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A. Intent and Purposes.

Special Use Permits are intended to allow for uses which are considered on their individual merits and circumstances and which may be permitted in the applicable zoning district, provided that such uses do not adversely affect the neighborhood including the natural environment, and the rural, scenic and historic character. Such Special Uses are permitted only upon issuance of a Special Use Permit by the Planning Board and only after an evaluation is made of the compatibility of the proposed use with surrounding uses, the suitability of the use to the site, and whether it is in harmony with the Zoning Law, Comprehensive Plan, Greenway Guidelines, and if applicable, the Local Waterfront Revitalization Program.

All Special Permit Uses cited in the "District Schedule of Use Regulations," in Article III of this Zoning Law, shall be subject to review and approval by the Planning Board in accordance with Section 274-b of the Town Law and the general objectives, requirements and procedures included herein. In all cases where this Zoning Law requires such Special Use Permit authorization by the Planning Board, no Building Permit or Certificate of Occupancy shall be issued by the Code Enforcement Officer except upon authorization of and in full conformity with plans approved and requirements or modifications imposed by the Planning Board. In accordance with the "District Schedule of Use Regulations," most uses requiring the issuance of a Special Use Permit are additionally subject to Site Plan review and approval, as described in Article VII of this Zoning Law.

Accessory uses or structures used in connection with a Special Use Permit shall be subject to the same approval requirements as the principal structure or use. In authorizing any Special Permit Use, the Planning Board shall take into consideration the public health, safety, and general welfare, and the comfort and convenience of the public in general. The intent of the regulations is to ensure that the development and use of individual parcels is in harmony with the Zoning Law and

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will not have an adverse effect on adjacent lands, the immediate neighborhood, or on the character of the community. Such regulations are designed to:

1. Protect the community from traffic congestion and conflicts, flooding, and excessive soil erosion, unnecessary noise, lighting and odors, wasteful energy use and other forms of pollution;
2. Protect the community from inappropriate design and other matters of scenic and aesthetic significance;
3. Ensure that the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed;
4. That its impacts can be mitigated by compliance with reasonable conditions;
5. Ensure that new development conforms with the Town's planning goals and objectives as expressed in the *Comprehensive Plan*.

The Planning Board may require modifications to development proposals, submission of alternative design and layout proposals, and may attach reasonable conditions and safeguards to eliminate or minimize potential impacts as a precondition of its approval of a Special Use Permit. [\[Back\]](#)

B. Special Use Permit Application Procedures.

The Planning Board shall review and act on all Special Use Permit applications in accordance with the procedures specified herein:

1. **Application and Fee.** All Special Use Permit applications are made to the Zoning Enforcement Officer (ZEO) in writing, on forms, and in accordance with the review procedures prescribed by this Section of the Zoning Law. In the event that the Zoning Enforcement Officer determines that the application meets all of the requirements of the Zoning Law, the application shall be forwarded by the ZEO to the Planning Board for further review in accordance with the provisions of the Zoning Law and/or Subdivision Regulations. In the event the ZEO finds that the application does not comply in one or more respects with the provisions of the Zoning Law, the application shall be denied by the ZEO, with leave to appeal the ZEO's determination to the Zoning Board of Appeals in accordance with the provisions of Article XI of this Zoning Law. In order to be considered complete, a Special Use Permit application shall be accompanied by the following:
 - a. A preliminary Site Plan which demonstrates the overall site layout and building locations, parking areas, access and egress locations, setbacks and buffer areas, lighting, landscaping, stormwater management, signage, natural and cultural resource information as required herein, and the location and extent of existing development on adjacent parcels.
 - b. Preliminary building plans and elevations illustrating proposed building construction and alteration, including an indication of exterior materials, textures and colors.
 - c. Payment of the applicable fees in accordance with the Town's fee schedule, established and annually reviewed by the Town Board, and with the escrow fee requirements found in Article XIV.
 - d. Either a Short or Full Environmental Assessment Form (EAF), as required by SEQR,

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- Article 8 of the New York State Environmental Conservation Law and Title 6 Part 617 NYCRR. All applications made for lands within or contiguous to the Hudson River National Historic Landmark District, the Town of Rhinebeck National Register of Historic Places Multiple Resource District, or any building, structure or site listed individually on the State or National Register of Historic Places shall require the submission of a Full EAF. Such lands are illustrated in the Town *Comprehensive Plan*, but applicants are on notice that additional properties in the Town may be listed on the State or National Register of Historic Places subsequent to adoption of the *Comprehensive Plan*. See Article VII, Section E(2)(b) and (c) for additional information that may be required under SEQR.
- e. Certification by the applicant, in writing and on forms provided by the Town of Rhinebeck, that the information provided is “true and accurate to the best of my knowledge.”
 - f. Any other information deemed necessary by the Planning Board to explain the nature of the proposed use, its potential environmental impacts under SEQR, and its consistency with the standards established by this Zoning Law for Special Permit Uses.
2. **Public Notice and Hearing.** The Planning Board shall, within sixty-two (62) calendar days of the receipt of the complete application, conduct a public hearing on any such Special Permit application. The Planning Board, by resolution at a stated meeting, shall fix the place, date, and time of the public hearing. The Planning Board shall provide a copy of this notice of said hearing to the applicant, and at which hearing, he or she shall appear in person or by agent. The Board shall additionally provide notification as follows. All notices and mailings shall be the responsibility of the applicant, shall be paid for by the applicant, shall be sent and confirmed by the applicant using Certified Mail, Registered Mail, Delivery Confirmation, Signature Confirmation, or Certificate of Mailing, and shall be certified to the Planning Board that compliance has timely occurred. Such notices and mailings shall be as follows:
- a. By publishing at least five (5) calendar days prior to the date thereof a legal notice in a newspaper of general circulation in the Town,
 - b. Posting. Notice shall be posted at least five (5) days prior to the date of the hearing as follows:
 - i. On the bulletin board of the Town Hall;
 - ii. On the Town of Rhinebeck website; and
 - iii. On a conspicuous sign posted along the road frontage of the parcel subject to the Special Use Permit proceeding, in a manner as specified by the Planning Board.
 - c. By requiring notice of the public hearing and data regarding the substance and location of the Special Use Permit application to the owners of all property abutting that held by the applicant and all other owners within three hundred (300) feet of the exterior boundaries of the land involved in such application or such additional distance as the Planning Board may deem advisable, or as otherwise required by State law. Notice shall be mailed at least ten (10) calendar days prior to the hearing, with compliance with the notification procedure certified to by the Secretary.
 - d. By providing notice of the public hearing and data regarding the substance and location of the Special Use Permit application to all Involved Agencies under SEQR at least ten (10)

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calendar days prior to the hearing.

- e. If the land involved lies within five hundred (500) feet of a farm operation located in a New York State Agricultural District, such owners shall be sent at least ten (10) calendar days prior to the public hearing, an Agricultural Data Statement on forms supplied by the Town of Rhinebeck and prepared by the applicant.
 - f. If the land involved in the application lies within five hundred (500) feet of the boundary of any other municipality, the applicant shall also mail at least ten (10) calendar days prior to the public hearing to the municipal clerk of such other municipality or municipalities a copy of the notice of the substance of every application, together with a copy of the official notice of such public hearing.
 - g. The names and addresses of owners notified shall be taken as such appear on the last completed tax roll of the Town.
 - h. Provided that there has been substantial compliance with these provisions, the failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Planning Board in connection with granting or denying a Special Permit application.
3. **Agency and Consultant Review.** In its review, the Planning Board may consult with the Town Code Enforcement and Zoning Officers, the Superintendent of Highways, the Conservation Advisory Council, the Town Historian, other local and county officials and its designated private planning and engineering consultants, in addition to representatives of County, State and Federal agencies including but not limited to the Dutchess County departments of Health, Public Works, Planning and Development, the New York State departments of Transportation, Health, Agriculture and Markets, Office of Parks, Recreation and Historic Preservation, Secretary of State, and Environmental Conservation, and the US Army Corps of Engineers, US Fish and Wildlife Service, and US Department of Agriculture's Natural Resources Conservation Service.
 4. **Required Referral.** A full statement of any Special Use Permit application, including all applicable SEQR documentation, that meets the referral requirements of Sections 239(l) and 239(m) of the General Municipal Law shall be referred prior to the public hearing to the Dutchess County Department of Planning and Development for its review. No action shall be taken by the Planning Board on such application until an advisory recommendation has been received from said county Department of Planning and Development or thirty (30) calendar days have elapsed since the Department received such full statement. In the event that the Dutchess County Department of Planning and Development recommends disapproval of the proposal or recommends modification thereof within such time period or at a later date prior to final action by the Planning Board, the Planning Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one (1) of all the members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within thirty (30) calendar days after such final action, the Planning Board shall file a report of the final action it has taken with the County Department of Planning and Development.
 5. **Waiver of Requirements.** The Planning Board may waive any specific requirements set forth in Article VI(D) of this Zoning Law for the approval of a Special Use Permit. The grant of any such waiver shall be accompanied by a written finding that compliance with the requirements is

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either not requisite in the interest of the public health, safety and general welfare or inappropriate to the particular Special Permit Use. The Planning Board may, in granting waivers, incorporate such reasonable conditions as will, in its judgment, substantially secure the objectives of the requirements so waived. No waiver or modification may be deemed approved or granted by implication. All waivers and modifications must be expressly set forth in the findings of the Planning Board.

6. **Area Variances.** Where a proposed Special Use Permit contains one or more features which do not comply with the Special Use Permit regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to Article XI of the Zoning Law, without the necessity of a decision or determination of the Zoning Enforcement Officer.
7. **Decisions.** Every decision of the Planning Board with respect to a Special Use Permit application shall be made by resolution within sixty-two (62) calendar days of the close of the public hearing, which resolution shall clearly state the decision, including findings, and any modifications attached thereto. The time within which the Planning Board shall render its decision may be extended by mutual consent of the applicant and the Board. Each such decision shall be filed in the Office of the Town Clerk within five (5) business days after such decision is rendered and a copy thereof shall also be mailed to the applicant. No time periods for decision-making in this Subsection shall begin to run until the Lead Agency has either accepted a Draft Environmental Impact Statement as complete or adopted a Negative Declaration under SEQR.
8. **Reimbursable Costs.** Reimbursable costs incurred by the Planning Board for private consultation fees or other extraordinary expense in connection with the review of a Special Use Permit application shall be charged to the applicant in accordance with Article XIV of the Zoning Law. Maximum amounts for such reimbursable costs by project type and size shall be in accordance with the fee schedule established and annually reviewed by the Town Board. Such reimbursable costs shall be in addition to any fees required herein.
9. **Effect of Special Use Permit Approval.**
 - a. In addition to compliance with all other applicable Sections of this Zoning Law, and all other local, County and State laws, rules and regulations, no Building Permit shall be issued for any structure regulated by this Section until such Special Use Permit has received Planning Board approval and a copy of a resolution to that effect has been presented to the Code Enforcement Officer.
 - b. No certificate of Occupancy shall be issued for any structure or use of land covered by this Section until the structure is completed or the land developed in strict accordance with the Planning Board resolution of Special Permit approval and other applicable requirements of this Zoning Law.
 - c. Any use for which a Special Permit may be granted shall be deemed a conforming use in the district in which it is located provided that such Permit shall be deemed to affect only the lot or portion thereof for which such Permit has been granted.
 - d. The Planning Board may require in its resolution of approval that a Special Use Permit be renewed periodically. Such renewal may be withheld only after public hearing and upon specific determination by the Planning Board that such conditions as may have been

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prescribed in conjunction with the issuance of the original Permit have not been, or are no longer being, complied with. If the Code Enforcement Officer finds a violation of the Special Use Permit, he or she may refer the application to the courts or to the Planning Board for further proceedings. In such cases, a period of sixty (60) calendar days shall be granted for full compliance by the applicant prior to revocation of the Special Use Permit.

- e. A Special Use Permit shall expire if the use or uses cease for more than one (1) year for any reason, if the applicant fails to obtain the necessary Building Permits, fails to comply with the conditions of the Special Use Permit, or if the time limit imposed on certain Special Uses expires without renewal.
 - f. The granting of a Special Use Permit in the Flood Fringe Overlay (FF-O) District shall not be held to constitute a representation, guarantee or warranty of any kind by the Town of Rhinebeck or by any official or employee thereof, or consultant thereto, regarding the practicability or safety of any structure or use or the proper functioning of the proposed facilities and plans and shall not be held to create a liability upon, or cause of action against, such public body, official or employee for any damage that may result pursuant to such development or use.
10. **Expiration of Special Use Permit.** A Special Use Permit shall be deemed to authorize only the particular use or uses expressly specified in the Permit and shall expire if the Special Use Permit activity is not commenced and diligently pursued within six (6) calendar months of the date of issuance of the Special Use Permit. Upon prior written request to the Planning Board, the time period for initiation of the Special Permit Use may be extended for a maximum period of one (1) calendar year from its otherwise specified termination date. The Planning Board may hold a public hearing prior to granting any extensions.
 11. **Revocation of Special Use Permit.** In all instances, including those cited in Subsection B(9)(d) above, a Special Use Permit may be revoked by the Planning Board, after public hearing, if it is found and determined that there has been a substantial failure to comply with any of the terms, conditions, limitations and requirements imposed by said Permit.
 12. **Amendments to Special Use Permits.** The terms and conditions of any Special Use Permit may be amended in the same manner as required for issuance of a Special Permit, following the criteria and procedures of this Subsection.
 13. **Integration of Procedures.** Whenever a particular application requires both the consideration of a Special Use Permit and Site Plan review and approval by the Planning Board, the Planning Board shall integrate, to the extent practicable and consistent with applicable law, Special Use Permit review, as required by this Section, with the Site Plan review and approval process. Such integration of procedures may require, upon mutual written consent of the Planning Board and applicant reasonable modification of the time schedules otherwise stated in this Section or in Article VII, as related to Site Plan review and approval.
 14. **Relief from Decisions.** Any person or persons jointly or severally aggrieved by any decision of the Planning Board on a Special Use Permit application may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Laws and Regulations of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated as therein provided within thirty (30) calendar days after the filing of the Board's decision in the Office of the

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C. General Standards.

The Planning Board shall carefully review the specific requirements set forth in this Article for the Special Permit Uses, the applicable supplementary regulations enumerated in Article V of this Zoning Law, and the following general standards for any use requiring Special Use Permit authorization by the Planning Board:

1. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to existing and future streets and roads providing access, shall be in harmony with the orderly development of the district.
2. The location, nature and height of the buildings, walls and fences and the nature and intensity of the intended operations, will not discourage the appropriate development and use of adjacent land and buildings nor impair the value thereof.
3. All proposed traffic access ways shall be adequate but not excessive in number, adequate in width, grade, alignment and visibility, be sufficiently separated from street intersections and places of public assembly, and meet similar safety considerations.
4. Adequate provision for safe and accessible off-street parking and loading spaces shall be provided to avoid parking in public streets of vehicles or persons connected with or visiting the use except in the Traditional Neighborhood, Village Gateway and other priority growth districts where on-street parking is encouraged. With the exception of single family detached dwellings, shared parking is encouraged where the peak parking demands of different uses occur at various times of the day. Use of a widely accepted means of projecting demand for shared use, such as the Urban Land Institute's *Shared Parking* report, shall be employed to demonstrate shared parking effects.
5. All parking and service areas shall be screened at all seasons of the year from the view of adjacent residential lots and streets or roadways and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Such landscaping shall include the preservation of existing trees to the maximum extent practicable. Roadside plantings shall be in accordance with the Town's design standards as outlined in Article V, Sections U and W herein and with the recommendations of the Town's *Design Standards*, on file in the Office of the Town Clerk and Appendix A of this Zoning Law.
6. All proposed buildings, structures, equipment and/or material shall be readily accessible for fire, emergency services and police protection.
7. The character and appearance of the proposed use, buildings, structures, lighting, and/or outdoor signs shall be in general harmony with the character and appearance of the surrounding neighborhood. These shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or light than would the operations of any permitted principal use. In addition, they shall not adversely affect the general welfare of the inhabitants of the Town of Rhinebeck, such determination to be made by the Town Planning Board.
8. Except for pre-existing non-conforming lots of record, the use shall meet the prescribed area and bulk requirements for the district in which it is located and as further specified in the

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supplementary regulations, including but not limited to setbacks, maximum height, environmental and open space standards, required off-street parking, lighting, noise, and sign regulations.

9. The level of municipal and other services required to support the proposed activity or use is, or will be, available to meet the needs of the proposed activity or use. This consideration shall include the suitability of water supply and sanitary sewage facilities to accommodate the intended use, and protection from pollution of surface or groundwater.
10. The proposed use shall not have an unmitigated significant adverse environmental impact as defined by the New York State Environmental Quality Review Act (SEQR). Such determination shall be made by the Town Planning Board or other designated lead agency.
11. The use shall be designed and shall be carried out in a manner that protects historic and natural environmental features on the site under review and in adjacent areas, such environmental recommendations to be made by the Town's Conservation Advisory Council or Conservation Advisory Board and such historic recommendations to be made by the Town Historian.
12. The use shall be consistent with the Town's *Comprehensive Plan, Design Standards, Local Waterfront Revitalization Plan* and other applicable planning documents adopted by the Town.
13. In its review of Special Permit Uses, the Planning Board shall take into consideration the statement of policies and principles as well as the illustrated guidelines of the Hudson River Valley Greenway, as described in *Greenway Connections*, a copy of which is available in the Town Clerk's Office and on the Internet at <http://www.co.dutchess.ny.us/CountyGov/Departments/Planning/ELPgreenwayguide.htm>
14. The Planning Board shall impose additional conditions and safeguards to the Special Permit Use as are directly related to and incidental to the proposed Special Use Permit and which may be necessary to assure continual conformance to all applicable standards and requirements, including reasonable assurance that these conditions and safeguards can be responsibly monitored and enforced. [\[Back\]](#)

D. Additional Specific Standards for Certain Uses.

In addition to the general standards stated above and the Site Plan review considerations stated in Article VII, Section C of this Zoning Law, the following specific requirements shall be complied with for the particular Special Permit Uses cited below and as identified in Article III, District Schedule of Use Regulations or Article V, Supplementary Regulations. Some Permitted Uses are also subject to specific requirements stated herein, as identified in Article III on the District Schedule of Use Regulations, but shall not be required to obtain a Special Use Permit. Special Permit Uses that do not have additional specific requirements shall be reviewed using the general objectives stated in Article VI, Section C.

1. **Two-family dwelling by conversion or new construction, provided:**
 - a. The two-family dwelling (by conversion) shall occur only through conversion of a one-family residence legally existing at the time of adoption of this Zoning Law.

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- i. The one-family residence is, at the time of conversion, on a single lot with lot area and lot width of no less than the minimum specified for the zoning district in Article IV, "District Schedule of Area and Bulk Regulations." The lot may not be an existing non-conforming lot of less than the prescribed lot area or lot width.
 - ii. Adequate water supply and sewage disposal facilities shall be demonstrated to exist in accordance with the requirements of the Town of Rhinebeck and the Dutchess County Department of Health.
 - iii. At least one (1) of the dwelling units shall be owner-occupied in perpetuity and such restriction shall be recorded in a deed rider. The Code Enforcement Officer shall not issue a Certificate of Occupancy for the secondary unit until the deed restriction is recorded.
 - iv. Expansion of the existing one-family residence (by conversion) to accommodate the second dwelling shall be limited to a maximum of two hundred fifty (250) square feet of gross floor area in the RM1 District and 1,000 square feet in other districts.
- b. The two-family dwelling (by new construction) shall be considered a permitted use in all residential districts except the Rhinecliff Hamlet (Rc-H) district where it requires authorization by Special Use Permit. In all residential districts:
- i. The two-family dwelling (by new construction) requires Site Plan approval in accordance with Article VII of the Zoning Law.
 - ii. The two-family dwelling (by new construction) shall resemble a single family dwelling in its outward appearance.
 - iii. Adequate water supply and sewage disposal facilities shall be demonstrated to exist in accordance with the requirements of the Town of Rhinebeck and the Dutchess County Department of Health.
 - iv. At least one (1) of the dwelling units shall be owner-occupied in perpetuity and such restriction shall be recorded in a deed rider. The Code Enforcement Officer shall not issue a Certificate of Occupancy for either unit until the deed restriction is recorded.
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2. **Multi-family dwelling (new construction) in the RM1, RC5 and VG Districts and for Residential Housing Developments of 50 or More Units in the RA10 District, provided:**
- a. The number of dwelling units located on a lot within the RM1 District shall not exceed two (2) dwelling units for the first acre (i.e. the density otherwise applicable to two-family dwellings by conversion), and include not more than one (1) additional dwelling unit for each additional acre of lot area. The number of dwelling units located on a lot within the RC5 District shall not exceed four (4) dwelling units for the first five (5) acres and include not more than one (1) additional dwelling unit for each additional two and one-half (2 ½) acres of lot area. For multi-family dwellings in the Village Gateway (VG) Districts, the gross density, as defined in Article XIII, shall be employed to calculate the number of permitted dwelling units. For multi-family dwellings in Residential Housing Developments - 50 or More Units in the RA10 District, the number of dwelling units shall comply with the requirements of Article VI, Section D(57) herein.

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- b. Adequate water supply and common sewage disposal facilities shall be provided in full accordance with the requirements of the Town of Rhinebeck and Dutchess County Department of Health, with sufficient engineering documentation provided to allow the Town and the Department to assess the adequacy of any existing facilities which are proposed for continued and expanded use. This may include the creation of a special district under Articles 12 and 12-a of New York State Town Law or connection to existing community facilities.
- c. In Zoning districts where multi-family dwellings are authorized by Special Use Permit, the maximum number of units within a multi-family dwelling shall be six (6), including one (1) unit which shall be set aside as affordable, as defined and regulated under the Town of Rhinebeck Affordable Housing program regulations found in Article V, Section CC of the Zoning Law.
- d. The multi-family dwelling shall be constructed to resemble a single family dwelling, as illustrated by example in the photograph below of a four unit multi-family dwelling designed to resemble a single family farmhouse.



- e. All applicable requirements of the New York State Uniform Fire Prevention and Building Code and the New York State Multiple Residence Law shall be strictly met. [\[Back\]](#)

3. Multi-family dwelling (by conversion), provided:

- a. The multi-family dwelling shall occur only through conversion of a one or two-family residence and/or other habitable structure, legally existing at the time of adoption of this Zoning Law.
- b. The number of dwelling units located on a lot within the RM1 District shall not exceed two (2) dwelling units for the first acre i.e. the density otherwise applicable to two-family dwellings by conversion, and include not more than one (1) additional dwelling unit for each additional acre of lot area.
- c. The maximum number of units within a multi-family dwelling (by conversion) in the HP20 District shall be four (4). The maximum number of units within a multi-family dwelling (by conversion) in other Zoning districts shall be six (6). The acreage required for such units shall be calculated as follows:
 - i. The number of dwelling units located on a lot within the HP20 District shall not exceed four (4) dwelling units for the first twenty (20) acres and include not more than one (1) additional dwelling unit for each additional ten (10) acres of lot area.

