

**RESOLUTION**

**CONSIDERING A PROPOSED LOCAL LAW MODIFYING THE  
VILLAGE CODE REGARDING HOME OCCUPATIONS**

**VILLAGE OF RYE BROOK BOARD OF TRUSTEES**

**WHEREAS**, local law was introduced before the Board of Trustees of the Village of Rye Brook to amend Chapter 250 of the Village Code, entitled “Zoning,” to modify the definition of “resident” as set forth in Section 250-38 pertaining to home occupations; and

**WHEREAS**, on March 22, 2016, the Board of Trustees referred the local law to the Village of Rye Brook Planning Board; and

**WHEREAS**, on June 9, 2016, the Planning Board issued a report and recommendation to the Board of Trustees concerning the proposed local law; and

**WHEREAS**, on June 28, 2016, the Board of Trustees classified the proposed local law as a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA), and therefore, no further environmental review is required; and

**WHEREAS**, on July 12, 2016, the Board of Trustees held a duly noticed public hearing at Village Hall to consider the proposed local law, at which time all persons interested were given an opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees hereby approves the above-mentioned local law to modify the definition of “resident” as set forth in Section 250-38 pertaining to home occupations.

**LOCAL LAW AMENDING  
CHAPTER 250 OF THE VILLAGE CODE**

A LOCAL LAW to amend Chapter  
250 of the Code of the Village of  
Rye Brook regarding Zoning.

**BE IT ENACTED**, by the Board of Trustees of the Village of Rye Brook, as follows:

**Section 1.** Chapter 250, Section 38, of the Code of the Village of Rye Brook is hereby added as follows:

§250-38 Home occupation regulations.

(B) Definitions and Interpretations.

**RESIDENT(S)**

An individual who ~~lives at~~ is a full time resident of the premises and works at and owns a majority interest of the home occupation business operated at the premises and is a record owner of the premises. The term “record owner” includes the owner of record or a member of his or her immediate family, which shall be limited to a spouse, child, grandchild, parent, grandparent, brother or sister.

**Section 2. Severability.** If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

**Section 3.** This local law shall take effect immediately upon filing with the Office of the Secretary of State.

**RESOLUTION**

**AUTHORIZING SUBMISSION OF A REPORT AND RECOMMENDATION TO  
THE RYE BROOK BOARD OF TRUSTEES ON A LOCAL LAW REGARDING  
HOME OCCUPATIONS**

**BE IT RESOLVED**, that the Rye Brook Planning Board hereby submits the attached Report and Recommendation to the Rye Brook Board of Trustees on the proposed local law regarding home occupations.

**BE IT FURTHER RESOLVED**, that the Rye Brook Planning Board hereby authorizes the Chairman, in consultation with the Village Attorney, to finalize the written Report and Recommendation to be consistent with the discussions of the Planning Board regarding the local law.

On motion by Ms. Schoen, seconded by Mr. Morlino, Mr. Michael Nowak, Superintendent of Public Works/Village Engineer, called the roll:

**APPROVING THE REFERRAL RESOLUTION:**

Ayes: Goodman, Grzan, Morlino, Schoen, Richman

Nays:

Abstain:

Excused: Accurso, Tartaglia

# **REPORT AND RECOMMENDATION FROM THE RYE BROOK PLANNING BOARD TO THE RYE BROOK BOARD OF TRUSTEES ON A LOCAL LAW REGARDING HOME OCCUPATIONS**

## **I. APPLICATION OVERVIEW**

The Rye Brook Board of Trustees is considering a local law which would amend Chapter 250 of the Village Zoning regarding home occupations. The proposed local law would amend the definition of “Resident” from “[a]n individual who lives at the premises...” to “[a]n individual who maintains a primary place of abode at the premises...” The amendment aims to clarify that the dwelling from which the resident is operating a home occupation must be the individual’s primary residence.

On March 22, 2016, the Board of Trustees referred the local law to the Planning Board for consideration and a report and recommendation thereon pursuant to Section 250-14.B. of the Village Code.

## **II. DISCUSSION**

The Planning Board discussed the local law at its April 14, 2016 and June 9, 2016 meetings, during which Village consultants and staff also provided input. The Planning Board provided the following comments on the proposed local law:

- The purpose of a home occupation law is to allow someone to live in the house and also maintain a business in the home. Home occupation laws are not intended to allow someone to establish a business at the house and then reside elsewhere.
- Obtaining a home occupation permit from the Village is a privilege and a benefit that comes with responsibilities. One of those responsibilities is to actually live at the premises from which the home occupation is being conducted.
- The proposed language does not bring clarity to the definition of “Resident.” Defining a “resident” as one who maintains a “primary” residence at the premises is not stringent enough because it could allow a home occupation by a record owner who does not reside at the premises for up to 6 months of the year.
- The Code should clearly require the record owner to live at the premises on a full time basis. The record owner is responsible for the home occupation and should be present on a full time basis to oversee the home occupation.

Accordingly, the Planning Board recommends that the local law be revised as follows:

§250-38 Home occupation regulations.

(B) Definitions and Interpretations.

**RESIDENT(S)**

An individual who ~~lives at~~ is a full time resident of the premises and works at and owns a majority interest of the home occupation business operated at the premises and is a record owner of the premises. The term “record owner” includes the owner of record or a member of his or her immediate family, which shall be limited to a spouse, child, grandchild, parent, grandparent, brother or sister.

**III. CONCLUSION AND RECOMMENDATION**

Based on the foregoing, the Planning Board approval of the proposed local law as revised herein.

Dated: Rye Brook, New York  
June 9, 2016

On motion by Ms. Schoen, seconded by Mr. Morlino, Mr. Michael Nowak, Superintendent of Public Works/Village Engineer, called the roll:

APPROVED AT THE JUNE 9, 2016 MEETING OF THE RYE BROOK PLANNING BOARD BY A VOTE OF 5-0

**ACCEPTING THE REPORT AND RECOMMENDATION:**

Ayes: Goodman, Grzan, Morlino, Schoen, Richman

Nays:

Abstain:

Excused: Accurso, Tartaglia



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**VILLAGE OF RYE BROOK**

**MAYOR**

Paul S. Rosenberg

938 King Street, Rye Brook, N.Y. 10573

(914) 939-1121 Fax (914) 939-0242

[www.ryebrook.org](http://www.ryebrook.org)

**ADMINISTRATOR**

Christopher J. Bradbury

**TRUSTEES**

Susan R. Epstein

David M. Heiser

Jason A. Klein

Jeffrey B. Rednick

**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN**, that the Board of Trustees of the Village of Rye Brook shall hold a public hearing on Tuesday, July 12, 2016 at 7:30pm, at Village Hall, 938 King Street, Rye Brook, New York to consider a proposed local law regarding home occupations and the requirement that the owner is a full-time resident at the premises and works at and owns a majority interest in the home occupation.

**Christopher J. Bradbury**  
**Village of Rye Brook, New York**

*Publication Date: Friday, July 1, 2016*