

**SECTION V  
TECHNIQUES FOR LOCAL IMPLEMENTATION  
OF THE PROGRAM**

**A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP**

**1. Existing Town Laws and Regulations**

a. Zoning Law (Town Code Chapter A 136)

As stated earlier in Section II of this LWRP, the below discussion of the "Zoning Law" is based on the Town's Zoning Law, as adopted in 1989 and underpinned by the Town's then-current Comprehensive Plan. The Comprehensive Plan is presently being updated and with it anticipated recommendations will be made by the Master Plan Committee for amendments to the Zoning Law to reflect even more strongly than does the present Zoning Law the land use policies discussed in Section III of this LWRP.

- 1) The Zoning Law regulates how land is to be used, at what density and intensity and under what conditions. Most of the Local Waterfront Revitalization Area within the Town is zoned for residential use and the bulk is designated within the R5A Residential District for limited residential density (one single-family or two-family dwelling permitted for each 5 acres). Utilization of this five acre category assists the Town in preserving its rural, low density qualities and appearance and in protecting the scenic, historic and natural features of the waterfront areas of the Town.

Permitted uses in the R5A District include primarily agriculture and conservation uses, private stables, and one- and two-family dwellings. Special permit uses in this District include: elderly residential development, educational and/or institutional uses, hospitals, nursing homes, alternate care facilities, and offices, conference centers and land-extensive recreational and other uses, e.g. cemeteries, that are suitable for large lot, low-density areas and might serve as appropriate adaptive re-use opportunities for the large estates within the District. Authorized waterfront uses include marinas, boat clubs, docks and boat ramps.

The R3A Residential District, where the minimum residential lot area is three acres, is found north of the Village and east of the Rhinebeck Kill, as well as south of the R1A Residential District adjacent to the Village and east of Route 9. Permitted uses in the R3A District are the same as those in the R5A District; however, some additional

special permit uses are indicated for the R3A District which include but are not limited to fairgrounds, hotel or motel, public or franchise utility stations or structures, and extractive operations including soil mining.

Some portions of the waterfront area, primarily the hamlet of Rhinecliff, both sides of the Route 308 corridor between Rhinecliff and the Village of Rhinebeck and the Old Post Road corridor north of the Village, are zoned within the R1A Residential District, which generally requires a minimum lot area of one acre. Permitted uses are slightly more restrictive in the R1A District, and special permit uses are somewhat fewer than in the in the other two residential districts; however, multi-family or row dwellings and townhouses are allowed as a special permit use in this district as is private commercial parking on land abutting a business district.

Pursuant to Section 278 (formerly Section 281) of New York State Town Law, and with the specific authorization of the Town Board, the Planning Board may authorize clustering of dwelling units in the R5A, R3A ad R1A Districts, provided that the density remains the same as is required for single-family dwellings. In fact, the Planning Board is further empowered to mandate the use of open space or cluster subdivision as a land development technique where the Board finds this approach to be desirable to carry out a beneficial development pattern while protecting natural and other environmental features of a project site and its adjoining lands.

The Town's Land Conservation (LC) category has been designed for environmental preservation purposes. Ferncliff Forest and portions of the Mudder Kill are included in this designation, as are lands extending 75 feet from the high water mark on both sides of NYSDEC-classified streams within the Town of Rhinebeck. The LC District is complemented by Flood-Fringe Overlay (FF-O) and Water Resource Protection Overlay (WRP-O) Districts.

Commercial zoning within the Town's waterfront revitalization area is quite limited with one area within the hamlet of Rhinecliff designated Rhinecliff Business (RB), an area along Hook Road in the northern portion of the Town (close to the Kingston-Rhinecliff Bridge approach) designated for Highway Business Park (HBP), and an area south of the Village boundary and east of Route 9 designated Gateway (G) District.

Sign regulations, parking standards, general performance standards, including criteria on storage of flammable liquids and descriptions of the threshold levels of noise, smoke, odor, particulate matter, noxious gases, glare or

radioactivity that would be considered a nuisance or be detrimental to neighboring properties are also included within the Zoning Law.

In addition, a detailed site plan review procedure and associated submission requirements and review criteria are incorporated within the Zoning Law, including reference to the Town's Design Guidelines. Site plan review is used to assure that the proposed development of a site is acceptable and consistent with all of the regulations. Since much of the land in the coastal area includes large estates that are to some extent subject to development pressures, thorough site plan review is necessary to preserve the desirable resources of the Town. Currently, site plans are generally required within the Town for use other than individual one- or two-family dwellings and agricultural or conservation uses permitted as a matter of right.

2. The Zoning Law deals most closely with Policies 1 and 2 of the LWRP relating to development in the waterfront revitalization areas. However, the large lot, low density residential zoning, particularly when coupled with clustering, can help to:
  - Protect historic properties along the riverfront, so that this ordinance also can serve to implement Policies 23 and 23A;
  - Provide sufficient area for buffer and setback areas to preserve scenic vistas and scenic roads implementing Policies 24A and 24B;
  - Provide a means to preserve natural habitat and environmentally sensitive areas to enforce Policies 7, 7A, 7B and 44; and
  - Continue agricultural activity in the Town, furthering Policy 26A.

The Land Conservation District regulations particularly address Policy 7A on the protection of the natural resources of Ferncliff Forest, Policy 7B on protection of streams, Policies 11 and 17 on flooding hazards and Policy 44 on protection of wetlands.

Sign regulations primarily implement the scenic quality policies 24A and 24B, and the section on storage of flammable liquids, complemented by the standards set forth for the WRP-O District, implements Policy 36 relating to the shipment and storage of petroleum and other hazardous materials.