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- ii. The number of dwelling units located on a lot within the RA10 District shall not exceed four (4) dwelling units for the first ten (10) acres and include not more than one (1) additional dwelling unit for each additional five (5) acres of lot area.
 - iii. The number of dwelling units located on a lot within the RC5 District shall not exceed four (4) dwelling units for the first five (5) acres and include not more than one (1) additional dwelling unit for each additional two and one-half (2 ½) acres of lot area.
 - iv. The number of dwelling units located on a lot within the RL5 District shall not exceed four (4) dwelling units for the first six (5) acres and include not more than one (1) additional dwelling unit for each additional two and one-half (2½) acres of lot area.
 - v. The number of dwelling units located on a lot within the RM1 District shall not exceed four (4) dwelling units for the first one (1) acre and include not more than one (1) additional dwelling unit for each additional one-half (½) acre of lot area.
 - vi. The number of dwelling units located on a lot within the VG District shall not exceed four (4) dwelling units for the first one-third (⅓) acre and include not more than one (1) additional dwelling unit for each additional six thousand square feet of lot area.
- d. Adequate central water supply and common sewage disposal facilities shall be provided in full accordance with the requirements of the Town of Rhinebeck and Dutchess County Department of Health, with sufficient engineering documentation provided to allow the Town and the Department to assess the adequacy of any existing facilities which are proposed for continued and expanded use.
 - e. No individual multi-family structure shall contain more than six (6) residential units including one (1) unit, which shall be set aside as affordable, as defined and regulated under the Town of Rhinebeck Affordable Housing program found in Article V, Section CC of the Zoning Law.
 - f. Not less than sixty-five percent (65%) of the land area on any multi-family lot shall be reserved and maintained as usable open space.
 - g. Expansion of the existing one or two-family residence to accommodate the additional dwelling units shall be limited to a maximum of six hundred fifty (650) square feet of gross floor area per unit.
 - h. All applicable requirements of the New York State Uniform Fire Prevention and Building Code and the New York State Multiple Residence Law shall be strictly met.
 - i. Off-street parking shall be provided in accordance with Article V, Section B of this Zoning Law. [\[Back\]](#)
- 4. Accessory dwelling unit within the principal structure (by conversion or new construction), provided:**
- a. The owner(s) of the one-family residence in which the accessory apartment is to be located shall occupy at least one (1) of such units on the premises. Should the owner have a place of residence other than the premises for a period of more than six (6) months, the Special Use Permit shall become null and void, and the premises shall revert to its original permitted use which existed immediately prior to the issuance of the Permit. Accessory apartments shall be clearly incidental and subordinate to the principal structure and shall

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not change the single-family residential character of the neighborhood.

- b. If created through conversion of an existing structure, no exterior changes will be made which will alter or extend the existing foundation of the principal structure more than 25 square feet or cause the extended structure to encroach upon any required yard area.
 - c. The accessory apartment is self-contained, with separate cooking, sleeping, and sanitary facilities for use by the occupant(s).
 - d. Any additional exterior entrances, which may be created, shall be located at the side or rear of the structure.
 - e. The accessory apartment is subordinate to the principal residence and contains no greater than thirty-five percent (35%) of the total "habitable space" of the existing structure or 650 square feet in the RM1 District and 1,000 square feet in all other districts where accessory dwellings are permitted by Special Use Permit, whichever is the more restrictive. "Habitable space" shall be as defined in Article XIII.
 - f. The conversion of any existing residence or construction of a new residence to accommodate all accessory apartments as defined in Article XIII, is limited to one (1) accessory dwelling unit per principal residence.
 - g. Each principal residence and accessory apartment is, at the time of conversion or new construction, on a single lot with lot area of not less than one (1) acre for conversion and the required maximum net density for the district from the District Schedule Area and Bulk Regulations.
 - h. Parking, as required for an accessory apartment/principal residence is a minimum of two (2) spaces per dwelling unit on-site and is designed and located to be convenient without encroaching on any required yard or setback area. For new construction, all on-site parking, whether provided in a garage or consisting of surface parking in a driveway, shall be set back at least ten (10) feet from the front façade of the principal dwelling.
 - i. Approval has been granted by the Dutchess County Department of Health for any required on-site sanitary or water supply system, or, as may be applicable, a determination that the existing on-site water supply and sewage disposal facilities are sufficient to accommodate the additional demands of the accessory apartment on any premises here such conversion or new construction is proposed. [\[Back\]](#)
- 5. Detached accessory dwelling unit (by conversion or new construction), provided:**
- a. Either the principal dwelling unit or an accessory dwelling unit on the premises is owner-occupied.
 - b. If created through conversion of an existing structure more than 50 years old and containing historic architectural features, the conversion should be accomplished in a manner that preserves the historic architectural features of the structure. No exterior changes will be made which will extend the existing foundation of the accessory structure more than 100 square feet, cause the extended structure to encroach upon any required yard area or hide historic architectural features.
 - c. The accessory dwelling unit is self-contained, with separate cooking, sleeping, and sanitary facilities for use by the occupant(s).

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- d. The accessory dwelling unit contains a maximum of 650 square feet of habitable space (as defined in Article XIII) in the RM1 District, 900 square feet of habitable space in the RL5, RC5 and RA10 districts, and 1,200 square feet of habitable space in the HP20 District.
- e. If created through conversion of an accessory structure, legally existing on the premises on or before the effective date of the Zoning Law, the principal dwelling and accessory dwelling unit are at the time of conversion, on a single lot with a lot area and lot width of no less than the minimum specified for the Zoning district in Article IV, "District Schedule of Area and Bulk Regulations."
- f. If created either through new construction or by conversion of an accessory structure which did not legally exist on the premises on or before the effective date of the Zoning Law, the principal dwelling and accessory dwelling unit are, at the time of construction, on a single lot of not less than fifty percent (50%) greater than the net density specified for the RM1 zoning district in Article IV, "District Schedule of Area and Bulk Regulations" and in all other Zoning districts where detached accessory dwellings are permitted by Special Use Permit on a lot in conformance with Article IV, the "District Schedule of Area and Bulk Regulations." If created either through new construction or by conversion of an accessory structure which did not legally exist on the premises on or before the effective date of the Zoning Law, the Site Plan shall contain a note that no further subdivision of the lot shall be permissible.
- g. Additional accessory dwelling units, up to a total of four dwelling units on a single residential premises (i.e. one principal dwelling and a total of three accessory dwelling units), not more than one of which may be located within the principal dwelling, may occur by conversion of an accessory structure or structures legally existing on the premises on or before the effective date of the Zoning Law, provided that the lot meets the minimum required lot area for the density sought, as specified for the Zoning district in Article IV, "District Schedule of Area and Bulk Regulations." For example, in the RC5 District, a lot containing a total of three dwelling units (i.e. one principal dwelling and two accessory dwellings) would require seven and one-half (7.5) acres (net density) and a total of four dwelling units would require ten (10) acres (net density).
- h. If more than two (2) dwelling units are proposed to exist on a single residential premises, Site Plan review and approval shall be required in accordance with Article VII of this Zoning Law.
- i. If four (4) dwelling units are proposed to exist on a single residential premises, at least one (1) unit shall be set aside as affordable, as defined and regulated under the Town of Rhinebeck Affordable Housing program found in Article V, Section CC of the Zoning Law.
- j. If four (4) dwelling units are proposed for new construction on a single residential premises, then the Planning Board shall consider the extent to which the requirements for conservation subdivision design, set forth in Article V, Section I(7), have been met and the extent to which "green" Site Planning and architectural features are integrated into the project. Green features include but are not limited to solar heating and electricity, wind generation, green roofs, LEED certification, use of permeable pavers, rain gardens and other low impact stormwater management designs, innovative sewage disposal techniques

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such as constructed wetlands (reed beds) and Clivus Multrums® or other acceptable composting toilets.

- k. The accessory structure, whether proposed for conversion or created through new construction meets the minimum setback requirements otherwise established for the construction of a principal structure within the Zoning district as prescribed in Article IV, “District Schedule of Area and Bulk Regulations.”
 - l. Parking shall be a minimum of two parking spaces for the principal dwelling and shall include one parking space for each accessory dwelling unit, designed and located to be convenient without encroaching on any required yard or setback area. All on-site parking, whether provided in a garage or consisting of surface parking, shall be provided set back at least ten (10) feet from the front façade of the principal dwelling.
 - m. Approval has been granted by the Dutchess County Health Department for any required on-site sanitary or water supply system, including, as may be applicable, a determination that the water supply and sewage disposal facilities are adequate to accommodate the additional demands of the accessory dwelling unit(s).
 - n. If the lot containing three or four dwelling units is later subject to an application for subdivision approval, then the principal dwelling and the accessory structure(s) housing the accessory dwellings shall occupy an area that could be legally subdivided with the specified bulk regulations for the Zoning district, as prescribed in Article IV, “District Schedule of Area and Bulk Regulations.”
 - o. A detached accessory dwelling unit created by new construction should appear related to the principal dwelling and resemble a garage or gatehouse or other traditional rural structure. [Back](#)
- 6. Elder cottage housing opportunity (ECHO) unit or cottage housing unit provided:**
- a. The principal dwelling on the premises is owner-occupied.
 - b. No more than one (1) ECHO unit or cottage housing unit is permitted on a lot unless:
 - i. There shall be no further subdivision of any lot containing an ECHO unit or a cottage housing unit unless such lot contains at least 200 percent (i.e. at least double) the maximum net density required for the district.
 - ii. The principal dwelling is located on a single lot with a lot area of not less than ten (10) acres if situated in the HP20 District, five (5) acres if situated in the RA10 District, two and one-half (2 ½) acres if situated in the RC5 District, two and one-half (2 ½) acres if situated in the RL5 District, and not less than one (1) acre if situated in the RM1 District.
 - iii. The housing unit shall comply with all front, side and rear yard setback requirements for a principal dwelling within the Zoning district, as set forth in the “District Schedule of Area and Bulk Regulations.” The housing unit shall additionally be located no closer to any front property line than the principal dwelling on the lot or on that lot directly adjacent.
 - iv. A reasonable determination can be made that the existing water supply and sewage disposal facilities are adequate, or will be suitably improved, to accommodate the

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housing unit's siting on the property and the expanded demands caused by the siting of the housing unit.

- v. The ECHO or cottage housing unit is self-contained, with separate cooking, sleeping, and sanitary facilities for use by the occupant(s).
- c. If any accessory dwelling units are present on the lot at the time of application for an ECHO or cottage housing unit, then the additional requirements of Article VI, Section D (5)(g) to (n) shall apply.
- d. The housing unit shall:
 - i. Be sited on lots of one-quarter acre or larger.
 - ii. Be no more than 750 square feet in size on lots less than one-half acre.
 - iii. Be no more than 1,000 square feet in size on lots larger than one-half acre.
 - iv. Be separated from the principal dwelling by at least 50 feet.
 - v. Employ shared driveways with the principal dwelling.
 - vi. Utilize green design principles to the greatest extent practicable. [\[Back\]](#)
- 7. **Class 2 Home occupation, occurring within a customary accessory building on the residential premises provided:**
 - a. The class 2 home occupation conforms strictly with the limitations specified within Article V, Section H and to the definition found in Article XIII of this Zoning Law.
 - b. The lot on which the class 2 home occupation is proposed meets the minimum lot area and lot width requirements set forth in the Article IV, "District Schedule of Area and Bulk Regulations" for the district and the accessory structure proposed to house the home occupation similarly meets all setback and related requirements set forth within this Zoning Law. [\[Back\]](#)
- 8. **Alternate care housing facility as defined in Article XIII of this Zoning Law provided:**
 - a. The application is consistent with the following Town policies regarding the establishment or modification of any alternate care housing (ACH) facility within the Town of Rhinebeck:
 - i. In acceptance of the concept, and a reasonable assurance on an application-specific basis, that the alternate care housing facility residents may be integrated into the community, to the extent that such may be appropriate, without creating a negative environment for either the specific residents of the alternate care housing facility or the residents of the community in general.
 - ii. A reasonable assurance that the intended use will be in harmony with the Town *Comprehensive Plan*, be wholly accommodated by existing community infrastructure and services, and comply with the requirements of this Zoning Law and other applicable local, County and State land use and development regulations and requirements.
 - iii. In the interests of achieving a well-balanced population within the Town of Rhinebeck, documentation that the aggregate population of all alternate care housing facilities, exclusive of nursing homes and assisted living facilities, throughout the Town of Rhinebeck at any one time shall not exceed seven percent (7%) of the Townwide

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population as established by the last decennial federal census. This requirement shall apply only in the event that Rhinebeck's one year pilot study (and five year updates) with mental health experts, research regarding national and state trends, has been updated, and current, at the time of the application for the ACH facility.

- b. The application is accompanied by a community impact statement providing at a minimum the following information for consideration by the Planning Board in its review of the Special Use Permit and Site Plan applications:
 - i. Specific classification or type of facility.
 - ii. Names of the regulatory agencies from whom permits, licenses or approvals are required and designation of a contact person at each.
 - iii. General description of client disability.
 - iv. Documentation of the need for the proposed program and/or facility.
 - v. Identification of who is responsible for the financial support of the clients.
 - vi. Copies of all pertinent correspondence and/or approvals between the applicant and the regulatory agencies.
 - vii. Identification of where the clients formerly resided, including County and/or institution of origin.
 - viii. General statement regarding whether the clients are to become residents of Dutchess County, and if so, what financial assistance they will utilize.
 - ix. Number of clients, both current and projected.
 - x. Type of employment, if any, clients will seek within the community.
 - xi. Which community facilities and services clients will utilize within the community.
 - xii. Description of the plan to integrate the clients into the community socially and economically.
 - xiii. Number of staff employees residing on the premises, including projection of the number of school-age children who may be residing on the premises as part of staff members' families.
 - xiv. (Number of non-resident staff employees.
 - xv. What services will the facility require, including but not limited to police and fire protection, sewerage, water, utilities, refuse collection, postal service and other needed services as well as how they will be provided.
 - xvi. Transportation Plan - How transportation will be provided.
 - xvii. Describe whether public recreation facilities will be used, whether there will be recreation facilities on-site, and describe planned active and passive activities providing occupation, amusement, recreation or diversion.
 - xviii. Describe how health-related needs will be provided.

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- xix. Describe whether any clients will become the educational responsibility of the Rhinebeck Central School District.
 - xx. Describe what local and County real property taxes the facility will be responsible for. State how much revenue would be provided to the Town and School District based on current real property tax and equalization rates.
 - xxi. Vicinity Map. Provide a map indicating by location and maximum resident/client population all other health-related and alternate care facilities within a radius of two (2) miles of the facility.
 - xxii. Describe the facility's five (5) year Operating Plan as it pertains to the previously mentioned items. Include discussion of how compliance with all Special Permit standards stated within this Zoning Law shall be maintained.
- c. The application is consistent with the following additional specific standards:
- i. The Community Environment Standards adopted in a Statement of Principle by the State Department of Mental Hygiene and the State Board of Social Welfare state that: "A concentration of residents in a single neighborhood would be detrimental not only to the community, but to the clients of the facility as well." To avoid a negative impact on the neighborhood as well as the residents of the alternate care facilities the Planning Board's Special Use Permit approval authority shall be limited to not more than one (1) such facility within a one (1) mile radius.
 - ii. Any alternate care facility that will house more than twelve (12) "ACF" residents shall require a site not less than fifty (50) acres and the total population thereon, including residents and staff employees, shall not exceed four (4) persons per acre.
 - iii. The minimum lot frontage per ACF shall be four hundred (400) feet.
 - iv. There shall be a minimum front yard of one hundred fifty (150) feet, into which there shall be no encroachment of automobile parking and of structures other than a fence, wall or sign not larger than four (4) square feet in area.
 - v. No structure shall be placed closer to a side or rear property line than one hundred (100) feet and no automobile parking shall be placed closer than twenty-five (25) feet to a side or rear property line.
 - vi. Provision for recreation for "ACF" clients shall be provided with at least ten percent (10%) of the total Land area developed for both active and passive outdoor recreational uses.
 - vii. Any new and/or existing structures shall be constructed, altered, renovated and maintained in full accordance with the New York State Uniform Fire Prevention and Building Code, the New York State Energy Conservation Construction Code and other codes, rules and regulations that may be imposed by any regulatory or permitting agency.
 - viii. All other applicable standards and provisions of the Zoning Law and other applicable local, County and State land use and development regulations and requirements shall strictly apply.

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- d. Any Special Use Permit approval granted under this Section is additionally subject to the licensing procedures and approvals of all appropriate State, County and regional agencies. A certificate of occupancy shall not be issued by the Code Enforcement Officer until a copy of all such approvals are presented to the Town and have been reviewed by the Planning Board.
- e. Any variation in the type of program including treatment, any increase in the resident population and/or expansion or other modification of the physical plant shall require application to the Planning Board for consideration of a new or modified Special Use Permit and shall, in accordance with this Zoning Law, further require re-examination of the Site Plan by the Planning Board. [\[Back\]](#)

9. Cemetery provided:

- a. No burial or memorial plots or buildings shall be located closer than fifty (50) feet to any residential lot line, except that when a dense evergreen hedge or wall or landscaped strip at least six (6) feet in height provides complete visual screening from all adjacent residential properties. Burial or memorial plots of less than six (6) feet in height may be located as close as twenty-five (25) feet to any residential lot line. This provision shall apply to both new and proposals for expansion of existing cemeteries.
- b. All burials shall be undertaken in strict accordance with applicable regulations of the New York State Department of State and the Department of Health. [\[Back\]](#)

10. House of worship including meeting hall and parish house provided:

- a. Minimum lot area shall be five (5) acres if proposed on an existing lot of record that was lawfully in existence on the effective date of the Zoning Law.
- b. For a house of worship proposed on a lot to be subdivided from a parent parcel, the minimum lot size shall be as specified for the applicable Zoning district in Article IV, the "District Schedule of Area and Bulk Regulations." [\[Back\]](#)

11. Maximum floor area of a non-residential building.

- a. The maximum interior floor area of an establishment shall be 8,000 square feet. [\[Back\]](#)

12. Library, museum or performing arts center provided:

- a. Minimum lot area shall be three (3) acres for a library or museum and six (6) acres for a performing art center, except in the GB, RB, Rc-HT, and CB districts where a minimum lot area of one (1) acre is required and the HP20 and RA10 districts where a minimum lot area of twenty (20) and ten (10) acres, respectively, is required.
- b. No building or parking area shall be located closer than fifty (50) feet to any side or rear lot line in a Residential District. [\[Back\]](#)

13. Nursery school or day-care facility provided:

- a. Except for the RM1 District, the maximum density for a nursery school or day-care facility shall be the same as the maximum density required per dwelling unit for the applicable Zoning district. In the RM1 District, three (3) acres are required for a nursery school or day-care facility.

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- b. The maximum number of children enrolled on a regular basis shall be forty-five (45).
- c. Access to the nursery school or day-care facility with more than 15 children shall be from a State or County highway. [\[Back\]](#)

14. Educational institution provided:

- a. All buildings, parking and outdoor activity areas shall have a minimum setback of two hundred-fifty (250) feet from any adjoining residential property and one hundred (100) feet from any property boundary.
- b. Specific plans for public address systems and/or outdoor lighting shall be submitted to and approved by the Planning Board, including the specific hours of operation for such facilities. Approval shall be preceded by a clear demonstration by the institution that the features are both essential and will create no adverse effect on neighboring residential properties.
- c. Copies of all licenses, permits or approvals from other State and local agencies shall be presented to the Planning Board for review prior to approval.
- d. The educational institution shall be situated on and have direct access solely to a State and/or County highway.
- e. Required Area and Bulk Regulations are as follows:
 - i. Minimum lot area shall be fifty (50) acres.
 - ii. Minimum required lot frontage ~ 200 feet.
 - iii. Minimum required lot width at building line ~ 200 feet.
 - iv. Minimum required front yard setback from public right of way ~ 250 feet.
 - v. Minimum required side yard setback ~ 100 feet.
 - vi. Minimum required rear yard setback ~ 100 feet.
 - vii. Minimum setback from internal roadway ~ twenty-five (25) feet.
 - viii. Minimum setback from any adjoining residential property - 250 feet.
 - ix. Maximum permitted building coverage ~ 15% of lot area.
 - x. Maximum permitted impervious coverage ~ 35% of lot area.
 - xi. Maximum permitted building height ~ two (2) stories not to exceed thirty (30) feet. This limitation shall not apply to customary and typical roof top appurtenances so long that they do not exceed twelve (12) feet above the roof surface and cover no more than twenty (20) percent of the roof surface of such building. In addition, spires, belfry, domes, crosses, cupolas and other like religiously significant architectural elements are permitted to exceed the building height by fifty (50) percent or twenty (20) feet, whichever is less.
 - xii. Minimum separation between buildings:
 - (a) Side to side ~ twenty (20) feet.
 - (b) All other building combinations ~ sixty-five (65) feet.

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- f. Design Requirements:
- i. The Applicant shall prepare and receive Planning Board approval for a landscaping plan addressing the following subjects:
 - (a) Buffer Area. Landscaping within the required setback areas to visually screen the Educational Institution from residential uses that are within the line of sight of the Institution.
 - (b) All portions of an Educational Institution not used for impervious surfaces shall be attractively landscaped or left in a natural condition.
 - ii. Conservation Design/Open Space. To the maximum extent practicable, consideration shall be given to the preservation of open space. The Planning Board shall have the full authority to require the Applicant to submit the documents required by Article V, Section I(7) of the Zoning Law for the conservation subdivision design process where a property exhibits one or more of the sensitive features set forth in Article V, Section I (4)(c) of the Zoning Law.
 - (a) Usable Open Space. The Educational Institution shall include at least one area of distinctive design to create a visual focal point or area of interest for use by the students, staff, and faculty of such Institution. The Usable Open Space shall be linked to the on-site pedestrian walkway network.
 - (b) Pedestrian Walkway Network. A comprehensive integrated pedestrian walkway system shall be developed for each Educational Institution. Concrete sidewalks shall be no less than six (6) feet in width when constructed along the side of an interior roadway or driveway. Other elements of the pedestrian walkway system shall be sized to accommodate anticipated pedestrian demand. Minor service driveways, roadways and streets with average daily traffic less than 250 vehicles are exempt from providing a sidewalk.
 - (c) Lighting. Outdoor lighting shall be limited to that necessary for operational reasons, shall be so designed as to be compatible with surrounding land uses and shall be in full compliance with the requirements of Article V, Section V, the Town Lighting Regulations. The Applicant shall provide a lighting plan showing that exterior lighting will not be directly visible beyond the boundaries of the property line. Any lighting shall be directed away from adjoining streets and properties, and shall be arranged as to reflect the light away from any adjoining properties and abutting streets, highways and roads.
 - (d) Noise. Noise-producing equipment and/or uses shall be sited and/or insulated to prevent any detectable increase in noise above ambient levels as measured at the property line in accordance with the Town Noise Regulations by Article V, Section X. Public address systems shall be absolutely prohibited.
 - (e) Playing Fields. Outdoor playing fields shall be set back from neighboring streets and property lines a minimum of 250 feet and shall be screened from public view with fencing and/or buffer landscaping.
 - (f) Utilities. All utilities shall be installed underground or within buildings.

