Should the district wish to exceed the amount appropriated, the procedure is governed by Town Law § 179, which provides that the board of fire commissioners may, upon its own motion and upon petition, submit at a special or annual fire district election, a proposition to, among other things, expend in any one fiscal year, or to expend annually, an amount in excess of the amount authorized by Town Law § 176 (18). If there is such a proposition, it must state the maximum amount that may be expended annually in excess of the amount authorized under Town Law § 176 (18).

So, if the fire district wishes to hire employees within its appropriations, it may do so without a proposition, although the hiring of paid fireman is subject to public hearing requirements. If the district wishes to hire employees that exceed the appropriations therefore, such additional expenses are subject to a proposition pursuant to Town Law § 179 (1) (d).

D. Fire departments within districts. Fire districts generally have their own fire departments. However, fire districts possess limited power, in certain cases, to contract for fire protection, emergency service and general ambulance service to be furnished within the district. Their fire companies need not be incorporated, but may be after public hearing and the consent of the board of fire commissioners. The chief officers of the fire department must be approved by the board of fire commissioners, and the volunteer firefighters elected by the fire companies also must receive board approval. The fire districts may contract to furnish fire, emergency and general ambulance services outside the district, and the fire department, subject to any restrictions imposed by the board of fire commissioners, may answer calls for assistance outside the district.

E. Boundary lines. When adjoining fire districts mutually agree to alter their common boundary line, they must obtain town board approval before the alteration takes place. Also, where a dispute arises between two fire districts as to location of their boundary line, the town board makes a decision after a survey and a public hearing on this issue (see Town Law §§ 172-a and 176 [5]).

A. Creation or extension. A fire protection district may be created or extended by the town board in the same manner as described above in the case of a fire district except in certain towns in the Adirondack Park. As in the case of a fire district, a fire protection district may not include territory in an incorporated village or city or existing fire, fire alarm or fire protection district.

B. Provision of services. It is not necessary to have a fire company in a fire protection district. The protection is furnished pursuant to a contract and may be for fire protection, emergency service and general ambulance service. The contract may be entered into either with a fire district or a city, village or incorporated fire company maintaining adequate and suitable apparatus and appliances for the furnishing of fire protection. This contract may be for a period up to five years' duration, and the amount of the contract must be for a definite sum (i.e., a specific dollar amount) and cannot be determined by some formula or other technique that depends upon future conditions. That does not mean that a contract could not provide for the town's providing gasoline in exchange for the fire protection services as long as precise, definite terms are used as to dollar value and quantity. The proposal for the contract must be advertised by the town board, and a public hearing must be held thereon.

1. If the contract is with a fire company located in the fire protection district, that company must be incorporated. This requires the consent of the town board and a public hearing on notice. The individuals named in the certificate of incorporation of such a fire corporation constitute the original membership. Thereafter, other eligible individuals may be elected as members of the fire corporation, but such election must be confirmed by the town board. Where any such fire corporation furnishes fire protection outside of the boundaries specified in its certificate of incorporation, it and the members thereof shall be under the exclusive control of the town board of the town in which the fire corporation maintains its apparatus, and the town board may restrict the service of such corporation outside the boundaries described in its certificate of incorporation.

2. A court decision has held that a town may be liable for the negligence of a volunteer firefighter who was a member of a fire company with which the town board had a fire protection contract on behalf of a fire protection district. At the time of the claimed negligence, the volunteer firefighter was responding to a mutual aid call in his personal vehicle. In order to protect against possible similar liability, when entering into a fire protection contract with a volunteer fire company, the town board should consider requiring the fire company to obtain liability insurance naming the town as insured, or else obtain its own insurance coverage at district expense.