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- (g) Parking and Internal Roadway Requirements:
 - (i) All on-site streets, roadways, driveways and parking areas are to be constructed according to the Town's design standards.
 - (ii) On-site parking requirements shall be determined for each specific component use contained within an Educational institution and then summed to determine the minimum number of required parking stalls. Parking shall be provided in full accordance with the Off-street parking and loading standards contained in Article V, Section B.
- (h) Health and Safety Considerations:
 - (i) Sewer. Each Applicant proposing to construct an Educational Institution shall either secure Dutchess County Health Department approval for a subsurface septic disposal system or connect into an approved centralized wastewater treatment system.
 - (ii) Water. Each Applicant proposing to construct an Educational Institution shall supply a potable water delivery system capable of meeting both the domestic water and emergency fire fighting needs of the facility.
 - (iii) Sprinkler. Fire protection must be provided by a sprinkler system throughout each building in the Educational Institution, regardless of whether such building(s) is an existing structure or new construction.
- (i) Housing. Housing shall only be permitted as an accessory use to an Educational Institution. No housing unit shall exceed 2-bedrooms, except for dormitory housing. Each housing unit constructed in association with and as part of an Educational Institution shall be limited in occupancy to Full-Time Students or Full-Time Staff.
 - (i) For the purposes of this Section Full-Time Students shall be defined as students who are enrolled for no less than fifteen (15) hours of instruction per week.
 - (ii) Full-Time Staff shall be defined as employees of the Educational Institution who perform no less than fifteen (15) hours per week of work for said Institution, including, but not limited to, office work, administration, and classroom instruction.
 - (iii) There shall be no more housing units constructed as part of any Educational Institution as there are Full-Time Students or Faculty. Housing units shall only be occupied in accordance with the above limitations. The Educational Institution shall provide annual reports demonstrating compliance. No housing unit shall be permitted in a cellar or basement.
 - (iv) Prior to the issuance of certificates of occupancy for on-site housing, certificates of occupancy shall have been issued for classroom space with cumulative occupancy limits that exceed the requested number of residential certificates of occupancy.
 - (v) In addition to the required Area and Bulk Regulations set forth in Subsection 14(e) herein, the residential floor area ratio (as defined using either the New York State Building Code or National Fire Prevention Association standards

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to classify space as residential) shall be limited to no more than twenty-five percent (25%) of the entire site development floor area ratio.

(vi) There shall be a minimum lot area of two-thirds ($\frac{2}{3}$) of an acre for each resident of the Educational Institution including students, faculty and staff.

(vii) No housing unit shall be sold in fee simple or subdivided from the Educational Institution.

iii. Conditions and Safeguards. The Planning Board shall attach such other conditions and safeguards to the Special Use Permit as are necessary to assure continual conformance to all applicable standards and requirements.

iv. Expansion of Special Use. The term "expansion" as it relates to Educational Institutions shall include any increase in classroom space, housing area, and/or student/enrollee population beyond that permitted by the original Special Permit.

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15. Hospital provided:

- a. Minimum lot area shall be no less than twenty (20) acres.
- b. No building or parking area shall be located closer than fifty (50) feet to any side or rear lot line in a Residential District.
- c. No on-site incineration shall be permitted and all chemical, radioactive and other medical waste to be disposed of in accordance with applicable New York State and Federal requirements.
- d. Access shall be from a State highway. [\[Back\]](#)

16. Not-for-profit or other non-commercial outdoor recreational use or facility, provided:

- a. Minimum lot area shall be twenty-five (25) acres.
- b. No building or parking area associated with the outdoor recreational use or facility shall be located closer than one hundred (100) feet to any property line or within two hundred fifty (250) feet of any existing neighboring residence. Any such building or parking area shall be effectively screened by intervening landform or natural vegetation from all neighboring properties and public rights-of-way.
- c. Specific plans for public address systems and/or lighting for outdoor recreational facilities shall be submitted to and approved by the Planning Board, which approval shall be preceded by a clear demonstration by the facility owner and/or operator that the features are both essential and will create no adverse effect on neighboring residential properties.
- d. No facility for active recreational use (e.g. trail, swimming pool, tennis courts, ball field or cross-country ski trail) shall be located within one hundred (100) feet of any property line. In no case shall motorized vehicles be permitted such as all-terrain vehicles (ATVs), go-carts, dirt bikes and similar motorized vehicles.
- e. Access to the outdoor recreational use or facility shall be from a State or County highway or a through Town roadway other than a residential subdivision street.
- f. No single building constructed or adaptively used in connection with an outdoor recreational use or facility, authorized under this subsection, shall exceed six thousand

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(6000) square feet of gross floor area.

- a. No restaurant shall be operated and maintained on the premises of any outdoor recreational use or facility authorized under this subsection. Food service shall be limited to vending machines and/or a snack bar; alcoholic beverages shall not be sold on the premises.
- b. Except as may be further restricted by the Planning Board in its consideration of a specific application for a Special Use Permit, hours of operation for any outdoor recreational use or facility authorized under this subsection shall be limited to the period from 8:00 AM through 9:00 PM daily. [\[Back\]](#)

17. Rod and gun club in the RC5 District provided:

- a. No Special Use Permit shall be granted for a rod and gun club unless such club is located on a lot having an area of not less than one hundred-fifty (150) contiguous acres.
- b. No building or facility that involves the discharge of firearms shall be located closer than five hundred (500) feet to any property boundary, residential lot line, public trail or public park, public or private road, public right-of-way, publicly maintained road, or such greater distance as may be specified by the New York State Environmental Conservation Law, or other applicable laws or regulations. The Planning Board may modify the 500 foot requirement for existing rod and gun clubs applying for Special Use Permits, with due consideration to buffering available to surrounding residential uses, the noise generated at such club and the degree to which noise impacts have been mitigated in order to protect the public health, safety and welfare.
- c. Rod and gun clubs shall implement the United States Environmental Protection Agency's *Best Management Practices for Lead at Outdoor Shooting Ranges*, using the most recent version of such *Manual*, shall prepare and submit an "Environmental Stewardship Plan" as recommended in the *Manual*, and shall provide a copy of the EPA's "Certificate of Recognition" demonstrating that the Club has prepared and implemented the "Environmental Stewardship Plan."
- d. The discharge of tracer bullets is prohibited.
- e. 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 hours of operation for such facilities. Approval shall be preceded by a clear demonstration by the facility owner and/or operator that the features are both essential and will create no adverse effect on neighboring residential properties.
- f. No target range or other facility for the discharge of firearms shall be located closer than nine hundred (900) feet from any property boundary, public trail or public park, public or private road, public right-of-way, or publicly maintained road, or such greater distance as may be specified by the New York State Environmental Conservation Law, other applicable laws or regulations. The Planning Board may waive the 900 foot requirement for existing rod and gun clubs applying for Special Use Permits, with due consideration to buffering available to surrounding residential uses, the noise generated at such club and the degree to which noise impacts have been mitigated in order to protect the public health, safety and welfare.

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- g. Except as may be further restricted by the Planning Board in its consideration of a specific application for a Special Use Permit, hours of operation for the discharge of firearms at any rod and gun club obtaining a Special Use Permit under this subsection shall be limited to the period from 9:00 AM through 6:00 PM on weekdays or Saturday and from 12:00 PM to 6:00 PM on Sundays and State and Federal holidays. No club activities involving discharge of firearms shall occur before sunrise or after sundown. Restrictions on the hours of operation shall not apply to hunting activities during New York State open seasons on wildlife species taken by gun.
- h. To protect the health, safety and welfare of the community, sound levels measured at the property boundaries of a non-conforming rod and gun club (hereinafter "gun club") may exceed the Town of Rhinebeck Noise Control Regulations found in Article V, Section X of this Zoning Law provided they comply with the following procedures:
 - i. Within 90 days following the enactment of this Zoning Law, each gun club then lawfully in existence must conduct sound level measurements at its property boundaries to determine the noise levels generated by the gun club at "full operational mode." For purposes of this section, "full operational mode" shall mean the discharge of firearms at the gun club with all shooting range stations in simultaneous operation. For any gun club which operates separate skeet shooting and target shooting stations, which cannot be used simultaneously, full operational mode shall mean the operation of the skeet shooting stations at maximum capacity.
 - ii. A protocol for conducting the sound level measurements must be prepared by the gun club to measure the sound generated by the gun club activities at full operational mode. The protocol shall be consistent with the requirements for the measurement of sound generated by a facility as set forth in DEC's Program Policy entitled: *Assessing and Mitigating Noise Impacts*, dated October 6, 2000 and last revised February 2, 2007. The sound level measurement protocol proposed by the gun club shall be submitted to the Zoning Board of Appeals ("ZBA") for its review. The protocol shall be filed with the Zoning Enforcement Officer ("ZEO") who shall in turn forward the protocol to the ZBA. The ZBA shall approve, disapprove or approve with modifications the testing protocol within forty-five (45) days of receipt of the submission from the ZEO. In the event the ZBA does not render a determination within the requisite time herein, the protocol shall be deemed approved unless the time period is extended either by mutual agreement between the ZBA and the gun club or in the event the ZBA requests additional information concerning the protocol from the gun club.
 - iii. Sound level measurements shall be conducted at the property boundaries as specified by the protocol and shall be measured by a sound level meter having an A-weighted filter and coordinated in accordance with the specifications of the American National Standards Institute (ANSI). The Town's Zoning Enforcement Officer and members of the ZBA shall be given seven days advance notice of the taking of measurements and be provided with the opportunity to be present at the time of the conduct of the sound level measurements.
 - iv. After the conduct of the sound level measurements the gun club shall prepare a mitigation plan prepared by an acoustical engineer or other qualified professional to mitigate the sound generated by the gun club at full operational mode at the property

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boundaries to the fullest extent reasonably practicable, using Best Management Practices (BMPs), such as those outlined in the National Rifle Association's *Range Source Book: Guide to Planning and Construction* and the State of Minnesota Department of Natural Resource's *Outdoor Shooting Ranges: Best Practices*, which shall serve as guidelines to the use of BMPs. DEC's Program Policy entitled *Assessing and Mitigating Noise Impacts* shall also be utilized in the assessment and design of mitigation measures. Copies of all three documents are available for review in the Town Clerk's Office.

- v. The mitigation plan shall be submitted to the ZBA within 180 days of the enactment of this Zoning Law. The ZBA shall approve, disapprove, or approve with modification, the proposed mitigation plan within 62 days of submittal. If the plan is disapproved, the gun club shall be required to submit a proposed modified or revised mitigation plan, within a period of sixty (60) days after the ZBA's disapproval. The ZBA shall have the discretion to reasonably extend the time period for submission of the mitigation plan upon request of the gun club in the event additional time is needed by the gun club to prepare the plan. In the event of a re-submittal of the mitigation plan, the ZBA make a determination within 45 days after the full re-submittal is received by the ZBA. In the event the ZBA does not render its determination within the requisite time herein, the mitigation plan shall be deemed approved unless the time period is extended either by mutual agreement between the gun club and the ZBA or in the event the ZBA requires additional information concerning the mitigation plan from the gun club.
- vi. The Town Board recognizes that the gun club may not be able to achieve complete mitigation so as to reduce the noise levels generated by the operation of the gun club to those imposed by Article V, Section X of this Zoning Law. In the event the ZBA determines that full mitigation of the noise levels cannot be achieved in accordance with the provisions herein, the ZBA shall approve a mitigation plan which achieves less than full mitigation. In making its determination, in addition to the sound level measurements, the ZBA shall take into account such factors as:
 - a. The size of the gun club facility and shooting range and its proximity to residences;
 - b. The projected cost of the implementation of the mitigation measures;
 - c. The size of the gun club's property and the ability of the gun club to implement reasonable mitigation measures in light of existing property improvements and physical constraints; and
 - d. Self imposed restrictions the gun club has imposed, or is willing to impose, on its operation, such as limitations on its hours of operation and frequency of use of the gun club facilities, which help mitigate the noise impacts of the gun club activities on neighboring properties.
- vii. The mitigation plan, as approved by the ZBA, shall be implemented by the gun club within one year of the date of the date of the enactment of this Zoning Law. However, the ZBA shall have the authority to approve a phased mitigation plan for the gun club to be implemented no later than three years after the enactment of this Zoning Law, with due consideration given to the factors set forth in (vi) above and the extent of the mitigation required.

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- i. Within thirty days of the implementation of the mitigation plan, the gun club shall conduct additional sound level measurements at the property boundaries following the same sound level measurement protocol submitted to the ZBA. The sound level measurements shall be submitted to the ZBA, together with a report evidencing that the mitigation plan has been completed. The ZBA shall review said report, and make a written determination whether the mitigation plan has been completed in accordance with the standards and criteria set forth in this section. Once approved by the ZBA, the gun club shall not exceed the sound levels recorded after implementation of the mitigation plan in the conduct of its operations unless it receives a variance from the ZBA. If an existing gun club fails to take sound measurements or implement the required mitigation measures within the time period specified in this Zoning Law, or should the gun club otherwise fail to comply with this section or exceed the post-mitigation sound levels, then the gun club must comply with the Noise Regulations found in Article V, Section X of this Zoning Law, as enforced by the Town's Zoning Enforcement Officer.
- ii. The gun club shall be provided with an opportunity to appear before the ZBA and be heard in conjunction with all ZBA determinations pursuant to this section.
- i. In its review of a rod and gun club Special Use Permit, the Planning Board may be guided by, but shall not be bound by, the recommendations of *The NRA Range Source Book: A Guide to Planning & Construction*, published by the National Rifle Association of America or by State regulations and guidelines, such as the State of Minnesota Department of Natural Resource's "*Outdoor Shooting Ranges: Best Practices*" copies of which are available for review at the Town Clerk's Office.
- j. No alcoholic beverages may be served in conjunction with club activities or social functions involving or held in conjunction with the discharge of firearms.
- k. The club activities shall be conducted exclusively for club members and their guests and shall not be available to the public on a daily fee or charge basis.
- l. The harboring of more than four (4) dogs on club property shall be prohibited unless the applicant applies for and receives a Special Use Permit for the operation of a commercial kennel as may be permitted by this Zoning Law.
- m. Hunting may be conducted on club property only in season in accordance with the provisions of Article II, §§ 11-0903, 11-0905 and 11-0907 of the New York State Environmental Conservation Law and the rules and regulations adopted thereto.
- n. It is recognized that the operation of a rod and gun club in a residential neighborhood could have an adverse impact on the surrounding neighborhood. The extent of this impact will necessarily depend on factors such as: the size of the property on which the club will be sited; the topography of the club property; the natural vegetation, screening and buffering existing on-site; the size of the club and the type and number of on-site activities involving the discharge of firearms; the location, layout and orientation of the various on-site club activities involving the discharge of firearms; the proposed hours of operation of the club; and the proximity of the club to existing residences. Notwithstanding that a rod and gun club is a Special Permit Use in the Town's RC5 Zoning District, the Planning Board shall retain full discretion to deny a Special Use Permit application for a rod and gun club if the

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- Board determines that the use does not comply with the standards set forth in this Subsection; does not comply with the general standards for Special Permit Uses set forth in Article VI, Section C, or will result in a significant adverse impact on the surrounding neighborhood in terms of increased noise, decreased public safety or diminution in property values, which cannot be adequately mitigated by the imposition of Special Permit conditions.
- o. In addition to the authority vested in the Planning Board to impose reasonable conditions and safeguards on Special Use Permits, as set forth in Article VI, Section A of this Zoning Law, the Planning Board shall impose such conditions and safeguards on the operation of the rod and gun club which, in its discretion, may be necessary to mitigate such problems as noise, public safety and diminution of property values. The Planning Board shall, as a condition of each Special Use Permit issued for a rod and gun club, require that the Zoning Enforcement Officer, on an annual basis, inspect the rod and gun club operation and report back to the Planning Board with regard to the permit holder's compliance with the provisions of this Article, any Special Use Permit conditions imposed and the requirements of the Site Plan approved by the Planning Board. Such restrictions and safeguards may include, but shall not necessarily be limited to, the following:
 - i. Increased limitations on hours of operation and discharge of firearms.
 - ii. Increased setback requirements for certain activities involving the discharge of firearms.
 - iii. Requirement of vegetative screening, buffering and/or berming of target, skeet and trapshooting ranges and other rod and gun club activities involving discharge of firearms.
 - iv. Limitation or prohibition of certain activities involving discharge of firearms.
 - v. Prescribed siting, configuration or orientation of activities involving discharge of firearms and/or storage of ammunition.
 - vi. Requirement that boundaries or a portion of the boundaries of the club property be enclosed in a prescribed manner.
 - vii. Limitations of the number of club members.
 - viii. The requirement of additional inspections of the property and operation by the Zoning Enforcement Officer with reports back to the Planning Board.
 - p. Notwithstanding anything to the contrary, rod and gun clubs lawfully in existence as of the enactment of the Zoning Law shall continue to be lawful non-conforming uses in the RC5 District, subject to Article IX.
 - q. In addition to those materials required by Article VI, Section C and Article VII, Section C of this Zoning Law to be submitted with any application for a Special Use Permit and Site Plan approval respectively, an applicant for a rod and gun club Special Use Permit shall submit the following additional materials:
 - i. A declaration as to the nature and extent of the proposed rod and gun club operation.
 - ii. A description of all proposed club activities, including those which involve the discharge of firearms.

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- iii. Copies of the written membership qualifications, constitution and bylaws for the rod and gun club.
- iv. The Site Plan materials required by Article VII, Section C shall additionally include the location of all target shooting, skeet shooting and trapshooting ranges and other activities involving the discharge of firearms.
- v. A statement outlining the proposed hours of operation for all club activities and the proposed membership qualifications and number of members anticipated.
- vi. Any other information or documentation requested by the Planing Board deemed necessary to assist in its decision-making process. [\[Back\]](#)

18. Not-for-profit membership club, provided.

- a. The membership club is located on a lot meeting the minimum requirements of the District Schedule of Area and Bulk Regulations for the district, but in no case shall the lot be less than three (3) acres.
- b. No building or parking area shall be located closer than one hundred (100) feet to any side or rear lot line.
- 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 hours of operation for such facilities. Approval shall be preceded by a clear demonstration by the owner and/or operator that the features are both essential and will create no adverse effect on neighboring residential properties [\[Back\]](#)

19. Children's camp or adult day camp, provided:

- a. Minimum lot area shall be fifty (50) acres.
- b. No activity area, recreational facility, building or other structure shall be closer than one hundred (100) feet from any residential property boundary.
- c. Water supply and sewage disposal facilities shall satisfy all applicable requirements of the Dutchess County Health Department.
- d. Copies of all licenses, permits or approvals from other State and local agencies shall be presented to the Planning Board for review prior to approval.
- e. Specific plans for public address systems and/or outdoor lighting shall be submitted to and approved by the Planning Board, including the specific hours of operation for such facilities. Approval shall be preceded by a clear demonstration by the facility owner and/or operator that the features are both essential and will create no adverse effect on neighboring residential properties and will be in compliance with the Town of Rhinebeck Noise Regulations at Article V, Section X.
- f. An application for a Special Use Permit to operate a children's camp or adult day camp shall be made at least ninety (90) days before the first day of operation. The application shall include a written health and safety plan in accordance with applicable State and County agency requirements. The plan shall be reviewed annually by the camp operator, and submitted annually to the Zoning Enforcement Officer, to maintain compliance with the Special Use Permit.

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- a. Adequacy of on-site parking for staff, campers and visitors shall be demonstrated. [\[Back\]](#)

20. Building material supply and sales including lumberyard, provided:

- a. Minimum lot area shall be five (5) acres.
- b. All material storage shall occur in wholly- or semi-enclosed (i.e. roofed) structures. There shall be no outdoor display of goods, outdoor storage of materials, or outdoor storage of equipment in the front yard nor shall such goods, materials or equipment be placed in front of the principal building.
- c. The entire site shall be screened by natural vegetation and other suitable visual buffering, with special attention to outdoor storage areas, as determined necessary by the Planning Board.
- d. Building material supply and sales, including lumberyard, shall comply with Article VIII, Section D(2) of this Zoning Law for the CB-S District. [\[Back\]](#)

21. Commercial boarding or breeding kennels, provided:

- a. Kennels shall comply with the Town of Rhinebeck Noise Control Regulations found in Article V, Section X of the Zoning Law.
- b. Kennels shall comply with the landscaping requirements of Article V, Section W of the Zoning Law.
- c. Indoor enclosures in the form of caging or housing systems shall be provided for dogs. Use of outdoor caging, runs or pens by dogs shall be limited to the hours of 7:00 AM to 7:00 PM daily.
- d. Kennels should comply with the *Companion Animal Care Guidelines* of the American Veterinary Medical Association.
- e. The application for a boarding kennel shall comply with the following additional standards:
 - i. Minimum site area shall be twenty (20) acres.
 - ii. Maximum lot coverage of five percent (5%).
 - iii. Minimum setback shall be three hundred (300) feet from any property line or five hundred (500) feet for a dog run or any building intended for the housing of dogs. The setback can be increased by the Planning Board, where determined necessary to mitigate potential noise impacts.
 - iv. All buildings and/or dog runs used for the housing of dogs shall be enclosed with fencing or other appropriate enclosure or noise barrier of suitable construction and height, not less than six feet high, to confine any dogs on the premises and to buffer noise.
 - v. Maximum number of twelve (12) dogs housed over one (1) year in age. Any additional dogs may be housed if for each six (6) additional dogs one (1) additional acre of land is provided. Compliance continues with all other standards applicable to the Special Use Permit. [\[Back\]](#)

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22. Conference center, provided:

- a. The permitting of conference center facilities shall facilitate the development of a large parcel in low-intensity, non-residential use, while preserving buildings and/or natural areas, which are unique to the area and an asset to the community. Small scale conference facilities are also permitted, subject to more restrictive requirements herein under Subsection VI.D(22)(h) below.
- b. The following requirements shall be satisfied:
 - i. The exterior of existing houses, barns and related structures shall be restored whenever feasible. For historic buildings within the Hudson River National Historic Landmark District or structures or sites listed on the National Register of Historic Places, compliance with Article V, Section BB, the Town Historic Buildings Protection regulations shall be required. Consideration shall be given to quality of original architecture and subsequent modifications, current condition and relationship of the structures to the overall property or area when considering the feasibility of restoration as determined by the Planning Board.
 - ii. Formal and informal landscaping, stone wall and entrance gates shall be restored whenever feasible as determined by the Planning Board.
 - iii. New construction shall be sited so as to have a minimum impact on fields, water features and woodlands. Major regrading, clear cutting or changing of topography shall not be permitted.
 - iv. Use of the Site Plan Design Criteria found in Article VII, Section D is mandatory for conference centers, in addition to all other applicable requirements of the Zoning Law.
 - v. Access shall be from a State highway.
- c. The maximum floor area shall not exceed five percent (5%) of the land included in the project proposal.
- d. Unique natural areas and open spaces such as bays, streams, ponds, marshes, steeply sloped areas, woodlands, etc., shall be preserved.
- e. The development shall be found to be in harmony with the Town *Comprehensive Plan*.
- f. The minimum lot area shall be one hundred (100) acres for the first 40 guest rooms, plus an additional two and one half (2 1/2) acres for each additional guest room. The maximum number of rooms in a conference center shall be 80. Applicants proposing adaptive reuse and/or rehabilitation of structures listed on the National Register of Historic Places may be eligible for up to a ten (10) percent bonus in the number of guest rooms, provided such adaptive reuse and/or rehabilitation complies with the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.
- g. Specific plans for public address systems, amplified music, and/or outdoor lighting shall be submitted to and approved by the Planning Board, including the specific hours of operation for such facilities. Approval shall be preceded by a clear demonstration by the facility owner and/or operator that the features are both essential and will create no adverse effect on neighboring residential properties, will be in compliance with the Town of Rhinebeck Noise Regulations at Article V, Section X and will be in harmony with the

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rural, historic and scenic character of the district in which it is located. The specific plans for public address systems, amplified music, and/or outdoor lighting shall be subject to such additional restrictions deemed appropriate by the Planning Board.

- h. Where the Planning Board finds that small-scale conference centers are appropriate in the HP20 and RA10 Districts for the preservation of historic buildings, as defined in Article XIII, the following specific standards shall be complied with:
 - i. The minimum lot area shall be 40 acres.
 - ii. No more than 75 day use attendees shall be permitted.
 - iii. No more than six (6) accommodations shall be provided for overnight guests.
 - iv. Access shall be from a State or County highway.
 - v. Specific plans for outdoor events including outdoor lighting shall be submitted to and approved by the Planning Board, including the specific hours of operation for such facilities. Approval shall be preceded by a clear demonstration by the facility owner and/or operator that the features are both essential and will create no adverse effect on neighboring residential properties, and will be in compliance with the Town of Rhinebeck Noise Regulations. The specific plans for parking, public address systems, amplified music, and/or outdoor lighting shall be subject to such additional restrictions as are deemed appropriate by the Planning Board to minimize the potential noisome intrusions to neighboring properties.
 - vi. Specific plans for parking shall take into consideration the historic, rural and scenic resources of the site and community. Use of alternative paving materials and alternative transportation, such as grassed parking areas and shuttle services, is encouraged to protect such resources. [\[Back\]](#)

23. Delicatessen, as defined in Article XIII of the Zoning Law, provided:

- a. The maximum gross floor area shall not exceed two thousand (2,000) square feet.
- b. Delicatessens shall not dispense or sell fuels to the motoring public.
- c. Delicatessens shall:
 - i. Provide an enclosed trash dumpster for disposal of stock packings removed by store employees, and trash receptacles for customer use on the premises;
 - ii. Maintain no outdoor displays of merchandise;
 - iii. Locate all vending machines within the building; and
 - iv. Direct all roof-top heating/ventilation/air conditioning or refrigeration units away from adjacent residential properties. [\[Back\]](#)

24. Food and grocery stores, provided:

- a. The maximum gross floor area shall be forty thousand (40,000) square feet.
- b. Food and grocery stores shall comply with Article VIII of this Zoning Law. [\[Back\]](#)

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25. Gas station or automobile service facility, provided:

- a. No such establishment shall be located within two hundred (200) feet of any school, church, public library, theatre, hospital, park, playground, or other public gathering place designed for occupation by more than fifty (50) people.
- b. The area of use by motor vehicles, including display and storage, except access drives thereto, as well as any structures, shall not encroach on any required yard area, with it further provided that no building shall be erected closer than fifty (50) feet to any street or lot line, or such greater dimension as required by Article IV of this Zoning Law.
- c. Gas stations shall be limited to four pump stations as defined herein, each located in a secondary position to the primary building, with all pump stations and canopies located at the rear of the building.
- d. No pump station or associated canopy structure shall be located within twenty-five (25) feet of any side lot line or within the required front yard. Connect the canopy structure with the primary building whenever possible and coordinate the roof design and supports. The station layout shall eliminate the necessity of any vehicle backing out onto a public right-of-way.
- e. The station or facility shall reflect the traditional architecture of the community in building and roof forms, window proportions, materials, colors and details. All four sides of the building shall be designed with windows and other architectural features to avoid visible blank walls.
- f. Pedestrian entrances should be provided on the street side of the building and pedestrian connections be provided to surrounding properties and the street.
- g. Entrance and exit driveways shall total no more than two (2) in number and shall have an unrestricted width of not less than twenty-four (24) feet nor more than thirty (30) feet, and be located no closer than fifteen (15) feet to any side lot line.
- h. Gasoline or flammable oils in bulk shall be stored in accordance with New York State DEC Part 614 Regulations, and may not be closer than twenty-five (25) feet to any lot or street line.
- i. All major repair work, storage of materials, supplies, and parts shall be located within a structure completely enclosed on all sides, not to be construed as meaning that the doors on any repair shop must be kept closed at all times. Service doors for vehicles shall open at the rear of the building.
- j. No inoperative motor vehicle shall be kept on the premises for longer than fourteen (14) calendar days, except in instances where necessary repair parts have been ordered and delivery is awaited or wherever legal title is needed for removal (abandoned vehicles).
- k. In addition to other landscaping requirements established by this Zoning Law, suitable year-round buffering and landscaping shall be provided in all rear and side yards through a mix of deciduous and evergreen plantings.
- l. There shall be no outdoor storage or display of either materials or products.
- m. No gas station shall be located within one (1) mile of another gas station.

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- a. Gas stations shall not be accessory to any other use. [\[Back\]](#)

26. Hotel or motel provided:

- a. The minimum lot area shall be ten (10) acres for the first sixteen (16) guest rooms, plus an additional six thousand (6,000) square feet of lot area for each additional guest room provided. The maximum number of guest rooms shall not exceed sixty (60).
- b. All uses integral to the hotel or motel development shall either be clearly accessory to the hotel or motel, as defined within Article XIII of this Zoning Law, or shall be permitted uses or Special Permit Uses within the Zoning district in which the hotel or motel development is proposed.
- c. Integral accessory uses shall generally be limited to the following:
 - i. Meeting rooms;
 - ii. Restaurant (excluding a formula food establishment as defined in Article XIII) and dining facilities serving either guests exclusively or the general public, provided that no music or other objectionable noise shall be audible beyond the boundaries of the lot on which the use is constructed;
 - iii. Recreational facilities, such as swimming pools and tennis courts for the provision of guests;
 - iv. Small personal service/retail shops fully within the hotel or motel and selling newspapers, magazines, tobacco, small gifts, and similar items; and
 - v. One resident apartment.
- d. Maximum structure coverage, including all principal and accessory structures, shall not exceed fifteen percent (15%) of lot area or that maximum lot coverage stated in the Article IV "District Schedule of Area and Bulk Regulations," whichever is more restrictive.
- e. The minimum setback for any structure, parking lot or other outdoor facility from any property line adjacent to a residential Zoning district shall be one hundred (100) feet.
- f. The minimum frontage of the site on a public highway shall be four hundred (400) feet.
- g. In the Gateway North (Gw-N) District, the setback from Route 9G shall be 200 feet. [\[Back\]](#)

27. Public stable/riding academy provided:

- a. Minimum lot area shall be five (5) acres.
- b. The maximum number of horses permitted shall be limited to the keeping of one (1) horse per acre of lot area.
- c. No building in which animals are housed, riding rings, and manure storage areas shall be located within two hundred (200) feet of any residential dwelling, lot line or street right-of-way.
- d. Front, rear and side yard areas shall be landscaped and natural screening shall be provided, where necessary, to harmonize with the character of the neighborhood.
- e. A manure management plan shall be provided for review and approval by the Planning Board. [\[Back\]](#)

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28. Conventional subdivision development, provided:

- a. Conventional subdivisions may qualify for a Special Use Permit if the applicant demonstrates to the Planning Board how and why a conventional subdivision development layout better fulfills the policies and goals of Rhinebeck's *Comprehensive Plan*, compared with a conservation subdivision development, as outlined in Article V, Section I of the Zoning Law.
- b. The applicant shall clearly demonstrate the advantages of a conventional subdivision layout to the Planning Board with respect to protection of productive farmland, upland habitats such as meadows and woodlands, scenic viewsheds, rural character, historic structures, water quality and other natural and cultural resources as stated in the Town's *Comprehensive Plan*. [\[Back\]](#)

29. Auto rental or sales, small equipment rental or sales, and large equipment rental or sales, provided:

- a. The additional standards stated in Article VI, Section D(25) of this Zoning Law for gas stations or automobile service facilities shall be strictly met.
- b. Displays used to advertise the sale of an auto or for general sales events shall be limited to one dealer/manufacturer informational sign per auto no larger than eight and one-half (8 ½) inches by eleven (11) inches in size.
- c. Small equipment rental or sales and large equipment rental or sales material storage shall occur in fully-enclosed structures. There shall be no outdoor display of goods, outdoor storage of materials, or outdoor storage of equipment.
- d. Large equipment rental or sales requires a front yard setback of 200 feet. [\[Back\]](#)

30. Special Use Permit required for certain uses in the Hamlet of Rhinecliff.

- a. All uses subject to issuance of a Special Use Permit within the Rhinecliff Hamlet (Rc-H), Rhinecliff Business (Rc-B), and Rhinecliff Overlay (Rc-O) districts are subject to the additional requirements of Article VI, Section E.
- b. All uses subject to issuance of a Special Use Permit within the Rhinecliff Hamlet Transition (Rc-HT) District are subject to the additional requirements of Article VI, Section F. [\[Back\]](#)

31. Contractor's yard or establishment, provided:

- a. A contractor's yard or establishment shall only be permitted on a lot which is the actual residence of the owner of such business. Within any residential district where a contractor's yard or establishment is permitted by Special Use Permit, such use shall be clearly accessory and incidental to the principal residential use of the premises and shall occur wholly within enclosed structures similar in scale and appearance to residential structures, barns or agricultural structures. No employees shall routinely work at the premises.
- b. Within any residential or non-residential district, such use shall be located on a lot with a minimum area of ten (10) acres.
- c. The applicable screening requirements set forth in Article V, Section N of this Zoning Law

Special Use Permit Requirements

are strictly met.

- d. A contractor's yard or establishment must demonstrate compliance with Article VI, Section D(52) to the greatest extent practicable.
- e. Unenclosed or semi-enclosed activity by a contractor's yard or establishment may be authorized only within a non-residential Zoning district. No such use shall occur within any required yard area as set forth in the "District Schedule of Area and Bulk Regulations" nor closer to the front property line than the principal building on the premises. All vehicle maintenance, material storage and any fabrication or related activities shall occur within wholly-enclosed structures.
- f. To the extent deemed necessary for the protection of public health and safety, link or similar fencing of any unenclosed or semi-enclosed activity area may be required by the Planning Board.
- g. Processing of materials is prohibited on the site.
- h. Retail sales are prohibited on the site. [\[Back\]](#)

32. Extractive operations and soil mining in the Mining Overlay District, provided:

- a. The proposed operation is consistent with the Town's *Comprehensive Plan*.
- b. Minimum site area shall be ten (10) acres. Extractive operations and soil mining shall be restricted to the area identified within the Mining Overlay District on the Town of Rhinebeck Zoning Map.
- c. The extractive operation or soil mining activity shall be restricted to the removal of stone, gravel, soil, shale, topsoil, sand or other natural unconsolidated earthen material. No stone crushing or the mixing of stone and gravel with asphaltic oils or other binders shall be authorized. Materials shall not be imported from other locations to the site for processing or resale.
- d. All applicable provisions of the New York State Mined Land Reclamation Law and other State and Federal regulations shall be fully complied with.
- e. Ingress and egress to town roads shall be controlled by the town.
- f. Routing of mineral transport vehicles on town roads shall be controlled by the town.
- g. Fees for the Special Permit and Site Plan approval and an inspection fee based upon the proposed annual yield in cubic yards shall be payable in accordance with the standard schedule of fees of the town of Rhinebeck.
- h. The New York State Mined Land Reclamation Law establishes that the state is responsible for the regulation of both mining and reclamation for operations that extract 1000 tons or 750 cubic yards or more of a mineral during twelve successive calendar months. State regulation begins at 100 cubic yards for mining from a water body. The New York State Department of Environmental Conservation (DEC) is the entity responsible for administering the permits for mining applications of this magnitude. It is the Town's intent to provide input on the conditions that should be included in DEC mining permits issued for operations located within the Town of Rhinebeck and to assist in the enforcement of any resulting DEC mining permit conditions, as permitted by the State's

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Mined Land Reclamation Law.

- a. The following procedure shall apply for the approval of Special Use Permits for mining operations requiring a DEC permit, not previously approved:
 - i. The Town Supervisor of the Town of Rhinebeck, upon receipt of a complete application for a mining permit from the DEC or for a Special Use Permit from the Zoning Enforcement Officer, shall forward said application to the Planning Board in a timely manner.
 - ii. The Planning Board may, within thirty days of the receipt of an application, provide the DEC recommendations on conditions to be included in the involved state mining permit, within the following categories:
 - (a) Ingress, egress, and the routing of mineral transport vehicles on roadways controlled by the Town,
 - (b) Appropriate setbacks from property boundaries or public road right-of-ways,
 - (c) The need for manmade or natural barriers designed to restrict access, and the type, length, height and location thereof,
 - (d) The control of dust,
 - (e) Hours of operation,
 - (f) Whether mining is prohibited within the involved Zoning district. Such recommendations shall be accompanied by documentation supporting the involved conditions on an individual basis.
 - iii. Upon receipt of the resulting DEC mining permit, the applicant shall submit copies of the involved permit and all information provided to the DEC in support of the application to the Planning Board. The Planning Board shall accept the involved information as a complete Special Use Permit and Site Plan application, once the applicable Town application fees have been received. The Planning Board shall then incorporate into the Social Use Permit any conditions contained in the involved state mining permit related to:
 - (a) Ingress, egress, and the routing of mineral transport vehicles on roadways controlled by the town,
 - (b) Appropriate setbacks from property boundaries or public road right-of-ways,
 - (c) The need for manmade or natural barriers designed to restrict access, and the type, length, height and location thereof,
 - (d) The control of dust,
 - (e) Hours of operation,
 - (f) Reclamation requirements contained in the mine's approved reclamation plan.
- j. For all mining operations not requiring a DEC mining permit, the normal procedures for Special Use Permit review and approval outlined in Subsection B shall be used and the following Special Use Permit conditions shall apply:

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- i. A time schedule for completion of either the entire operation or, if excavation is to occur in stages, of each stage of the operation is submitted for approval.
- ii. An operations plan, should carefully consider the number, size and type of trucks (including the number of axles) and other machinery to be used on the site including their respective noise levels, the routing of trucks from the mine site, and the hours of operation are subject to approval by the Planning Board. The operations plan shall observe the following standards at a minimum:
 - (a) No excavation shall be nearer than one hundred (100) feet from any property line or street, nor shall the excavation be nearer than three hundred (300) feet to any existing residence.
 - (b) Blasting must conform to Occupational Safety and Health Administration (OSHA) regulations.
 - (c) Stock piling of materials shall be located at least one hundred (100) feet back from public road or other property line.
 - (d) No power-activated sorting machinery shall be located within two hundred (200) feet of any public road or other property line, nor within six hundred (600) feet from a residence existing at the time of the enactment of this Zoning Law; and all such machinery shall be equipped with satisfactory dust elimination and noise abatement devices.
- iii. All excavation slopes in excess of fifty percent (50%) shall be adequately fenced, determined unnecessary by the Code Enforcement Officer due to the remoteness of the mining site.
- iv. A progressive restoration and rehabilitation plan showing both existing contours and proposed final contour after operations are completed is submitted for approval. The rehabilitation plan shall be completed within six (6) calendar months after termination of the extractive operation or other soil mining activity shall include, but not be limited to, restoration of the premises by grading, seeding, liming, fertilizing, sodding, etc. so that the premises are left in a safe and attractive condition commensurate with the surrounding landscape. Insofar as it is practical, the plan will provide for the return of the premises to slopes of less than one (1) vertical foot per three (3) horizontal feet, to eliminate gullies and holes. Ponds created during operations shall not become public nuisances dangerous to the general health, safety and welfare of the general public. Insofar as is possible, operations will not be permitted to significantly disturb the natural drainage pattern of the area; however, if such does occur, the plan of reclamation shall provide for the restoration of the natural drainage pattern of the area.
- v. A performance guarantee (performance bond or escrow deposit) to assure rehabilitation is provided, upon recommendation of the Planning Board and Town Engineer, in an amount and form satisfactory to the Town Board and the Town Attorney.
- vi. Any Special Use Permit issued under this Zoning Law shall be limited to a period of five (5) years and to a mining area of seven (7) acres not more than five (5) acres of

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which shall be disturbed, i.e. the active mining site or area awaiting rehabilitation at any one time. [\[Back\]](#)

33. Public or franchise utility station or structure, provided:

- a. The station or structure shall, wherever practicable, have the exterior appearance of a principal or customary accessory building on a residential premises.
- b. Suitable landscaping, including screening from public roadways and neighboring residential properties, is provided.
- c. Public or franchise utility station or structures shall be subject to such additional conditions as the Planning Board may impose in order to protect and promote the health, safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed. [\[Back\]](#)

34. Warehouses including self-storage, provided:

- a. The warehouse has a front yard setback of two hundred fifty (250) feet.
- b. The setback shall remain in its natural condition and/or attractively landscaped to the satisfaction of the Planning Board, so that the warehouse buildings are not visible from the road.
- c. The warehouse shall comply with Article V, Section D(52), the Town's *Design Standards* (see Appendix A). [\[Back\]](#)

35. Farm market, provided:

- a. The farm market shall be operated as an accessory use to the principal agricultural use on the farm and shall only be for the use of the farmer-applicant.
- b. The farm market shall not exceed 2,000 square feet of floor area for each 20 acres of farm property used in agricultural production and/or animal husbandry. The farm market shall consist of a single story. Nothing herein shall preclude the use of a legally existing agricultural accessory building on a farm for this use, provided that no greater area than the foregoing is used as a farm market unless the farmer-applicant can demonstrate that such additional square footage are shown to be necessary to the proposed farm market operation and will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties and will not have an adverse impact on the physical or environmental conditions of the neighborhood or district.
- c. At least 25% of the total amount of the annual retail sale of agricultural, horticultural, floricultural, vegetable and fruit products, soil, livestock and meats, poultry, eggs, dairy products, nuts, honey, wool and hides and other agricultural or farm products shall be grown, raised or produced on the farm on which the farm market is located. Processed food, where the majority of the ingredients are grown on the farm, shall be considered part of the 25% minimum; these include but are not limited to baked goods and mixes, eggs, dairy products, juice, preserves, syrups, vinegars and salad dressings. The farm market may sell farm products grown or processed regionally (i.e. within the State of New York), provided that said products do not exceed 75% of the total annual retail sales of the farm market. A maximum of 25% of the total annual retail sales may be in agricultural products grown or processed outside the State of New York. No other grocery items, or products not

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listed here may be sold. Receipts and records of product purchases must be kept by the farmer-applicant.

- a. The farm market may sell food prepared on premises, using primarily agricultural and farm products sold at the farm market.
- b. The farm market may sponsor and conduct farm and harvest festivals on-site, provided that the number of festivals each year is not greater than 12, no carnival-type rides are utilized, the festivals are designed to provide agricultural marketing and promotional opportunities for the farm and/or the region's agricultural producers, and if the festival involves five hundred (500) or more attendees, a Mass Gathering Special Use Permit pursuant to Chapter 83 of the Town Code is secured prior to the event(s).
- c. A farm market may be operated on a year-round basis and may contain bathrooms and/or an area for food preparation occupying no more than twenty (20) percent of the gross floor area of the farm market. [\[Back\]](#)

36. Automated Teller Machine (ATM), provided:

- a. All ATM banking machines shall be located within the interior of a building, whether such building consists of a banking institution or is located in a building or facility whose primary purpose is unrelated to banking activities.
- b. In no case shall an ATM machine be located in a facility open to the outdoor air or any defined parking area so as to require compliance with the New York State "ATM Safety Act." The "ATM Safety Act" requires minimum lighting standards that exceed the Town of Rhinebeck's Lighting Regulations found in Article V, Section V. [\[Back\]](#)

37. Active Senior housing development, as defined in Article XIII of this Zoning Law, in the Active Senior Housing-Floating (ASH-F) District, provided:

- a. Active Senior Housing-Floating (ASH-F) Districts are established in accordance with the procedures for Zoning Amendments found in Article XII of the Zoning Law. An Active Senior Housing District is established only after the provisions contained herein are considered and a Zoning Map change has been approved by the Town Board.
 - i. Senior citizen or elderly housing developments within Active Senior Housing Floating Districts are limited to establishment in the Rural Agricultural (RA10), Rural Countryside (RC5), and Village Gateway (VG) Zoning districts.
 - ii. The purpose of the Active Senior Housing-Floating District is to integrate such developments throughout the community so that no one neighborhood or area contains a concentration of such uses. No Active Senior Housing-Floating District shall be located within one mile of another Active Senior Housing-Floating District.
 - iii. The Town Board shall consider the number, location, and size of all existing senior housing developments within the Town and the potential impacts of such additional senior housing units on community services and the community character.
 - iv. The Town Board shall consider the need for a balanced diversity of housing options, locations, and costs to provide appropriate housing for all citizens whatever their life stage or income status.