3. A town board may not purchase or authorize the purchase of equipment or apparatus for the fire departments contracting to furnish services in the fire protection district, although the town has broad powers to aid the district in natural disaster cases. A fire protection district has no power to borrow money. The town board, after a public hearing on notice, may contract on behalf of the district for a period not to exceed five years for a supply of water and hydrant service. Where such a water supply cannot be suitably supplied by contract, provision is made for acquisition of water rights and for construction and maintenance of fire suction pools, fire cisterns, fire wells, pipes, pumps, hydrants and other facilities, but money may not be borrowed for that purpose. In certain towns in the Adirondack
Park, the above-mentioned contracts, as well as contracts for fire protection, must be approved by the state comptroller.

§ 9-4. Fire Alarm Districts. A fire alarm district is created or extended in the same manner as a fire district. While the law provides for fire alarm districts, they are incredibly rare. Alarm systems may be provided in these districts and they have many of the powers of fire protection districts.

§ 9-5. Benefits. Where a fire protection or fire alarm district is furnished service by a fire company or fire department pursuant to a contract with another entity, or by an incorporated fire company located outside of such fire protection or fire alarm district, such contract must include a negotiated amount for the increase in cost of providing the benefits under the Volunteer Firefighters' Benefit Law. If the benefits are provided under a county self-insurance plan, the additional cost is not included in the contract (see Volunteer Firefighters Benefit Law § 30 [12]).

§ 9-6. Water Supply in Fire Districts. Instead of charging for water, the town board, in its discretion, may, without charge, permit the use of water from hydrants of a water district for fire purposes in all or any part of the area of a fire district, fire protection district, fire alarm district or "unprotected area" that is wholly or partly included within the area of the water district.

§ 9-7. Appropriations for Forest Fires and Natural Disasters. Pursuant to Town Law § 64 (15-a), the town board is authorized to appropriate not more than $1,000 in any one year for equipment for the prevention of forest fires. Additionally, a town may purchase and operate equipment itself for natural disaster emergencies, "such as flood, drought, tidal wave, fire, earthquake, hurricane, windstorm or other storm, landslide or other catastrophe arising from causes other than enemy attack." This authority is separate and apart from a town supervisor's authority in declared emergency situations pursuant to Executive Law Article 2-B.

§ 9-8. Emergency Ambulance Services. A town has many options when it comes to providing emergency ambulance services. General Municipal Law § 122-b provides towns with the ability to provide their own emergency medical services or contract with one or more individuals, municipal corporations, associations or other organizations to provide emergency medical services, general ambulance services or any combination thereof. Under this authority, a town may enter into an agreement with a private ambulance company to provide emergency response services. The provision of ambulance services under General Municipal Law § 122-b is a town-wide charge.

Additionally, under articles 12 and 12-A of the town law, a town can create ambulance districts to provide emergency medical services within the boundaries of the established districts. Once the districts are created, Town Law § 198 (10-f) provides that the town board has the authority to contract with private entities to provide these services. Town Law requires parcels in an ambulance district to be assessed on an ad valorem basis (see Town Law § 202 [3]). That is, the parcels have to be assessed in the same manner and at the same time as other town charges (e.g. taxes). While ambulance districts have to be assessed on an ad valorem basis, the town does have the ability to impose additional fees on individuals utilizing the ambulance service.

A town does not have the authority to establish an ambulance district outside of its borders, with the exception of a village that is encompassed within the town. Article 17-A of the General Municipal Law, also known as the Government Reorganization and Citizen Empowerment Act, was enacted in 2010 to address consolidation and dissolution of local governments. This act has provided local governments with the ability to potentially establish a joint ambulance district.
To do so, neighboring local governments would first have to create and establish their own respective ambulance district within their borders under articles 12 and 12-A of the Town Law, as previously discussed. Then, under Article 17-A, the local governments would dissolve the individual districts and consolidate into one joint district. Note that the Association of Towns is unaware of any local governments that have undergone this process; however, there is the possibility that it could be done.

Under Town Law § 184, the town may also contract with any city, village, fire district or incorporated fire company to provide emergency ambulance services within a fire protection district under a fire protection contract. In this instance, the entity providing the emergency ambulance services must also provide fire protection within the fire district (see also General Municipal Law § 209-b).

Lastly, the town has the option to not provide for emergency ambulance services.