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- v. The Town Board shall consider the need to integrate senior housing wholly into the Town's *Comprehensive Plan* decision-making process.
 - vi. The Town Board shall consider the effects of establishing an Active Senior Housing District on the Town's standard and green infrastructure, community facilities and services, schools, environmental quality, economic development, and transportation.
 - vii. The Town Board shall seek to minimize economic and age stratification of the community by promoting infill housing that encourages compatibility of senior housing developments with existing housing stock.
 - viii. The Town Board shall consider the extent to which senior housing developments have not only good immediate utility, but also represent a long-term value-added investment to the neighborhood and the community.
- b. Application procedures for approval of a senior citizen or elderly housing development are set forth herein at Subsection D(37)(s) below.
 - c. The development area required shall be a minimum of forty (40) contiguous acres within the RA10 District, thirty (30) contiguous acres within the RC5 District, and twenty (20) contiguous acres within the VG District. Regardless of the Zoning District or the minimum acreage requirement, the maximum number of dwelling units within an individual senior citizen or elderly housing development shall be one hundred and twenty (120) dwelling units. The multi-family density bonuses granted to Residential Housing Developments - 50 or More Units in the RA10 District, under Article VI, Section D(57), are not available for senior citizen or elderly housing developments. A minimum of ten percent (10%) of the total number of development units shall be provided on-site within the Active Senior housing development and permanently dedicated as affordable housing units, as defined and regulated under the Town of Rhinebeck Affordable Housing program found in Article V, Section CC of the Zoning Law.
 - d. The site shall be provided with water supply and sewage disposal facilities, through creation of new or connection/expansion (as appropriate) of existing community water supply and sewage disposal facilities in accordance with the requirements of the Town of Rhinebeck, the Dutchess County Department of Health and the New York State Department of Environmental Conservation. The applicant shall bear the full responsibility of providing for the water supply and sewage disposal needs of the development.
 - e. The development shall be designed and clustered following the four-step design process for conservation subdivisions found in Article V, Section I(7)(c) of the Zoning Law, to provide a conveniently-serviced development pattern and to provide usable open space for the development's residents. The Town Board shall prescribe the minimum amount of open space for each Active Senior Housing Floating District created, but in no case shall there be less than 50 percent open space within any senior housing development as defined herein.
 - f. One and two-tenths (1.2) off-street parking spaces shall be provided for each senior citizen or elderly dwelling unit.
 - g. The minimum front, side and rear yards otherwise applicable to either building or parking area improvements with the respective underlying Zoning District in which the senior citizen or elderly housing development is situated (i.e. prior to establishment of the Active

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- Senior Housing-Floating District) shall be doubled, i.e. increased by one hundred percent (100%).
- h. Maximum impervious coverage, including all principal and accessory structures- shall not exceed fifteen percent (15%) of lot area.
 - i. Senior citizen or elderly housing developments shall be integrated into existing residential neighborhoods and shall be as compatible as practical with the design of the surrounding neighborhood.
 - j. First preference for dwelling units in a senior citizen or elderly housing development shall be given to existing residents of the Town of Rhinebeck, with second preference given to other residents of Dutchess County, and then to all others, as permitted by law. A valid photo identification card such as a New York State Driver's License, a New York State Non-driver Photo ID Card, or a voter registration card, will be accepted as proof of residency.
 - k. Available support services and facilities provided may include, but are not necessarily limited to, the following:
 - i. Emergency medical care
 - ii. Community room
 - iii. On-site recreational opportunities including a game room, recreation room, workshop facility, swimming pool, sauna and/or whirlpool, exercise or multi-purpose room, and gardens where residents can participate in gardening activity
 - iv. Property maintenance and security
 - v. Ombudsman-type services to deal with social service and related needs and/or part-time doctor, dentist or podiatrist office
 - vi. 24-hour call button
 - vii. Optional meals and laundry service
 - viii. Shuttle-type transportation service for shopping, recreation, health care visits and other purposes
 - ix. Dining facility and/or coffee shop
 - m. Not less than twenty-five percent (25%) of the dwelling units within the senior citizen or elderly housing development shall be designed to be adaptable as suitable, convenient living environments for handicapped persons. Furthermore, the project site and all primary entrances, hallways and entrances to individual units shall be wheelchair and handicapped accessible.
 - n. The occupancy for a senior citizen housing development shall be limited to persons who are 62 years of age or older, with the following exceptions:
 - i. A husband or wife under the age of 62 years who is residing with his or her spouse who is of the age of 62 years or older.
 - ii. Adults under the age of 62 years will be admitted as permanent residents if it is established that the presence of such persons is essential for the physical care or economic support of the eligible older occupant or occupants.

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- iii. Certifying documentation of the requirements of this section shall be provided in the following forms:
 - (a) A Certificate of Occupancy shall be required for each dwelling unit in a senior citizen housing development, and said Certificate shall only permit occupancy in accordance with the floor area and other requirements as stated herein.
 - (b) A Certificate of Compliance shall be filed for each unit occupied. It shall be the duty of the owner or his agent to file a Certificate of Compliance with the Town Zoning Enforcement Officer, indicating compliance with this section and the Town of Rhinebeck Zoning Law, as to its requirements relating to the number of occupants and the age of the occupants in each dwelling unit. The Certificate shall be filed for each dwelling unit within 30 days after its initial occupancy. A new Certificate shall be filed within 30 days after any change of occupancy.
 - (c) The applicant and/or owners of a senior citizen or elderly housing development under this Subsection shall file with the Zoning Enforcement Officer, before the first Monday in December of each calendar year of operation, a report on forms supplied by the Zoning Enforcement Officer, for compliance with all provisions of this section.
- iv. Violations of this Subsection are subject to the penalty provisions of Article X, Section R of the Town Zoning Law.
- o. Senior housing sites shall provide residents with reasonable access to such conveniences and facilities as public transportation, hospital and medical services, shopping, check-cashing facilities, drugstores, religious, cultural and recreational facilities and personal services.
- p. Sites shall emphasize pedestrian circulation and shall provide a safe and reasonable system of drives, service access and parking conveniently accessible to all occupants. Sidewalks shall link parking lots, transit stops and buildings on site and with adjacent properties.
- q. Exterior architectural features shall be of a quality, character, compatibility and appearance that is in harmony with the surrounding neighborhood and the Town of Rhinebeck. The Planning Board shall be responsible for the review and recommendations of such exterior architectural features.
- r. Exterior areas shall be attractive and encourage outdoor activities and social interaction. Each dwelling unit shall contain a minimum of 65 square feet of outdoor common area per person and shall include seating accommodations in such common areas. All outdoor tables must allow a minimum of 29 inches from the ground to the underside of the top of the table to accommodate the arms of wheelchairs. Outdoor common areas shall be well-defined by landscape plantings and shall be linked to the natural open space of the site.
- s. Application procedures for senior citizen or elderly housing developments are set forth as follows:
 - i. Prior to consideration of a Zoning Map Amendment, under the procedures established in Article XII of this Zoning Law, senior citizen or elderly housing developments are first subject to review and approval of an overall Concept Plan by the Town Board. The use of a collaborative charrette planning process, modeled on the guidelines and

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standards established by the National Charrette Institute (NCI), is encouraged for the development of the Concept Plan. The Town Board shall assure full opportunity for public participation in the development of the Concept Plan.

- ii. The establishment of a Active Senior Housing District pursuant to this Subsection shall be deemed to be a legislative act to be exercised in the sound discretion of the Town Board. The Town Board shall be under no obligation to accept an application for such re-zoning, nor shall it be obligated to approve such application for re-zoning after the application is accepted. The Town Board shall, in exercising its legislative discretion, take into account, among other things:
 - (a) The need for additional senior citizen housing development within the Town of Rhinebeck; and
 - (b) The potential fiscal, municipal services and other impacts, which may occur as a result of the creation of additional senior citizen housing development within the Town of Rhinebeck.
- iii. The applicant shall submit to the Town Board a Preliminary Concept Plan that includes all of the following components:
 - (a) General Statement. The Preliminary Concept Plan shall include a narrative which describes how the proposal serves the goals and objectives of the Town *Comprehensive Plan*. This narrative should include information about potential phasing, an explanation of how the proposal complies with the design standards set forth herein, a description of the housing mix including affordable units and other proposed uses, and a discussion of compliance with LEED standards.
 - (b) Environmental Analysis. The Preliminary Concept Plan shall include a map showing New York State protected freshwater wetlands, Federal jurisdictional wetlands, Town regulated wetlands, streams, 100 year floodplains, ecologically significant habitats as identified by Hudsonia Ltd. (maps showing such areas are on file in the Office of the Town Clerk), areas of 25 percent and greater slope, and such other environmental features and development limitations that would affect development of the site as more fully described in Article V, Section I(7) of the Zoning Law.
 - (c) Sketch Plan. The Preliminary Concept Plan shall include a sketch plan, showing at a appropriate level of detail, buildings and other structures, the pedestrian, bicycle, and vehicle circulation system, vehicle parking areas, open space areas, and other required items. The sketch plan shall be designed to be an illustrative plan that can serve as a template for the application of specified design principles in order to achieve a desired form and appearance of development. The information provided shall include the following:
 - (i) All improvements planned in conjunction with the proposed uses including general locations, layout, and dimensions of structures, parking areas, streets, utilities, recreation areas, conservation areas, and other information necessary to demonstrate compliance with the requirements of this Subsection,

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- including square footage of building floor area, numbers of residential units, and impervious surface coverage.
- (ii) Conceptual plans for possible future uses.
 - (iii) Project phasing. Project phasing is a means to provide transportation, water supply, wastewater, emergency, and other accommodations sufficient to meet the needs of proposed residential and other uses. The phasing plan shall include the proposed sequence of phasing of the construction of infrastructure and buildings and the ratio of residential and other non-residential floor space to be built in each phase with estimated dates. In addition, the plan should address any proposed temporary uses or locations of uses during construction periods.
 - (i) Fiscal impact. A standard fiscal impact model, such as the one described in Rutgers University's Center for Urban Policy Research publication entitled The Fiscal Impact Handbook, may be used to describe such fiscal effects.
 - (ii) Projected transportation impacts. These include the expected number of trips (peak and daily), an analysis of the impact of those trips on the adjacent road system, and proposed mitigation measures to limit any projected negative impacts. Mitigation measures may include improvements to the road system or specific programs to reduce traffic impacts such as developing/encouraging use of public transit, jitney service, pedestrian and bicycle facilities as well as proposed connections to existing or planned pedestrian and bicycle facilities, and other alternatives to single occupancy vehicles.
- (d) SEQR – DGEIS. The Concept Plan shall be subject to review of a Draft Generic Environmental Impact Statement under SEQR. The level of detail provided should reflect the degree to which the applicant has refined their conceptual plans. The level of detail provided in the DGEIS may affect the site-specific SEQR review required at the Site Plan and Special Use Permit review stages. When more site-specific information is provided at the DGEIS stage, lesser information may be required at the site-specific SEQR review stage. In any case, the 6 NYCRR 617 review procedures for generic environmental impact statements shall govern the generic and site specific review processes.
- (e) Planning Board. If the Town Board receives a proposal for approval of a Concept Plan, the Town Board shall refer such Concept Plan to the Town Planning Board for its review and recommendations. The Planning Board shall review the Concept Plan and shall discuss it with the applicant at a regular meeting. The Planning Board may invite informal public comment at such a meeting. The Planning Board shall report its recommendations to the Town Board within 60 days after its next regularly scheduled meeting following the date of such referral of the proposed Concept Plan. The Planning Board's recommendation may be to adopt, adopt with modifications, or reject the proposed Concept Plan. If the Planning Board fails to report within 60 days, it shall be deemed to have no objections.
- (f) Public Hearing. Prior to approving a Concept Plan, the Town Board shall hold a public hearing on the Concept Plan in accordance with the Zoning Amendment procedures contained in Article XII. If the Planning Board provides a report

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recommendation to the Town Board, as provided for herein, said report shall become an official part of the minutes of the public hearing.

- (g) Town Board Action. The Town Board shall refer the application to the Dutchess County Department of Planning and Development, under Section 239-m of General Municipal Law, prior to taking action on the application. Following refinement of the Preliminary Concept Plan based upon public participation in its development, completion of the public hearing, referral to the County, and the Generic SEQR review process, the Town Board may act to approve, approve with modifications or conditions, or disapprove the Concept Plan application and Zoning Map Amendment for the ASH-F District in the exercise of its sole legal discretion. Approval of the Concept Plan application and Zoning Map Amendment shall be with the recognition that the rezoning constitutes a legislative act. Nothing in these regulations shall limit the Town Board's ability to further restrict or to waive any provision of this Subsection, other than the density determination and use of the conservation design process for the overall design of the senior citizen or elderly housing development, which shall not be waived.
- (h) Planning Board Approval. Prior to the issuance of any Building Permit within a ASH-F District, detailed Site Plan and Special Use Permit applications shall be approved by the Planning Board in accordance with the provisions of Articles VI and VII of the Zoning Law, and no building or other site development shall be commenced except in conformity with such approved plans and permits.
 - (i) The Planning Board shall not approve any Special Use Permit for a senior citizen or elderly housing development unless said Board finds that the use is in substantial conformance with the Concept Plan which served as the basis for the Town Board approval.
 - (ii) The Planning Board shall not approve any Site Plan for a senior citizen or elderly housing development unless said Board finds that the Site Plan is in substantial conformance with the Concept Plan which served as the basis for the Town Board approval of the Active Senior Housing District Zoning Map amendment. [\[Back\]](#)

38. Country Inn 1, provided:

- a. A minimum lot area of 20 contiguous acres is required for a Country Inn 1.
- b. The minimum number of guest rooms in a Country Inn 1 shall be six (6) and the maximum number of guest rooms in a Country Inn 1 shall be twelve (12).
- c. Accessory recreational uses may include tennis, riding stables (see Article VI, Section D(27) for additional requirements of a riding facility), swimming pool, hiking trails, Par 3 golf, cross country skiing and similar low impact facilities, such recreational facilities limited to guests of the Country Inn.
- d. Access to a Country Inn 1 shall be from a State, County or through Town road. [\[Back\]](#)

39. Country Inn 2, provided:

- a. A Country Inn 2 provides commercial hospitality lodgings in spacious settings that are principally intended for vacationing, relaxation, and conference activities. Permitted are

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lodging accommodations such as hotels and guest, golf or family cottages or lodges with commonly incidental recreation oriented uses including spa facilities, horseback riding facilities, and hiking, swimming, tennis and other similar outdoor activities. The provision of hiking trails, that provide opportunities for public use, shall be incorporated into the overall plan for the Country Inn 2 to the greatest extent practicable. Extended vacation and recreation-oriented use, membership club(s) and lodging programs shall be allowed, but in no event shall a lodging unit be used as a primary residence.

- b. Facilities that may be contained within the Country Inn 2, in addition to lodging units, include but are not limited to a restaurant, library, reception facilities, conservatories, health spa, banquet facility, child care to accommodate guests, game rooms, athletic facilities, business and/or meeting rooms, retail sales incidental to the uses provided, and the various support functions such as laundries, kitchens and administrative offices.
- c. Accessory buildings may include but are not limited to stables, barns, retreat buildings, club houses, athletic related structures to support permitted outdoor activities and maintenance structures. Temporary and/or seasonal structures for events require Planning Board approval.
- d. The maximum number of lodging units is 100. Applicants proposing adaptive reuse and/or rehabilitation of structures listed on the National Register of Historic Places may be eligible for up to a ten (10) percent bonus in the number of lodging units, provided such adaptive reuse and/or rehabilitation complies with Article V, Section BB(7) of the Zoning Law.
- e. Primary access shall be from a State Highway. Alternative transportation methods shall be considered to minimize potential traffic impacts.
- f. A minimum lot area of 250 gross acres is required for a Country Inn 2. When an applicant proposes a Country Inn 2 development on a parcel or combined parcels of land in excess of 250 acres, the applicant shall retain the right to develop that portion of the property in excess of 250 acres which is not dedicated to, or used in conjunction with, the Country Inn 2 development, for other uses permitted, or specially permitted in the Zoning Law provided:
 - i. The additional development is not incompatible with the Country Inn 2 development;
 - ii. The provisions of this Zoning Law, including but not limited to the District Schedule of Use Regulations, the District Schedule of Area and Bulk Regulations, supplementary regulations, Special Use Permit requirements and Site Plan requirements that are applicable to the proposed additional use and development are adhered to; and
 - iii. The requirements of the Subdivision Regulations, to the extent that they are applicable to the proposed additional development, are complied with.
- g. A public, private or semi-private golf course is allowed as accessory to a Country Inn 2 by issuance of an additional Special Use Permit, provided the golf course meets the additional Special Use Permit conditions in Article VI, Section D(41) herein, but excluding the additional acreage required for the golf course.

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- h. No building or parking area associated with the outdoor recreational use shall be located closer than one hundred (100) feet to any property line or within two hundred fifty (250) feet of any existing neighboring residence. Any such building or parking area shall be effectively screened by intervening landform or natural vegetation from all neighboring properties and public rights-of-way.
- i. Specific plans for public address systems and/or lighting for outdoor recreational facilities shall be submitted to and approved by the Planning Board, which approval must be preceded by a clear demonstration by the facility owner and/or operator that the features are both essential and will create no adverse effect on neighboring residential properties. Such facilities shall comply with the Town's lighting and noise regulations found in Article V, Sections V and X.
- j. No facility for active recreational use shall be located within two hundred fifty (250) feet of any property line.
- k. No single new building constructed in connection with an outdoor recreational use or facility authorized under this subsection shall exceed five thousand (5000) square feet of gross floor area. The square footage of the clubhouse shall be determined to meet the required needs and services of the Country Inn 2, and shall be designed to be sensitive to the overall site. Any buildings used for agricultural activities in connection with the Country Inn 2, such as barns or stables, shall be exempt from the 5,000 square foot limitation.
- l. Except as may be further restricted by the Planning Board in its consideration of a specific application for a Special Use Permit, hours of operation for any outdoor recreational use or facility authorized under this subsection shall be limited to the period 7:00 AM through 9:00 PM daily.
- m. The following objectives shall be satisfied:
 - i. The exterior of existing dwellings, barns and related structures, if applicable, shall be restored whenever feasible. Consideration shall be given to quality of original architecture and subsequent modifications, current condition and relationship of the structures to the overall property or area when considering the feasibility of restoration.
 - ii. Existing formal and informal landscaping, stone wall and entrance gates shall be restored whenever feasible.
 - iii. New construction shall be sited so as 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 SEQR. Where preservation is practicable, an open space plan shall be prepared by the applicant and approved by the Planning Board, that demonstrates how such open space areas and other lands will be preserved. Open space areas shall be permanently preserved by a conservation easement, in accordance with the requirements set forth in Article V, Section I(12) of the Zoning Law.

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- iv. The maximum floor area shall not exceed five percent (5%) of the land included in the project proposal.
- v. The development shall be found to be in harmony with the objectives of the Town *Comprehensive Plan* and the *Local Waterform Revitalization Program*. [\[Back\]](#)

40. Major excavation and/or tree clearing, but not including uses defined and classified under this Zoning Law as Extractive Operations and Soil Mining, Agriculture, or Forestry, provided:

- a. It is the established policy of the Town of Rhinebeck that the natural topography of the land is a public asset which should be preserved and safeguarded. The various features of such topography, including the topsoil and other natural materials that constitute the land, the shape or contour of the land, the plant life and wildlife that is fostered on the land and the water or the flow thereof upon the land, are of prime concern to the welfare of the people of the Town of Rhinebeck. No changes shall be permitted in such topography or vegetation except those which are absolutely necessary, in order to permit the appropriate use of land, and then only after meeting the conditions of this subsection upon issuance of a Special Use Permit by the Planning Board. This Subsection applies equally to excavation and/or tree clearing where no development approvals (such as Subdivision, Site Plan and Special Use Permit) are sought by a landowner and as part of site preparation for land development activities (see Article V, Section E) for which a Subdivision, Site Plan or Special Use Permit approval has been granted by the Planning Board or for which a valid Building Permit has been issued by the Town Code Enforcement Officer.
- b. The Site Plan shall include pertinent information regarding site boundaries, existing man-made and natural features, including streams, wooded areas, all trees over six inches (6") in diameter at breast height, wetlands, and both existing and proposed topography, vegetation and proposed revegetation within and adjacent to the area affected by the intended excavation, soil removal, grading activity or tree clearing activity. The specific location of the intended activity within the parcel, the extent and depth of either cut and/or fill proposed, the specific trees to be removed, and proposed site grading and associated rehabilitation including replanting of trees, whether through the installation of ground cover, shrubs and trees, creation of water bodies, or other means, shall be fully described on the Site Plan drawings.
- c. A time schedule for completion of the activity shall be submitted for approval, with a requirement that all aspects of the intended tree clearing, removal, fill or grading activity, including associated rehabilitation, be completed within a period of not more than six (6) calendar months from the start of work or within such lesser period between the deferred time work begins and the cessation of the Special Use Permit.
- d. To the extent deemed necessary by the Planning Board, the installation and related maintenance of appropriate soil erosion and sediment control measures, until approved site rehabilitation has occurred and become established, shall be required. The applicant shall demonstrate compliance with Article V, Section Y (the Habitat and Natural Resource Management regulations) and Article V, Section Z (the Stormwater Management regulations) of the Zoning Law.
- e. Except to the extent deemed necessary by the Planning Board and consented to in writing

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by the adjacent property owner or owners, no excavation, fill, or grading activity that will result in creation of an exposed slope greater than one (1) foot vertical to ten (10) feet horizontal within fifty (50) feet of a property line or within one hundred (100) feet of a neighboring residence shall be authorized. The above notwithstanding, in no event may any exposed slope so located exceed one (1) foot vertical to five (5) feet horizontal.

- f. At the discretion of the Planning Board, a performance guarantee (irrevocable letter of credit, certified check, performance bond, escrow deposit or other acceptable assurance, equal to the cost of the proposed work) to assure rehabilitation may be required and, if so, shall be provided. Upon recommendation of the Planning Board and Town Engineer, the guarantee shall be in an amount and form satisfactory to the Town Board and the Town Attorney and shall be accompanied by written assurance that the major excavation or tree clearing shall be completed in accordance with the approved Site Plan.
- g. Any Special Use Permit for major excavation or tree clearing issued under this Zoning Law shall terminate one (1) calendar year from the date of issuance. [\[Back\]](#)

41. Golf course or country club with a golf course, provided:

- a. A minimum lot area of 110 contiguous acres is required for a golf course or country club with a golf course.
- b. The facility complies fully with the limitations set forth in the general definition of “outdoor recreation use” in Article XIII.
- c. The facility falls fully within the more specific definition of “golf course” as also set forth in Article XIII.
- d. No building, parking area, practice area or other appurtenant feature associated with the use shall be located closer than one hundred (100) feet to any property line or within two hundred fifty (250) feet of any existing neighboring residence. Any such building or parking area shall also be effectively screened by intervening landform and/or natural vegetation from all neighboring properties and/or public rights-of-way.
- e. No in-bounds portion of the golf course shall be located within one hundred (100) feet of any property line of any existing neighboring residence or heretofore platted residential building lot.
- f. Access to the facility shall be from a State or County highway.
- g. Specific detailed plans for public address systems and/or lighting or other special effects associated with the golf course or country club shall be submitted to the Planning Board as part of the initial application for Special Use Permit. Approval shall be preceded by a clear demonstration by the facility owner and/or operator that the features are both essential and will create no adverse effect on neighboring residential properties. Such facilities shall comply with the Town’s lighting and noise regulations found in Article V, Sections V and X.
- h. The natural (i.e. undeveloped) open space areas of the golf course shall be preserved to the extent practicable by conservation easement or other appropriate legal mechanism in the Site and/or Subdivision Plans and deed, acceptable to the Planning Board and Town Attorney. The Town of Rhinebeck encourages applicants to provide hiking trails for public

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use, if feasible.

- i. As part of the SEQR environmental review process, the Planning Board, if acting as Lead Agency, should consider the development and use of a comprehensive guidance document for the management of natural resources and environmental impacts associated with the golf course to minimize or avoid the effects of regrading, removal of vegetation, loss of natural habitats and loss of animal species on the site. The natural resource management goals of such a guidance document would be to plan for:
 - i. Wildlife conservation and habitat enhancement;
 - ii. Waste reduction and management;
 - iii. Energy efficiency;
 - iv. Water conservation;
 - v. Water quality management and monitoring; and
 - vi. Integrated pest management including an organic (i.e. no or low pesticide use) approach to golf course management. [\[Back\]](#)

42. Bed and breakfast establishment, provided:

- a. The bed and breakfast establishment shall be created as an accessory use and a home occupation, as defined in Article XIII of this Zoning Law, occupying a portion of a single-family dwelling or a lawfully existing structure.
- b. Upon conversion of a portion of its floor area to a bed and breakfast establishment, the residential dwelling shall retain at least one (1) bedroom for the exclusive use of the occupant(s) of the principal dwelling unit to which the bed and breakfast establishment is accessory.
- c. The bed and breakfast establishment shall neither offer more than five (5) rooms for rent for transient occupancy nor shall the establishment accommodate more than ten (10) guests on any occasion.
- d. The operator of the establishment shall be a principal occupant of the dwelling in which the guest rooms are located.
- e. Approval has been granted by the Dutchess County Health Department for any required new on-site sanitary sewage or water supply facilities, including, as may be applicable, certification through Health Department approval. Such approval shall certify that the on-site water supply and sewage disposal facilities are sufficient to accommodate the additional demands of the bed and breakfast establishment on the residential premises where such accessory use is proposed.
- f. Other Licensing requirements administered by the Dutchess County Health Department and applicable to bed and breakfast establishments are satisfied.
- g. Off-street parking, provided in accordance with Article V(B) of this Zoning Law, is both screened by natural vegetation and located, where practicable, in a rear or side yard.
- h. As in the case of other authorized home occupations, a single identity sign not exceeding four (4) square feet in total surface area shall be permitted. Unless attached to the

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principal structure, no such sign shall be located closer than fifteen (15) feet to the front property line, nor closer than twenty (20) feet to any other property line. [\[Back\]](#)

43. Commercial recreation facility, provided:

- a. The minimum lot area for any facility either wholly or partially outdoors shall be not less than five (5) acres.
- b. No active outdoor area related to the commercial recreation facility may be located closer than one hundred (100) feet to any property line or two hundred fifty (250) feet to any existing neighboring dwelling at the residential district boundary. Both the active outdoors area and all parking service areas and the like associated with the facility shall be effectively screened by intervening landform and/or vegetation from all neighboring properties and public rights-of-way.
- c. Specific detailed plans for public address systems and/or lighting or other special effects associated with the outdoor areas of the commercial recreation facility shall be submitted to the Planning Board as part of the initial application for Special Use Permit. Approval shall be preceded by a clear demonstration by the facility owner and/or operator that the features are both essential and will create no adverse effect on neighboring residential properties.
- d. No tavern or bar shall be operated on the premises; alcoholic beverages shall not be sold.
- e. Except as may be further restricted by the Planning Board in its consideration of a specific application for Special Use Permit, hours of operation for the outdoor portion of any commercial recreation facility shall be limited to 7:00 AM through 10:00 PM daily. [\[Back\]](#)

44. Fast-food establishment, as defined herein, provided:

- a. Hours of operation shall be reviewed and approved by the Planning Board so as to be compatible with adjacent uses and residential areas and to avoid the creation of any nuisance condition; and
- b. The inclusion of accessory recreational facilities or similar amusement areas, including tot lots, video games and the like, as part of the fast-food establishment shall be strictly prohibited; and
- c. The establishment shall not alter the identity of Rhinebeck in a way which detracts from its uniqueness or contributes to a nationwide trend of standardized fast food offerings; and
- d. The establishment shall contribute to a diverse and appropriate blend of uses in the district and shall not be located within 2,000 feet of another fast food establishment; and
- e. The establishment shall compliment the uses already located in the District and must help promote and foster the economic base as a whole; and
- f. The establishment shall be compatible with existing surrounding uses and shall be designed and operated in a non-obtrusive manner to preserve the community's character and appearance; and
- g. The establishment shall not provide a drive-through window or drive-in service due to high volumes of traffic and potential for vehicle back-up on highways as well as vehicle idling, air quality and respiratory health concerns, greenhouse gas emissions, waste of fossil fuels and

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noise; and

- h. The establishment shall not exceed 2,000 square feet on the ground floor; and
- i. The establishment shall not create a substantial impact to the public safety from increased traffic. The Planning Board may require a traffic study. [\[Back\]](#)

45. Funeral home, provided:

- a. The funeral home maintains the appearance and the building and site design characteristics of a residential dwelling.
- b. The funeral home shall be located on a single lot with no less than the minimum lot area specified for the Zoning district.
- c. Access to the funeral home shall occur directly from a State or County highway or by a through Town road other than a residential subdivision street.
- d. Off-street parking and its associated lighting, provided in accordance with Articles V(B) and (V) of this Zoning Law, is both screened by intervening landform and/or natural vegetation from neighboring residential properties and located in a rear or side yard. [\[Back\]](#)

46. Veterinarian's office (fully enclosed), provided:

- a. The veterinarian's office maintains the appearance and the building and site design characteristics of either a residential dwelling or a farm building.
- b. The veterinarian's office shall be located on a single lot with no less than the minimum lot area specified for the Zoning district.
- c. Access to the veterinarian's office shall occur directly from a State or County highway or by a through Town road other than a residential subdivision street.
- d. Off-street parking and its associated lighting, provided in accordance with Articles V(B) and (V) of this Zoning Law, be both screened by intervening landform and/or natural vegetation from neighboring residential properties and located, where practicable, in a rear or side yard.
- e. If the veterinarian's office includes the boarding of animals, other than sick and recuperating animals that are receiving short-term treatment, then the applicant shall additionally meet the requirements for commercial boarding or breeding kennels in Article VI, Section D(21) of the Zoning Law and the minimum acreage required for the Zoning District by the District Schedule of Area and Bulk Regulations shall be doubled. [\[Back\]](#)

47. Sawmill and related uses, provided:

- a. The minimum lot area shall be twenty-five (25) contiguous acres.
- b. All elements of the sawmill, including storage areas for logs and sawn lumber, bark, sawdust and other waste materials, buildings and equipment areas shall be screened by existing landform and/or vegetation from the direct view of abutting residential properties and public roadways.
- c. All buildings or other structures and all equipment or storage areas associated with the sawmill shall be located not less than two hundred fifty (250) feet from any property line, nor less than five hundred (500) feet from any neighboring dwelling. Additional setbacks

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may be imposed by the Planning Board as a condition of approval of the Special Use Permit to provide sound buffering to nearby residential uses. In all cases, sawmills and related uses shall comply with the Town Noise Regulations (see Article V, Section X).

- d. No storage area for logs, sawn lumber or vegetative waste materials shall be located within one hundred (100) feet of any stream, other water body or well providing a source of potable water.
- e. Access to the sawmill shall be provided directly from a State or County highway or by a through Town road other than a residential subdivision street.
- f. Hours of operation shall be limited to 7:00 AM through 8:00 PM Monday through Saturday.
- g. Sawmill wastes (such as bark and sawdust) shall be removed for recycling on a regular basis, preferably for composting, bioenergy production, and other environmentally sustainable purposes. [\[Back\]](#)

48. Marinas, boat clubs, boathouses, boat ramps, docks and moorings, provided:

- a. Jurisdiction over marinas, boat clubs, boathouses, boat ramps, docks and moorings, in the Town of Rhinebeck shall extend 1,500 feet from the mean high water mark of the Hudson River or to the westerly limits of the Town's municipal boundary, whichever is greater.
- b. All marina projects shall include, as appropriate, sufficient parking, park-like surroundings, restrooms, adequate water supply, adequate sanitary sewage and trash disposal and recycling facilities and arrangements, including marine sewage pump-out facilities.
- c. To the extent feasible, marina basins shall be designed for maximum tidal flushing and circulation in consideration of both river currents and wind action.
- d. Any marina shall be located in an area where the physical attributes required by marinas already exist and where minimal initial and subsequent maintenance dredging would be required. The Planning Board shall consider the extent to which submerged aquatic vegetation will be disturbed and the potential adverse impacts of removal of such vegetation by the application.
- e. Dedicated parking spaces for vehicles and trailers shall be provided a minimum rate of 0.75 such parking spaces per slip, plus whatever additional spaces are required for employees or as may be required by this Zoning Law for other uses or activities authorized on the premises.
- f. All applicable compliance review, permit and/or approval requirements administered by the Town of Rhinebeck through its Local Waterfront Revitalization Program, Dutchess County Health Department, the New York State Department of Environmental Conservation or Department of State Coastal Management Program, the U.S. Army Corps of Engineers or the Federal Emergency Management Agency shall be strictly met.
- g. Fuel dispensing shall be prohibited. [\[Back\]](#)

49. Passive Adult Uses, provided:

- a. That the passive adult use, as defined in Article XIII of the Zoning Law, complies with the following requirements as to location, in addition to any other applicable requirements of

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this Zoning Law:

- i. No building containing a passive adult use shall be located within 1,000 feet of any lot or parcel that has been improved with a residential dwelling or for which an application for land use or Building Permit approval of a residential dwelling or dwelling unit was filed prior to the date of filing of a Special Use Permit application for a passive adult use.
- ii. No building containing a passive adult use shall be located within 1,000 feet of any lot or parcel on which a public or private school, house of worship, day-care use, park, existing playground or recreational facility open to the general public is located.
- iii. In determining location requirements pursuant to this Subsection, all required distances shall be measured from the nearest lot line of the lots or parcels containing any of the uses in Subsection D(49)(a)(i) or (ii) to the nearest part of the building in which the passive adult use is proposed to be located.
- b. That such use shall be one which is specifically authorized as a Special Permit Use in the district within which such particular site is located.
- c. That the total floor area devoted to the passive adult use shall not exceed 2,500 square feet, exclusive of cellar space used for enclosure of mechanical, heating and similar building equipment.
- d. That no more than one passive adult use shall be located on any lot.
- e. That the passive adult use complies with all applicable area and bulk regulations set forth in this Zoning Law, in addition to the requirements herein. Compliance with the minimum distance requirements set forth in Subsection D(49)(a) above with respect to separation from other uses is a condition precedent to the classification of passive adult use as a Special Permit Use with the Town, and, in the event that any reduction in such minimum distance is proposed, such variance shall be considered as a use variance.
- f. That appropriate provision has been made for access facilities adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and not within 75 feet of the intersection of the street lines at a street intersection.
- g. That there are fully adequate parking areas, in conformity with the standards established in this Zoning Law and all other pertinent provisions of the Town of Rhinebeck Code, for the anticipated number of occupants, employees and patrons and that the layout of the parking spaces and interior driveways is convenient and conducive to safe operation.
- h. That the Planning Board may require a protective planting strip adjacent to every side and rear lot line abutting an existing building or use. Such planting strip shall not be less than ten (10) feet wide, situated within any required side or rear yard, designed and laid out with suitable plant material which will attain and shall be maintained at a height to be stipulated by the Planning Board, which height shall not be less than six feet nor more than 10 feet, so as to provide an effective natural screen between nonresidential and residential uses or districts along side and rear lot lines.
- i. That adequate site lighting is provided while minimizing or avoiding adverse impacts of

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- lighting on adjoining properties through strict adherence with the Town of Rhinebeck Lighting Regulations found in Article V, Section V.
- j. That adequate provision has been made for collection and treatment of stormwater runoff in accordance with Article V, Section Z of this Zoning Law.
 - k. That any proposed signs, displays, architectural design or lighting visible from any public street or right-of-way or upon surrounding properties be designed and constructed so as to fully conform to the requirements of the Zoning Law and to avoid or mitigate to the maximum extent practicable any reasonably foreseeable adverse effect of the proposed use upon minor children passing by.
 - l. That the proposed Site Plan has been designed with adequate provision for safety, internal and external fire protection and security concerns and the adequacy of access from and to a public right-of-way.
 - m. That the proposed Site Plan avoids, minimizes or mitigates any demonstrated or potential impact of the proposed use upon community services, including but not limited to police and fire protection. The Planning Board shall refer the proposed Site Plan and Special Use Permit applications to the Town Fire Department and any other agency of local or state jurisdiction for a report on the potential secondary adverse impacts and recommendations as to appropriate measures that can be taken to avoid or mitigate such impacts.
 - n. That the proposed use avoids, minimizes or mitigates any reasonably foreseeable cumulative effects on the character of the community and adjoining properties, taking into consideration the proposed hours of operation, other existing or proposed passive adult uses, and similar uses with the potential for deleterious effects on the community.
 - o. That the duration of a Special Use Permit issued by the Planning Board for a passive adult use shall conform to the following requirements:
 - i. A Special Use Permit issued pursuant to this Subsection shall initially be valid for one year from the date of issuance.
 - ii. Prior to expiration of the Special Use Permit, it may be renewed upon application by the permit holder, payment of Special Use Permit and any other applicable fees and demonstration by the applicant of continued compliance with all applicable Special Use Permit conditions and requirements of this Subsection of the Zoning Law.
 - iii. The duration of such renewal may be established by the Planning Board, in its sole discretion, but shall not exceed three years. [\[Back\]](#)

50. Bus garage, provided:

- a. The minimum lot area shall be ten (10) contiguous acres.
- b. All buses shall be stored in fully enclosed buildings.
- c. The bus garage shall comply with all applicable Special Use Permit conditions found in Article VI, Section D(25). [\[Back\]](#)

51. Guest cottage, provided:

- a. The maximum gross floor area devoted to the guest cottage shall be 600 square feet. No

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kitchen facilities are permitted in a guest cottage.

- b. Not more than one guest cottage shall be authorized on a residential premise.
- c. The guest cottage shall be supported by water supply and sewage disposal facilities deemed suitable by the Dutchess County Health Department, which facilities may be shared with the principal dwelling unit on the premises.
- d. The guest cottage shall be in compliance with all provisions of the New York State Uniform Fire Prevention and Building Code. All other applicable laws, ordinances and regulations shall be complied with and both a Building Permit, where applicable, and a certificate of occupancy shall be obtained before occupancy.
- e. The quest cottage shall satisfy all minimum setback requirements set forth in the District Schedule of Area and Bulk Regulations' for a principal structure within the zoning district.
- f. The guest cottage shall be situated on a lot with not less than the minimum lot area specified for the respective Zoning District. If the guest cottage is located within the RM1 District, a minimum lot area of three acres shall be required. [\[Back\]](#)

52. Use of the Town's Design Standards.

Use of the Town's *Design Standards* (see Appendix A of this Zoning Law) and compliance with the Town's Environmental Performance Standards (see Article V, Section A) is required. [\[Back\]](#)

53. Standards Within the Flood Fringe Overlay District.

With the exception of agriculture and forestry, all uses proposed within the Flood Fringe Overlay (FF-O) District, including municipal uses, shall be considered Special Permit Uses subject to review by the Planning Board for compliance with the standards contained within the Town of Rhinebeck Flood Damage Prevention Law (as amended) and with the following additional standards, as shall be certified to by a registered architect or licensed professional engineer:

- a. All structures shall be designed and anchored to prevent flotation, collapse or lateral movement due to floodwater-related forces.
- b. All construction materials and utility equipment used shall be resistant to flood damage.
- c. Construction practices and methods shall be employed which minimize potential flood damage, including the requirement that all structures and other improvements be designed to withstand hydrostatic pressure, erosion and seepage to an elevation not less than the one hundred (100) year flood elevation.
- d. Adequate drainage shall be provided to reduce flood hazard exposure.
- e. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.
- f. All water supply systems shall be designed to minimize or eliminate flood water infiltration. No new septic tank, leach field or other sanitary sewage disposal system shall be located within the FF-O District. This shall not prevent the replacement of existing systems.
- g. No new structure intended for residential use shall be located within the FF-O District. This shall not prevent the replacement of existing residential structures.

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- h. Except for agricultural uses and forestry uses, all new non-residential construction or substantial improvements to such non-residential structures shall have their lowest floor, including basement, elevated to at least two (2) feet above the water level of the one hundred (100) year flood or, as an alternative, be flood proofed up to the same water level, including attendant utility facilities.
- i. Except for agricultural uses and forestry uses, no use shall be permitted, including fill, dredging or excavation activity, unless the applicant has demonstrated that the proposed use, in combination with all other existing and anticipated uses, will not raise the water level of the one hundred (100) year flood at any point.
- j. No storage of materials or equipment that are buoyant, flammable, explosive or could otherwise be injurious to human, animal or plant life shall be permitted. Underground storage tanks shall be prohibited in the FF-O District.
- k. A record of all necessary permits from State or County agencies from which approval is required shall be provided.
- l. Plans shall be submitted showing such information as may be necessary to determine the suitability of the particular site for the proposed development or use, which information shall include, but not be limited to, the following:
 - i. The location of the lot or construction site in relation to affected watercourses or other bodies of water, boundaries of the Flood Fringe Overlay (FF-O) District, topography of the site with elevations in relation to mean sea level, existing and proposed buildings and other structures, fill, drainage facilities, and the location and description of any materials proposed to be stored within the FF-O District on either a permanent or temporary basis incidental with the proposed project;
 - ii. Elevation in relation to mean sea level of the lowest floor, including basement, of all existing and proposed structures;
 - iii. Elevation in relation to mean sea level to which any nonresidential structure is proposed to be flood proofed together with its attendant utility and sanitary facilities;
 - iv. Details of how any non-residential flood proofed structures meets or exceeds essential flood proofing standards, i.e. that flood proofing occur so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy;
 - v. Documentation that any non-residential principal structure or the replacement of any existing residential structure intended for habitation, whether termed a principal structure or an accessory structure by this Zoning Law, has at least one (1) access route from a public road, street or highway which is wholly above the one hundred (100) year flood elevation and which route can be used for access by emergency equipment and for the evacuation of persons; and
 - vi. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
- m. Any Special Permit issued for a use proposed within the Flood Fringe Overlay District shall

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satisfy any further criteria set forth in the Town of Rhinebeck Flood Damage Prevention Local Law (Local Law No. 1 of 1987). This shall include as a condition the additional requirement that certification by a registered architect or licensed professional engineer of as-built compliance with the approved plans be submitted to the Town Code Enforcement Officer prior to either use of the property or the issuance of a Certificate of Occupancy for the intended use or structure. Copies of this certification shall be maintained by the Code Enforcement Officer as a permanent public record available for inspection. [\[Back\]](#)

54. Communication Facilities and Towers, provided:

- a. Communications facilities and towers require issuance of a Special Use Permit by the Planning Board, in accordance with Article VI, for the following purposes:
 - i. To preserve the character and appearance of the Town while simultaneously allowing Adequate Communications Services to be developed;
 - ii. To protect the scenic, historic, environmental, natural and man-made resources of the community with special attention to the Hudson River National Historic Landmark District, the Mid-Hudson Historic Shorelands Scenic District, the Estates District Scenic Area of Statewide Significance, structures or sites listed on the National Register of Historic Places, Scenic Viewsheds and Special Features including sites bordering designated State, County or Town Scenic Roads, “special features” identified in the Town’s Comprehensive Plan, lands within the Waterfront Revitalization Area, and any other significant feature of community importance identified in a Town planning document;
 - iii. To provide standards and requirements for regulation, placement, construction, monitoring, design, modification and removal of Communication Facilities and Towers;
 - iv. To provide a procedural basis for action within a reasonable period of time on requests for authorization to place, construct, operate or modify Communication Facilities;
 - v. To preserve property values;
 - vi. To minimize the total number and height of new Communication Towers throughout the community and maximize the use of existing Communication Towers, tall buildings and other high structures to reduce the number of new Towers needed to serve the community;
 - vii. To locate Communication Facilities and Towers so that they do not have adverse impacts on the general health, safety, welfare and quality of life within the community, including but not limited to, attractive nuisance, noise and threat of falling objects;
 - viii. To require owners of Communication Facilities and Towers to configure them so as to minimize and mitigate the adverse visual impact of the Towers and Facilities; and
 - ix. To require Communication Tower sharing (co-location) and clustering of Communication Facilities where possible.
- b. Consistency with Federal Law. The provisions of this Subsection, including the regulations set forth herein, are intended to be consistent with The Telecommunications Act of 1996, as amended (“The Act”) in that:

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- i. The regulations do not prohibit or have the effect of prohibiting the provision of Communication Services.
- ii. The provisions are not intended to be used to unreasonably discriminate among providers of functionally equivalent Services.
- iii. The provisions do not regulate Communication Services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated Services and Facilities comply with the FCC's Regulations concerning such emissions.
- c. Exclusions. For the purposes of this Subsection, the following shall not be construed to be Communication Facilities or Towers:
 - i. Receive-only antennae and satellite dishes maintained for residential use.
 - ii. Any other building-mounted antennae less than ten (10) feet in height, no part of which exceeds eight (8) feet in diameter.
- d. Special Permit Requirements. No person shall erect, construct or otherwise install a new Communication Facility or Tower at any location within the Town of Rhinebeck or cause the "Major Modification" of an existing Communication Facility or Tower, without first obtaining a Special Permit from the Town Planning Board in accordance with the following requirements. For purposes of this Subsection, a Communications facility or tower shall be considered a principal use and never an accessory use:
 - i. For purposes of this Subsection of the Zoning Law, "Major Modification" of an Existing Communication Facility or Tower shall mean the following:
 - (a) An increase in the height of a Communication Tower by 20 feet or more.
 - (b) An increase in the number of antennas on a Communication Tower by more than 50 percent.
 - (c) The addition of new or additional microwave dish antennas on a Communication Tower.
 - (d) Any expansion of the original footprint of the Communication Tower or an increase in the original footprint of the accessory buildings or other facilities and improvements on the Communication Tower site by more than 50 percent.
 - ii. The facility or tower is in compliance with the District Schedule of Use Regulations established pursuant to Zoning Law Article III. The Town encourages Communication Towers and Facilities on major thoroughfares and in non-residential Zoning districts if feasible.
 - iii. The application complies with the Special Permit Application Procedure set forth for all Special Permit Uses in Zoning Law Article VI(B).
 - iv. The facility or tower is in compliance with the General Standards for all Special Permit Uses set forth in Zoning Law Article VI(C).
 - v. The facility or tower is in compliance with the Specific Standards for Communication Facilities and Towers set forth herein.
- e. Specific Standards for Communication Facilities and Towers. The Planning Board shall

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apply the Specific Standards set forth below in its consideration of any Application for a Special Use Permit for a Communication Facility or Tower:

- i. Shared Use. Shared use of existing Communication Towers or the use of other existing structures shall be preferred to the erection or construction of new Towers. Where shared use of an existing Communication Tower or other existing structure is a feasible alternative, the Applicant may be denied a Special Permit for erection or construction of a new Communication Tower. Applicants shall demonstrate that there are no opportunities for co-location available.
 - ii. Compatibility with FAA Navigational Aids. The Applicant must demonstrate that the proposed Communication Facility or Tower will not interfere in any way with in-place VOR radio beacon navigational aids for aircraft.
- f. Site Requirements: Area and Bulk Standards:
- i. Minimum Lot Area. The use shall meet the minimum lot area requirements for the district set forth in Article IV but in no case shall the minimum lot area be less than ten (10) acres. The above notwithstanding, depending upon the configuration of the site and its relationship to neighboring properties, a site in excess of the minimum lot area may be required to ensure the protection of public health, safety and welfare through both substantial setback from neighboring properties, with special consideration given to properties on which pre-existing residential dwellings are located, and proper visual screening of the proposed Communication Facility or Tower from these properties.
 - ii. Minimum Setbacks. In order to achieve the above-cited objectives the minimum setback of a Communication Tower shall be two hundred fifty (250) feet from any adjoining property line and five hundred (500) feet from any existing residential dwelling. In addition, the minimum separation of any structure or facility appurtenant to the tower shall be not less than fifty percent (50%) of the required Tower setback. The above notwithstanding, in no event may the minimum setback of any new Tower from any property line and/or vegetative screening be less than the sum of the following:
 - (a) The height of the Communication Tower to be erected, and
 - (b) Thirty (30) feet. This minimum setback distance shall apply to all Communication Tower components, including guy wires, guy wire anchors and accessory facilities.
- g. Site Requirements: Design Standards.
- i. Ability to Accommodate Shared Use. Any new Communication Tower or major modification of an existing Tower shall be designed so as to be structurally capable of accommodating shared use.
 - ii. Tower Lighting. In addition to any beacon light, other type of illumination or warning device, if any, required by the FAA, any Communication Tower erected within The Town of Rhinebeck shall be equipped with a beacon light if deemed necessary by the Planning Board. Security lighting of equipment structures and other facilities on site shall be shielded from abutting properties and shall comply with Article V, Section V. There shall be total cutoff of all light at the property lines of the parcel to be

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developed, and foot-candle measurements at the property line shall not exceed 0.25 initial foot-candles when measured at grade.

- h. Scale and Appearance.
 - i. Communication Towers or attachments thereto should be no higher than ten feet above the average height of the existing tree canopy or buildings within 300 feet of the proposed facility. However, the height of a Communication Tower or attachments thereto shall not exceed the height limits of the zoning district in which the facility is proposed to be located, unless the facility is completely camouflaged in accordance with Article VI, Section E(6)(a).
 - ii. The above provisions regarding height and lighting notwithstanding, any Communication Tower shall be sited and designed to be the minimum height necessary to fulfill its function and to avoid, whenever possible, compliance with additional FAA lighting and marking requirements based on Tower height and location.
 - iii. Except as required by the FAA, no Communication Tower shall be painted in a color or colors not in harmony with its natural and man-made surroundings.
 - iv. No Communication Tower shall support any advertising messages or other commercial signs. Non-ionizing warning signs and other signs necessary to meet the legal requirements of the Applicants FCC license to operate shall be permitted.
 - v. A chain link fence not less than eight (8) feet in height with locking gates shall be installed to fully surround the base of any Communication Tower, including all of its components, and any accessory buildings or other facilities and improvements on the tower site and such fence shall be landscaped to screen views of the fence and accessory buildings.
 - vi. As required by Article VI.D(6), all Communication Towers and accessory buildings or other facilities and improvements shall comply with the Performance Standards set forth herein and shall be sited to minimize any adverse visual effect on the environment. Accessory buildings or other facilities shall employ building materials, colors and textures that are both durable and selected to blend with the natural surroundings.
 - vii. Existing on-site vegetation shall be preserved to the maximum extent practicable to both mitigate the visual impact of the Communication Tower and related buildings and facilities and maintain the stability of soils within the project site.
 - viii. No cutting of any trees exceeding four inches (4") DBH shall take place except as may be authorized by the Planning Board through the issuance of a Special Permit and grant of Site Plan Approval.
 - ix. Adequate access to, and parking at, the Communication Tower site shall be provided for both service and emergency vehicles, with maximum use made of existing roadways, both public or private. Moreover, to the extent practicable, any roadway construction required to access a Communication Tower site shall be carried out in a manner that minimizes disturbance to the land, generally limiting grading and the cutting of vegetation to the more restrictive of the following: either the top-of-slope in fill sections

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and the top-of-slope in cut sections or a distance ten (10) feet beyond the edge of the required access roadway.

- x. In order to meet the above criteria, and otherwise both minimize adverse visual impact and reduce soil erosion potential, any access road shall closely follow natural contours.
 - xi. As a condition of the Special Permit and for maintaining a Certificate of Occupancy and/or Certificate of Compliance once issued, any access roadway shall be maintained throughout the useful life of the Communication Tower site in a workmanlike manner, including the plowing of snow, periodic trimming of vegetation that may obstruct the access roadway, and undertaking of repairs in a timely manner to address any roadway defects, drainage problems, erosion conditions or other circumstances that may develop, so as to ensure the roadway is at all times in a safe and passable condition for both service and emergency vehicles.
- i. Performance Standards. All Communication Towers, including Major Modification of an Existing Communication Tower, shall comply with the performance standards set forth in this section.
- i. Camouflage.
 - (a) All wireless telecommunications facilities shall be designed to blend into the surrounding environment through the use of design and color except in such instances where color is dictated by federal or state authorities, such as the Federal Aviation Administration.
 - (b) A wireless telecommunications facility, which is roof-mounted on a building, shall be concealed within or behind existing architectural features to limit its visibility from public ways and shall be stepped back from the front facade in order to limit its impact on the building's silhouette.
 - (c) A wireless telecommunications facility, which is side-mounted on a building, shall be painted or constructed of materials to match the color of the building material directly behind it.
 - (d) The use of stealth technology to camouflage new Communication Towers is required for all Communication Towers that exceed the height limits established in Article VI, Section E(5) herein. The Communication Tower shall be designed to eliminate, to the greatest extent possible, the visibility of the proposed facility as viewed from a residence, public road or pathway, or public area by means of concealment, camouflage, disguise, or placement. The applicant shall make every available effort to ensure that the visibility of the proposed Communication Tower is slight or non-existent. Communication Tower shall not be located on ridgetops or along the ridgeline and they should be provided with an adequate backdrop so that they are not skylined.
 - (e) Communication Facilities and Towers shall be camouflaged by vegetation and/or design as follows:
 - (i) Camouflage by vegetation. If Communication Facilities and Towers are not camouflaged from public viewing by existing buildings or structures, they shall be surrounded by buffers of existing dense tree growth and understory

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vegetation in all directions to create an effective year-round visual buffer (see the tower shown in the middle of the photograph to the right). Communication Towers shall provide a vegetative buffer of sufficient height and depth to effectively screen the facility. Trees and vegetation used for camouflage shall be existing



on the subject property. The Planning Board shall determine the adequacy of the trees and plant materials to properly camouflage the Tower.

(ii) Camouflage by design.

In open and wooded areas, Communication Facilities and Towers shall be camouflaged to resemble or mimic a native coniferous species of tree or by other means, such as new construction of a silo (see



photograph to the right of a cell tower on a silo), flagpole, clock tower, bell tower, cross tower, steeple or other innovative replication of a structure that would be consistent with the character of the community as determined by the Planning Board. Modification of an existing silo, flagpole, clock tower, bell tower, cross tower, steeple or other adaptive use of a structure, consistent with the character of the community as determined by the Planning Board, may also be used to accommodate a Communication Tower. In no case shall a camouflaged Tower exceed 70 feet in height.

- ii. Noise. Roof-mounted or side-mounted equipment for Communication Facilities and Towers shall not generate noise in excess of 50 dB at ground level at the base of the building closest to the antenna, including standby power generation equipment.
- iii. Radio frequency radiation (RFR) standards. All equipment proposed for Communication Facilities and Towers shall be authorized per the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation (FCC Guidelines). The owner of the facility shall submit evidence of compliance with the FCC standards on a yearly basis to the Planning Board. If new, more restrictive standards are adopted by any appropriate federal or state agency, the facility shall be made to comply or continued operations may be restricted by the Planning Board. The cost of verification of compliance shall be borne by the owner and/or operator of the facility.

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- iv. Facility Design standards.
 - (a) Equipment shelters. Equipment shelters for wireless telecommunications facilities shall be designed consistent with one of the following standards:
 - (i) Equipment shelters shall be located in underground vaults; or
 - (ii) Equipment shelters shall be designed to be architecturally compatible, both in style and materials, with principal structures on the site, as determined by the Planning Board; or
 - (iii) Equipment shelters shall be camouflaged behind an effective year-round landscape buffer equal to the height of the proposed building. The Planning Board shall determine the types of plant materials and depth of the needed buffer based on site conditions.
 - (b) Accessory structures. Accessory structures for Communication Facilities and Towers shall be permitted if the structures are constructed for the sole and exclusive use and operation of the facility and meets the following requirements:
 - (i) Accessory structures may not include office, long-term vehicle storage, other outdoor storage or other uses that are not needed to send or receive communication transmissions.
 - (ii) Accessory structures shall be less than 500 square feet and 15 feet in height.
 - (iii) Accessory structures shall be camouflaged behind an effective year-round landscape buffer equal in height to the proposed structure.
 - (iv) In all districts, the use of compatible building materials, such as wood, brick or stucco, is required for all accessory structures, which shall be designed to match architecturally the exterior of residential and/or commercial structures in the neighborhood, as determined by the Planning Board. In no case will metal exteriors be allowed for accessory structures.
 - (c) Scenic landscapes and vistas. Communication Facilities and Towers shall not be located within open areas that are visible from public roads, recreational areas or residential development. As required herein, all Communication Facilities and Towers shall be surrounded by a buffer of dense tree growth or shall be camouflaged by design to minimize the adverse visual and aesthetic impacts of the facility.
- j. Environmental standards.
 - i. Communication Facilities and Towers shall not be located in wetlands or in regulated wetland buffer areas, in endangered, threatened, or special concern species habitats, water bodies, historic, or archaeological sites.
 - ii. No hazardous waste shall be discharged on the site of any wireless telecommunications facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.
 - iii. Any increase in stormwater runoff shall be contained on site.

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- iv. Ground-mounted equipment for Communication Facilities and Towers shall not generate noise in excess of 50 dB at the property line, including standby power generation equipment.
- k. Safety standards.
 - i. Radio frequency radiation (RFR) standards. All equipment proposed for a wireless telecommunications facility shall be authorized per the FCC Guidelines. The owner of the facility shall submit evidence of compliance with the FCC Guidelines on a yearly basis to the Planning Board. If new, more restrictive standards are adopted by any appropriate federal or state agency, the facility shall be made to comply or continued operations may be restricted by the Planning Board. The cost of verification of compliance shall be borne by the owner and operator of the facility.
 - ii. Security barrier. All wireless telecommunications facilities shall be provided with security measures, such as fencing, anti-climbing devices, electronic monitoring and other methods, sufficient to prevent unauthorized entry and vandalism. Fencing shall be solid wood and shall include a locking security gate. Electrified fence, barbed or razor wire shall be prohibited.
 - iii. Structural soundness and fall zone. Wireless telecommunications facilities shall be designed by a licensed professional engineer to withstand overturning and failure. In the event of failure, facilities shall be designed so that they will fall within the setback area of the site and/or away from adjacent residential properties. The Planning Board shall require fall zone documentation describing the consequences of a catastrophic collapse of the Tower as well as foundation design and a certificate of safety from the carrier to document structural soundness.
- l. Application Requirements. In addition to the requirements otherwise set forth in Article VI(E) of this Chapter, all applications for the issuance of a Special Permit and/or the grant of Site Plan Approval for a Communication Facility or Tower shall be accompanied by maps, reports and other data presenting to the extent pertinent the following information:
 - i. An Existing Conditions Map depicting:
 - (a) The location of all structures and other improvements within the project site and all structures and above-grade improvements on adjacent properties and located within three hundred (300) feet of the boundaries of the project site.
 - (b) The location, species, approximate height and mass of all trees within the project site and within three hundred (300) feet of its boundaries.
 - (c) The topography of the project site and adjacent property within three hundred (300) feet thereof, based on either field survey or, where field survey information is not available, interpretation of USGS data.
 - ii. Manufacturer's Data regarding the proposed Communication Facility or Tower including, but not limited to the following:
 - (a) Make and model of the Communication Tower to be erected or the equipment to be installed.
 - (b) Design data, installation instructions and construction plan.

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- (c) Identification of the cumulative levels of radiation emitted by or from both the Communication Tower and its appurtenant Facilities and all other Communication Towers and Facilities located within one thousand (1,000) feet thereof. This data shall include:
 - (i) frequencies in use.
 - (ii) effective radiated power, and
 - (iii) calculated data demonstrating that all transmissions are in compliance with FCC Regulations in effect at the time of application.
 - (iv) Identification of the effects siting and operation of the Communication Tower and its appurtenant Facilities will have on existing communication towers, antennas, or other electromagnetic devices within one thousand (1,000) feet of the proposed installation.
- iii. Proposed Communication Tower Maintenance and Inspection Procedures and Records System, including demonstration of how initial and continuing compliance with FCC and FAA standards will occur. A copy of each report filed with the FCC or FAA to comply with these standards shall be simultaneously filed with the Town Code Enforcement Officer and each such report shall be certified to be true, complete and accurate or otherwise subject to applicable penalty of law.
- iv. A Communication Tower Siting Report shall be submitted with regard to any proposed new Tower. The report shall document the following:
 - (a) In accordance with above Section D(5)(a)(1) good faith efforts to secure shared capacity from existing towers as well as capacity for future shared use of the proposed Communication Tower. The former demonstration shall include at least the following:
 - (i) Inventory of existing communication towers within a reasonable distance of the proposed site.
 - (ii) Identification of opportunities for shared use of existing towers as an alternative to erection of a new Communication Tower.
 - (iii) Copies of written requests made, and responses received from, existing Communication Tower owners regarding shared use of their Towers.
 - (iv) Propagation studies to identify gaps in coverage and the need for the Tower.
 - (b) A technical and visual impact analysis of other alternatives to the proposed Communication Tower at the location intended, including at least the following:
 - (i) Consideration of alternative new Communication Tower sites which could similarly satisfy the applicant's requirements.
 - (ii) Consideration of the installation of towers, antennae or masts on existing buildings or other alternative structures, particularly for "fill-in" sites.
 - (c) Alternative designs for the Communication Tower, or Re-Rad, including those which minimize adverse visual impact by using non-traditional design elements selected to blend more effectively with the natural and/or man-made surroundings.

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- (d) A compliance Report on Non-Ionizing Electromagnetic Radiation (NIER) prepared by a qualified engineer and/or health physicist setting forth calculations regarding the maximum amount of non-ionizing electromagnetic radiation which will be emitted from The Communication Facility or Tower and demonstrating compliance with the applicable NIER standards set forth below:
 - (i) The standards for public exposure to NIER established by the Institute of Electrical and Electronics Engineers, American National Standards Institute (ANSI).
 - (ii) Any standard for NIER that may be promulgated by the FCC.
- v. A completed Visual Assessment Form (Visual EAF) as part of the initial SEQR submission. Upon its evaluation of the information provided by the Visual EAF, the Planning Board may scope and require the submission of a more detailed visual analysis.
- vi. A detailed Landscape Plan addressing through initial and continuing maintenance of existing vegetation and the installation of new plantings the visibility of the Communication Facility or Tower from adjacent properties and from other key viewing points identified during the visual assessment, including to the extent pertinent locations both within the Town and beyond its borders. With regard to mitigation of visual impact on immediately adjacent and other neighboring properties, not less if an the planting or retention of native evergreen species capable of forming a continuous natural buffer at least ten (10) feet in height within twenty-four (24) months of Communication Tower construction shall be provided to effectively screen the Tower base and accessory facilities from such properties.
- vii. As a condition of any Special Permit issued by the Planning Board for a Communication Facility or Tower and in addition to the requirement set forth in above paragraph c, the Planning Board may require future submission of reports and other documentation demonstrating continuing compliance with any of the regulations in effect at the time the Special Use Permit was issued or any superceding or new regulations that may be adopted by either the FCC or other federal regulating agency.
- viii. As part of the submission and as a condition precedent to the issuance of any Special Permit by the Planning Board for a Communication Facility or Tower, either the Applicant or both the Applicant and the landowner should the Applicant not be the landowner shall specifically recite and acknowledge in writing the provisions of below Sections VI(D)(7), (9) and (11)(e).
- ix. As a condition of any Special Permit issued by the Planning Board for a Communication Facility or Tower, the Planning Board shall require the posting of a suitable performance guarantee, the performance guarantee being at the Town's discretion either a performance bond or an irrevocable letter of credit with a specific schedule of payments if work is not completed, to ensure either of the following:
 - (a) The completion of all work associated with authorized Communication Facility installation or Tower construction within the time frame specified by the Building Permit.

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- (b) Both removal of any Communication Facility installation or Tower construction left incomplete and the restoration of the site to its prior state to the extent deemed practicable by the Planning Board. Except as may be authorized by the Planning Board in consideration of seasonal factors, all such removal and remediation shall occur within six (6) months of the cessation of work on the Communication Facility installation or Tower construction. The date of such cessation of work shall be determined by the Code Enforcement Officer and set forth in notice to either the Applicant or the Applicant and landowner should the Applicant not be the landowner. No Building Permit shall be issued until such performance bond or similar guarantee has been accepted by the Town Board. The Town Board shall employ the following criteria to determine the adequacy of the performance guarantee proposed by the Applicant:
 - (iii) The scope of work governed by the performance guarantee shall be the worst case, or most extensive, scenario of removals and remediation defined by the Planning Board.
 - (iv) The amount of the performance guarantee shall be based on an estimate for carrying out the above scope of work, such estimate either prepared or reviewed and confirmed by the Town Engineer.
 - (v) The form of the performance guarantee shall be reviewed and approved by the Town Attorney.
- x. Evaluation by Independent Consultants. Upon submission of an Application for Special Permit for a Communication Facility or Tower, the Planning Board shall retain an independent consultant, at a reasonable rate to be paid by the applicant, to assist the Planning Board in technical review of the Application. The consultant shall be a qualified professional in one or more of the following fields: (a) telecommunications engineering, (b) structural engineering, (c) monitoring of electromagnetic fields, or (d) other relevant field deemed essential by the Planning Board.
- xi. Required Inspections. Any Communication Facility or Tower erected within the Town of Rhinebeck shall be subject to the below structural inspection requirements:
 - (a) The Applicant, or the Applicants successors, shall cause a bi-annual inspection of the Communication Tower and related accessory structures and related improvements to be conducted by a qualified licensed professional engineer. The inspection shall specifically address whether the Communication Tower and related accessory structures and related improvements are being maintained in a structurally safe and workmanlike manner. A written report certified to by the inspecting professional engineer shall present information regarding the nature and timing of the inspection conducted, identify all deficiencies noted, propose appropriate corrective action, and include a schedule for carrying out the work.
 - (b) Such certified bi-annual report shall be filed with the Town of Rhinebeck Code Enforcement Officer within sixty (60) days of the first and each succeeding bi-annual anniversary of the issuance of the initial Certificate of Occupancy authorizing use of the facility site.

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- (c) Upon submission of such report, the Applicant, or the Applicant's successors, shall schedule with the Code Enforcement Officer an appointment for his inspection of the property.
- m. Abandonment and Removal. Within sixty (60) calendar days of receipt of written notice from the Code Enforcement Officer, either the Applicant, the landowner, or their successors shall cause the dismantling and removal of any Communication Facility or Tower, whether erected prior or subsequent to the enactment of Local Law No. 4, 1999, the use of which the Code Enforcement Officer has deemed to be discontinued or otherwise abandoned for the period specified below:
 - i. Pertaining to a Communication Tower and related accessory structures and improvements, where operations have ceased for a period of twenty-four (24) consecutive months with intent to resume the use or operation not providing exemption from this requirement.
 - ii. Pertaining to any other Communication Facility, where the operation of such Facility has ceased for a period of six (6) consecutive months with intent to resume its use or operation not providing exemption from this requirement. It shall be the responsibility of the Town of Rhinebeck Code Enforcement Officer to notify in writing by certified mail the owner of any Communication Facility or Tower existing at the time of the enactment of Local Law No. 4, 1999, of this requirement within sixty (60) calendar days thereof.
- n. Certificate of Insurance Required. Adequate and sufficient liability insurance shall be maintained during the construction period and throughout the life of any Communication Tower erected within the Town of Rhinebeck. The minimum acceptable amount of liability insurance shall be established by the Planning Board in its review of the Application for Special Use Permit. Prior to the issuance of the Special Use Permit, documentation that such liability insurance has been secured shall be submitted to the Town in the form of a Certificate of Insurance identifying the Town of Rhinebeck as a co-insured party and in at least the minimum amount specified by the Planning Board. Maintenance without interruption of liability insurance in like or greater amount and with the Town named as a co-insured party shall be required as a continuing condition of the Special Use Permit and related Certificate of Occupancy and/or Certificate of Compliance.
- o. Exemption for Amateur Ham Radio Operations. Any Communication Tower erected on residential or other premises in support of amateur barn radio operations shall be wholly exempt from the provisions set forth throughout Article VI(D) of this Chapter provided each of the following criteria is met:
 - i. A Building Permit for the erection of any such Communication Tower shall be secured from the Town of Rhinebeck.
 - ii. Not more than one (1) such Communication Tower for the exclusive use of the owner of the residential or other premises shall be constructed on any individual parcel or on adjoining parcels in common ownership.
 - iii. No such Communication Tower shall be more than fifty (50) feet in height.

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- iv. There shall be no sale or lease of space for commercial purposes on any such Communication Tower erected and maintained on a residential or other parcel in support of amateur ham radio operations.
- v. The Town's Code Enforcement Officer shall be granted scheduled access to the residential or other premises for making a safety inspection of the condition of any such Communication tower at a bi-annual interval. [\[Back\]](#)

55. Adaptive Reuse of Historic Buildings.

- a. See Article V, Section BB(7) of the Zoning Law for the provisions governing Adaptive Reuse of existing historic buildings. [\[Back\]](#)

56. Density Transfer.

- a. See Article V, Section DD of the Zoning Law for the provisions governing Density Transfer (Transfer of Development Rights or TDR). [\[Back\]](#)

57. Residential Housing Developments - 50 or More Units in the RA10 District, provided:

- a. A healthy community provides a variety of housing types for its citizens at various stages of their lives. An overall goal of the Town of Rhinebeck Comprehensive Plan is that the Town provide for a range of housing opportunities and choices for its citizens. Accordingly, all residential housing developments of 50 or more units shall comply with the following:
 - i. Residential housing developments of 50 or more units shall provide a minimum residential housing mix of three types, with none comprising less than 20 percent of the total number of units. The three housing types to be provided are one-family, two-family and multi-family dwellings. Compliance with the Town of Rhinebeck Affordable Housing Program, found at Article V, Section CC of the Zoning Law, must be demonstrated as follows:
 - [a] A minimum of ten percent (10%) of the total units in the residential housing development must be affordable housing units, as that term is defined in Article V, Section CC of the Zoning Law.
 - [b] Additional multi-family housing units are granted for meeting the multi-family requirement through a density bonus. The density bonus shall consist of an additional fifty percent (50%) multi-family dwelling units. The formula to be used in calculating the additional multi-family units is as follows:

$$A + (B \times 0.50) = C$$

A = Base Number of Multi-family Units Proposed

B = Base Number of Multi-family Units Proposed

C = Total Number of Multi-family Units Permitted

The remaining units must still comprise a mix of single-family and two-family dwellings, with no less than 20 percent of each nor more than 60 percent of each, but the bonus available would be additional multi-family units, regardless of whether the development mix consisted of 20 percent multi-family units or up to 60 percent multi-family units. The applicant must also comply with the Town's

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Affordable Housing Program requirements, in Article V, Section CC of the Zoning Law, for all dwelling units proposed.

- ii. With the exception of the incentives provided by Section VI.D(57)(a)(i)[b] herein, those requirements for maximum density and conservation subdivision design, set forth in Article IV, Section C and Article V, Section I(7) respectively, shall be strictly met including the number of dwelling units. See the Conservation Subdivision regulations in Article V, Section I for special requirements in the RA10 Zoning district.
- iii. The residential housing development shall be provided with community water supply and community sewage disposal facilities, through creation of new or connection/expansion (as appropriate) of existing community water supply and community sewage disposal facilities in accordance with the requirements of the Town of Rhinebeck, the Dutchess County Department of Health and the New York State Department of Environmental Conservation. This may require the creation of water and/or sewer districts in accordance with Articles 12 and 12-A of New York State Town Law. The applicant shall bear the full responsibility of providing for the community water supply and sewage disposal needs of the development
- iv. The maximum number of units within a multi-family structure shall be six (6), including one (1) unit which shall be set aside as affordable, as defined and regulated under the Town of Rhinebeck Affordable Housing program regulations found in Article V, Section CC of the Zoning Law.
- v. All two-family and multi-family dwellings shall be constructed to resemble a single family dwelling, as illustrated by example in the photograph of a multi-family dwelling designed to resemble a single family farmhouse in Article VI, Section D(2) of the Zoning Law.
- vi. All applicable requirements of the New York State Uniform Fire Prevention and Building Code and the New York State Multiple Residence Law shall be strictly met.

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E. Rhinecliff Overlay (Rc-O) District

1. **Intent.** The hamlet of Rhinecliff is an important 19th Century planned traditional neighborhood in the Town of Rhinebeck. Containing over 100 historic structures, Rhinecliff evolved as a small center for civic life, culture and commercial activity, including an early railroad and shipping hub. For decades, Rhinebeck's residents have consistently stressed the importance of preserving the role of the village of Rhinebeck as the town's center for commercial, financial, governmental and residential uses, and Rhinecliff as a smaller version of the village – honoring its historic integrity as a hamlet. The Morton Memorial Library and the firehouse, the post office and the Rhinecliff Train Station all depict the essence of the hamlet. While Rhinecliff has some limited potential for growth, its historic character must always be preserved and protected.

Rhinecliff's significance is recognized by its central location within the Hudson River National Historic Landmark District, a State designated Scenic Area of Statewide Significance, and the Mid-Hudson Historic Shorelands Scenic District. Rhinecliff is also a part of the Hudson River

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Valley Greenway, is an important component of the Hudson River American Heritage River designation, is located within New York State's Coastal Zone boundaries and is subject to the Town's adopted Local Waterfront Revitalization Program (LWRP). All of these recognitions of Rhinecliff's importance demand special attention when existing development is proposed for expansion or modification, or new development is proposed.

The Rhinecliff Overlay (Rc-O) Zoning District, as delineated on the Town Zoning Map, does not represent the entire area referred to by its place name – Rhinecliff. It is an historic area that has grown with unique characteristics, which has created a special identity for the entire hamlet area. The Zoning Law regulates development within the historically significant estates, farms, and landscapes surrounding the hamlet center largely through the provisions of the Historic Preservation Zoning District. In order to protect and preserve the integrity of the hamlet area, which is composed of several underlying zoning districts, the Rc-O Zoning District requirements specified in this section have been designed to protect the unique qualities of the hamlet area through the implementation of standards and restrictions to regulate development and redevelopment, architectural design and scale, landscaping, streets and streetscapes, scenic views, signage, transportation and historic preservation. The Rc-O District is intended to encourage the continuation of uses that are in harmony with the hamlet area, to preserve the pedestrian character of the hamlet, to improve its visual character, protect residential uses and enhance the hamlet as a secondary cultural center for the Town.

2. **Objectives.** All proposed development and redevelopment within the boundaries of the Rc-O District shall be consistent with the following objectives:
 - a. Protect and preserve Rhinecliff's architecture and pattern of design, while simultaneously improving hamlet amenities.
 - b. Continue the existing residential character of the hamlet with special attention given to architectural design, lighting, landscaping, streetscapes, pedestrian amenities and signage.
 - c. Promote greater pedestrian safety while allowing for continued but more restricted traffic movements, providing shared means of ingress and egress to developed and developing properties. Ensure that existing hamlet streets are not widened, but rather maintained as rural thoroughfares. Implement traffic calming measures which designate pedestrian comfort as a primary consideration of all hamlet streets. Resolve design conflicts between vehicular and pedestrian movements in favor of the pedestrian. Ensure safe, attractive streetscapes and pedestrian amenities by:
 - i. Providing pedestrian-scale lighting, street trees, and landscaping along sidewalks;
 - ii. In the business district, providing street furniture, such as benches and trash receptacles where appropriate;
 - iii. Maintaining parking as a buffer between pedestrians and moving vehicles, both on-street and in parking lots; and
 - iv. Enhancing pedestrian street crossings with articulated pavers, bump-outs, raised crosswalks and other traffic calming measures.
 - v. Improve the visual characteristics of the hamlet by implementing landscaping standards. Landscaping should enhance views from the hamlet to the Hudson River and Catskill Mountains beyond.

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- vi. Improve the overall quality of the hamlet by carefully reviewing all signage and lighting fixtures so that they are of an appropriate size and scale, and aesthetically designed.
 - vii. Design the height of new buildings to be consistent with that of neighboring buildings.
 - viii. Design roofs to be sympathetic with the vernacular architecture.
 - ix. Utilize traditional building materials.
 - x. Limit the square footage of new dwellings and the expansion of existing ones to prevent oversized, out-of-character homes in order to maintain the most desirable characteristics of the hamlet and prevent alteration of the historic character of Rhinecliff.
 - xi. Prevent the building of second or third story additions to a one or two-story building when it would result in a structure which is out of character with the buildings surrounding it or results in a visual intrusion of a neighboring property.
 - xii. Prevent the construction of a large building built to replace a portion, or all of a demolished one, which may be out of scale with surrounding buildings.
 - xiii. Plan for the accommodation of automobile traffic wherein pedestrian comfort and safety are of the utmost importance.
3. **Uses and Bulk Regulations.** Uses and bulk regulations in the Rc-O District are designed to maintain the integrity of the District. Existing patterns of use and development shall govern future permitted uses and development patterns in order to enhance the character of the hamlet, to maintain harmony and compatibility with the nationally significant historic importance of the hamlet and to protect the hamlet's unique environmental resources. In the event of a conflict between these regulations and those of the underlying Zoning District, the more stringent regulation shall apply. Nothing contained herein shall prohibit the use of an existing lot of record for residential purposes provided, that:
- a. Such lot may not be used for more than one (1) principal dwelling unit and one (1) subordinate accessory structure.
 - b. Such use shall satisfy applicable requirements of the Town of Rhinebeck, Dutchess County Department of Health and New York State Department of Environmental Conservation for potable water supply and sanitary sewage disposal.
 - c. In consideration of minimum lot area, a conventional septic disposal system shall be permitted on existing lots of record of less than one (1) acre in area, provided the Town Engineer has reviewed and approves the system. No new lot created in accordance with the Town Subdivision Regulations and served by a conventional septic disposal system shall be less than one (1) acre in size.
 - d. The installation of an alternative sanitary sewage disposal system using pumping or other alternative waste disposal method shall be permitted only when approved by the Dutchess County Department of Health and, if required, the New York State Department of Environmental Conservation and only in accordance with the Schedule of Bulk Regulations specified in subsection C(7) below.
 - e. Accessory structures shall not exceed 650 square feet in gross floor area nor exceed 25

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percent of the gross floor area of the principal structure, whichever is less.

- f. Expansion of existing dwelling units and construction of new dwelling units shall require Special Use Permit and Site Plan approval in accordance with Articles VI and VII of the Zoning Law respectively.
 - g. The maximum gross floor area of a principal structure within the Rc-O District shall be no more than 2,300 square feet.
 - h. Demolition of historic structures is governed by the Town of Rhinebeck Historic Buildings regulations (see Article V, Section BB), which requires “careful, thoughtful evaluation of any proposed action that would cause the demolition or removal of any such recognized historic building” and by the requirements of the Town’s adopted Local Waterfront Revitalization Program (LWRP). The LWRP requires a coastal consistency assessment for agency actions to, “assure consistency of proposed actions undertaken by the Town with the policies and purposes of the LWRP.” The Town Board, Planning Board and Zoning Board of Appeals shall be guided by the policies and purposes of the LWRP.
4. **Site Plan and Special Use Permit Requirements.** All uses, expansions, modifications and other development of land in the Rc-O Zoning District shall be subject to Special Use Permit and Site Plan review and approval, in accordance with Articles VI and VII of the Zoning Law. Within the Historic Preservation (HP20), Residential Low Density (RL5) and Residential Medium Density (RM1) Zoning districts, the Planning Board may waive some or all of these requirements, in accordance with Article VI, Section E(5)(j) herein.

5. **Special Use Permits and Site Plan Approval.**

Special Use Permits granted for uses, expansions, modifications and other development of land in the Rc-O District shall include such conditions as the Planning Board shall determine to be necessary to assure that any new use, or greater intensity or density of use authorized hereunder, will be accomplished with the minimum possible modification of and impact on the existing features of the particular parcel or parcels, and without impairment of the uses for which the hamlet area is reasonably adapted.

- a. **Concept plan.** A concept sketch plan shall be presented to the Planning Board for its review and approval. Such plan shall include a rendering of how the building will appear from the street frontage. Architectural guidelines are as follows. Objectives are statements describing a desired outcome within the hamlet. Guidelines are statements of what is considered acceptable in the community. By following the guidelines, applicants are put on notice of what is expected of them. Knowing this early on in the planning stages of a project can reduce delays and confusion during the design phase of a project and helps applicants build a project that the community considers desirable.
 - i. **Objectives for Additions to Existing Structures.** Compatible additions that do not compromise the character of the historic building or destroy significant architectural features are appropriate within the Rc-O District. While additions may reflect the point in time of their construction, they must respect the architectural character and fabric of the historic building and its surroundings as follows:
 - (a) Additions that radically change the proportion of impervious area to open space area on the site are not appropriate;

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- (b) Consideration of archaeological resources should be conducted in consultation with the New York State Office of Parks Recreation and Historic Preservation when grading or other disturbance of property is proposed;
 - (c) Wood siding, and/or earth-based materials, such as brick, stone, cement reinforced clapboard siding and/or stucco are acceptable materials. Fiber-cement siding (such as Hardi-Plank Siding) is an acceptable material for new construction additions when it holds a similar texture, appearance and reveal dimension to wood siding. Vinyl siding is acceptable but discouraged. Plastic and metal siding is prohibited.
- ii. Guidelines for Additions to Existing Structures:**
- (a) The material, style, and detail of design additions should be compatible with the original structure rather than duplicating it exactly;
 - (b) Locate, design and construct additions so that the character-defining features of the structure are not obscured, destroyed, damaged or radically changed;
 - (c) Limit the size and scale of additions so that the integrity of the original structure is not compromised;
 - (d) Changes in height that alter the character and scale of the existing building to accommodate an addition are not appropriate;
 - (e) Minimize site disturbance for construction of additions to reduce the possibility of destroying site features and/or existing trees.
 - (f) Stone walls, natural rock formations or other cultural features should be retained and incorporated into proposed Site Plans.
- iii. Objectives for New Construction.** New construction in the Rc-O District should contribute to and emphasize the characteristics which make the neighborhood unique. The guidelines provided herein are designed to ensure that new construction complements and never detracts from the historic character and features of the District. The guidelines are designed to encourage creativity by providing a framework that will allow for new architecture, using criteria based on the compatibility of the new building's setback, scale, massing, and material. When planning and designing for new construction, there are seven key principles that should be considered:
- (a) **Site Planning:** The varied placement of Rhinecliff houses is a direct reflection of the hilly topography and results in a unique, character-defining landscape. New buildings should respect this approach and follow the same guiding factors with respect to topography, adjacent setbacks, spacing, and lot coverage, which approximates the ratio of building to open space. Grade changes and soil and vegetation removal should be minimal.
 - (b) **Building Shape and Massing:** New buildings should respect the massing of nearby structures. Mass is the overall bulk of a building and footprint is the land area it covers. The mass and footprint of a building is directly related to a building's height, width and scale. The historic hamlet contains buildings of varying forms and shapes and studying the context of the site in order to determine the proper

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relationship between new and existing buildings is critical. Using compatible roof forms and shapes is another way to relate new and old buildings.

- (c) **Scale:** The size of an object in relation to other objects in close proximity. The scale of new buildings should be consistent with nearby historic buildings of the hamlet.
- (d) **Height:** The height of new buildings should approximate the height of nearby buildings. Houses in the Hamlet District are generally smaller than their contemporary counterparts. Most are built on low, stone foundations, and ceiling heights can be 8-10 feet. Some variance in height is acceptable since most hamlet blocks contain a predominance of one and two story structures, with an occasional three story building. Maximum height, from primary-façade grade to roof peak, shall be 35 feet. In no case shall a building exceed three stories. See also Bulk Requirements and section C(3) for other limitations within the Hamlet District.
- (e) **Fenestration:** Fenestration refers to the pattern and arrangement of openings on the façade of a building. While windows and doors on new buildings do not have to duplicate historic windows, the dimensions and placement on the building should be respected. Blank walls should be avoided. The main entrance is usually the most prominent feature of houses within the hamlet, and should be emphasized in new construction, as well.
- (f) **Landscaping:** Landscaping is an important and integral feature of the hamlet. The Site Plan for new construction projects should identify existing trees, walls, walks, or other features, which should be incorporated into the landscape design, and every effort should be made to save existing trees, shrubs, and landscape features, which have important value.

iv. Guidelines for New Construction:

- (a) Site new buildings so that the setback, spacing and orientation to the street is consistent with existing buildings within the given block or street;
- (b) New construction should have a similar height and width of existing buildings within a block or street;
- (c) Relate the roof form, pitch, and overhang of new construction buildings to existing roofs within the hamlet;
- (d) Design the spacing, pattern, proportion, size, and detailing of windows, doors, and vents to be compatible with existing buildings within the district;
- (e) Incorporate architectural elements and details that provide hamlet scale to proposed new buildings. Design new buildings using exterior materials typical of buildings in the hamlet including brick, wood, and stone. Materials such as cast stone, fiber cement, and concrete are appropriate for new construction if they are used in a manner compatible with construction techniques and finishes used for existing buildings in the district. It is not appropriate to substitute vinyl or aluminum siding in place of traditional materials typical of the historic hamlet; and

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- (f) Incorporate existing large trees, historic landscape and other features, such as stone walls, scenic views and paper roads into the proposed Site Plan. During construction, protect trees and site features to be retained by temporary fencing, and do not disturb or contaminate the soil or store construction materials within the root zone of trees to be saved.
- b. **Landscape Plan.** A detailed landscaping plan shall be included with the Site Plan submission to enhance the building design and to buffer the structure from surrounding property where conflict may result, such as parking facilities near yard spaces, streets or residential units, and different building heights, design or color.
- c. **Porches.** Within the Hamlet Zoning District only, single-family residences should have covered porches at least six (6) feet deep, along at least a portion of the front of the building ,or along the side coming to the front.
- d. **Fences.** Front yard fencing, if provided, must be wood picket, wrought iron, stone or timber in a traditional design, at least two (2) feet high, but not more than four (4) feet high. Fence materials and designs shall be consistent with the character of the hamlet.
- e. **Elevations.** Architectural renderings depicting all sides of the building(s) shall be provided.
- f. **Storage.** Refuse storage (dumpster) locations shall be depicted on the plans, shall not be located near, or adjacent to, surrounding residential properties and shall be screened with plantings or compatible fences made of natural materials.
- g. **Lighting.** Lighting shall be to human scale, and shall comply with the Town’s lighting regulations found in Article V Section V.
- h. **Building Height.** Design the height of new buildings to be consistent with that of neighboring buildings. Building height shall be subject to a review of the extent to which it will block existing views from surrounding property. Substantial view blockage shall be avoided by alternative roof design or imposition of a special height limit as a condition of approval. The Planning Board may require a viewshed analysis to determine visual impacts and appropriate mitigation measures.
- i. **Setbacks.** Setbacks from the street should be consistent with the prevailing setbacks on adjoining properties, as determined by the Planning Board.
- j. **Parking.** The following parking requirements shall supercede other parking regulations contained in this Chapter.
 - i. **Shared parking.** Shared parking, defined as one or more parking facilities being used jointly by multiple users, shall be allowed. Parking demands must “peak” during different times of the day. There shall be a shared use agreement between the parties who will be sharing parking evidenced by reciprocal easement agreements filed in the Dutchess County Clerk’s Office. Parking shall be within 500 feet of the use.
 - ii. **Credit for on-street parking.** The amount of required off-street parking shall be reduced by one off-street parking space for every on-street parking space adjacent to the use. The allowable credit toward off-street parking requirements shall be addressed during Site Plan review.

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- iii. The Planning Board has the power to reduce or waive minimum off street parking requirements, taking into account the proposed use, pedestrian accessibility and other reasonable indications that the amount of parking is adequate to meet estimated parking needs.
 - iv. Parking for residential uses shall be located to the rear of the structure if possible. If parking is accessed from the front street, the parking garage shall be located at least 20 feet back from the front of the dwelling.
- k. **Waivers.** The Planning Board may waive or modify any requirement under this Subsection (i.e. Article VI, Section E) under the following circumstances:
- i. Where the Planning Board finds that compliance with the guidelines is not possible due to exceptional conditions of topography, access, location, shape, or other physical features of the site, the minimum requirements of these regulations may be waived or modified, provided that the public interest is protected, the plan is in keeping with the general spirit and intent of these regulations and full compliance with SEQR is still provided.
 - ii. No waiver or modification may be granted if it would have the effect of nullifying the intent and purpose of the Zoning Law, the *Comprehensive Plan* or these regulations. No waiver or modification may be made on a condition which would otherwise require variance from the Town Zoning Board of Appeals. The Planning Board may refer a request for a waiver to the Zoning Board of Appeals for an interpretation as to whether such request constitutes a waiver or a variance. The Planning Board may hold a public hearing on a request for a waiver from this Subsection, in addition to the mandatory public hearings on the proposed Special Use Permit and Site Plan approval.
 - iii. The Planning Board may, in granting waivers of modifications to these standards or guidelines herein, incorporate such reasonable conditions as will, in its judgment, substantially secure the objectives of the requirements so waived.
 - iv. No waiver or modification may be deemed approved or granted by implication. All waivers and modifications must be expressly set forth in the written findings and minutes of the Planning Board. [\[Back\]](#)

F. Rhinecliff - Hamlet Transition (Rc-HT) District

1. **Intent.** The Town Board finds that specific properties within the Hamlet - Transition (Rc-HT) District, which are located proximate to the Rhinecliff Business (RB) and Hamlet (H) Zoning districts, will serve to encourage the preservation of the historic character of the hamlet while maintaining its residential integrity. The economic fabric of the Town and hamlet will be compromised if the character of these properties is allowed to disappear.
2. **Objectives.** Properties included in the Rc-HT District have been or have the potential to be adaptively reused for low-intensity mixed-uses. In order to maintain and protect the small-scale historic residential quality of these properties, adaptive reuse will be allowed by Site Plan and Special Use Permit subject to the conditions established herein. The Rc-HT District Standards will protect the residential quality of the structures and those contiguous thereto, by retaining, strengthening, and enhancing their residential characteristics and ensuring that the new low-

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intensity business uses respect the continuing residential uses. The Rc-HT District will provide a transition between the more intensive business uses in the Rhinecliff Business District and the residential uses in the Hamlet District. The Special Use Permit conditions of the Rc-HT District will be in addition to the underlying provisions of the H Zoning District and will only replace specific provisions where stated.

3. **Special Use Permit.** New Rc-HT District uses shall be allowed, by Special Use Permit, only after the Planning Board is satisfied that the use will meet the following conditions:
 - a. **Use and Occupancy.** Mixed residential and business use is allowed but only one business use shall be allowed for each lot.
 - b. **Appearance.**
 - i. Business uses should be conducted in a manner that does not give the outward appearance of a business nor create adverse impacts on the residential character of the Hamlet District.
 - ii. Business uses shall be conducted inside the building, outbuilding or garage and such use will be permitted provided that any exterior changes made, in the judgment of the Planning Board, conform to the historic character of the hamlet.
 - iii. Business uses shall have no external storage of materials, equipment, containers, finished products or associated vehicles outside the building, outbuilding or garage other than that which is customarily associated with the residential use.
 - iv. Business uses shall not create offensive noise, vibration, smoke, electrical interference, dust, odors, heat, or light.
 - c. **Traffic and Parking.**
 - i. The anticipated trip generation of the use, as determined by the Planning Board, shall maintain the integrity of the residential character of the hamlet and immediate neighborhood.
 - ii. The Planning Board, during Site Plan review, may require pedestrian or vehicle interconnections, if applicable, between neighboring properties in order to protect the health and safety of the public and to reduce traffic congestion.
 - iii. Business uses that generate vehicular visits should provide adequate parking in accordance with the Town parking requirements found in Article V, Section B to the greatest extent practicable and in a manner and style that does not diminish the residential qualities of the hamlet and the immediate neighborhood. The Planning Board remains responsible for determining the necessity and adequacy of parking.
 - iv. If feasible and applicable, parking shall be located behind the front façade line of the principal dwelling unit on the lot or preferably behind the building and it shall be suitably screened with planting and/or fencing approved by the Planning Board.
 - d. **Lighting.**
 - i. All exterior lighting, including lighting fixtures, lighting of walks and of parking areas shall be accomplished with low level lighting in a residential style and in accordance with the lighting standards found in Article V, Section V of the Zoning Law.

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- ii. The maximum height of any freestanding light fixture shall be eight (8) feet.
 - iii. No light source shall be positioned or installed so as to cause glare or spillage into neighboring property beyond that normally associated with residential use.
- e. Signs.
- i. Business uses shall have no more than one (1) sign.
 - ii. Maximum sign area shall not exceed eight (8) square feet of total sign area.
 - iii. Lighting of such sign is permitted by direct illumination (no internal illumination or translucent signs permitted), provided the lighting source is entirely screened from view and otherwise conforms to Article V, Section C.
 - iv. Signs shall otherwise comply with the requirements of Article V, Section C. [\[Back\]](#)