The General Performance Standards can be used to implement policies dealing with protection of the natural environment, particularly Policies 7 and 44; protection of ground and surface waters, Policies 30 and 38; and maintenance of air quality standards, Policy 41.

In addition, since a site plan shows existing and proposed uses, structures, and features for a particular parcel of land and includes an inventory of open space, major natural and man-made landscape features, utility and drainage plans and access and circulation patterns, the reviewing board can examine each component part of the plan, the interrelationship of the parts and how the proposed plan relates to the surrounding area. In this way, the following policies of the LWRP can be implemented: Policies 1, 2 and 5 on development of waterfront areas; Policies 23, 23A on protection of historic sites and areas; Policies 24A and 24B on protecting and enhancing scenic resources, e.g. by requiring suitable buffer areas to maintain the open space appearance of scenic roads; Policies 7, 7A, 7B and 44, by requiring suitable setbacks to protect environmentally sensitive areas such as wetlands or animal habitat areas; Policies 11, 12 and 17 on suitable siting of buildings and other structures and undertaking activities to minimize flooding and erosion hazards; Policies 18 and 27 on possible siting of major facilities in the coastal area; and Policies 33, 38 and 39 on protecting coastal waters.

b. Local Law Regulating Usage of the Town Dock (Town Code Chapter 58)

- 1) This local law indicates that the Town dock areas are closed to the general public and to all vehicles between 10:30 PM and 5:30 AM.
- 2) This local law has been designed to regulate the hours of public use of the Town dock in order to try to promote safe use of a public site that offers opportunities for public access for waterfront recreation activities and commercial fishing activities. This law therefore implements or enforces public access Policy 19A relating to the Rhinebeck Town Dock.

c. Local Law Regulating Disposal of Solid Wastes (Town Code Chapter 95)

- 1) This local law regulates the disposal of garbage and rubbish in the Town by establishing a comprehensive solid waste management / resource recovery facility program.
- 2) This local law implements Policy 38 of the LWRP by protecting the quality of groundwater and surface water supplies.

d. Historic Buildings Protection Law (Town Code Chapter 78) (See Appendix D)

- 1) This local law provides for the recognition of historic buildings within the Town and establishes a process providing for "careful, thoughtful evaluation of any proposed action that would cause the demolition or removal of any such recognized historic building".

- 2) This local law implements Policies 23 and 23A on the protection of historic structures.
- e. Environmental Quality Review Regulations (Town Code Chapter 68)
- 1) These Town regulations implement the State Environmental Quality Review Act. These regulations adopt the State regulations by reference and establish thresholds and procedures to assure full review of environmental impacts of proposed actions, improvements and developments within Rhinebeck.
  - 2) These regulations further specify the Town's lead agency for certain direct actions and should be modified, in response to intervening changes in State enabling legislation, to provide for the Town Board, instead of the Planning Board, as lead agency for consideration of the Town's Comprehensive Plan.
  - 3) These regulations implement and enforce many policies described in the LWRP, but they are especially relevant to: Policies 1, 2, and 5 on redevelopment of waterfront areas; Policies 7, 7A, 7B and 44 on protection of natural areas and fish and wildlife habitats; Policy 8 on protection of fish and wildlife from the introduction of hazardous wastes; Policies 11 through 17 relating to flood and erosion hazards; Policy 18 regarding proposed actions; Policy 21 involving water-dependent and water-enhanced recreation; Policies 23 and 23A involving protection of historic sites; Policies 24A and 24B, regarding scenic quality; Policy 26A, involving the protection of agricultural lands; Policy 27, about siting energy facilities in the coastal area; Policy 28 on ice management practices; Policy 29 relating to any development of energy resources; and Policies 30, 32, 33 and 35 through 41 pertaining to water and air resources.
- f. Flood Damage Prevention Local Law (Town Code Chapter 73)
- 1) This local law regulates development within the flood hazard areas of the Town, as defined on the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA).
  2. This local law can be used to minimize danger to life and damage to property, thus implementing the following flood hazard prevention policies of the LWRP: Policy 11, on siting of structures to minimize damage; Policy 12, on protection of natural protective features including bluffs; Policy 14, preventing increase in flooding; and Policy 17, on use of non-structural measures to minimize damage from flooding.

g. Land Subdivision Regulations (Town Code Chapter 101)

- 1) The Town's Land Subdivision Regulations specify how vacant land in the coastal area can be divided into building lots. The regulations included procedures for submitting plans; how lots are to be laid out; how sanitary wastes must be treated; how the water supply and distribution system is to be handled; how road and drainage improvements must be implemented. The Town Planning Board can mandate the use of cluster or open space subdivision for a particular parcel.
- 2) The Land Subdivision Regulations are important in implementing several policies of the LWRP including: Policies 1 and 2 on appropriate utilization or redevelopment of waterfront parcels; Policy 5, for suitable location of development with regard to public services and facilities; and Policy 17 on use of non-structural means of erosion control whenever possible. Moreover, by utilization of "open space subdivision" or clustering arrangements, these regulations can be used to: protect historic sites and areas, Policies 23 and 23A; to protect and enhance scenic resources, Policies 24A and 24B; protect environmentally significant areas, Policies 7, 7A, 7B and 44; maintain agricultural areas, Policy 26A; and require appropriate siting of buildings and structures and undertaking of activities to avoid flooding and erosion hazards, Policies 11 and 12.

As in the instance of the Town's Zoning Law, it is anticipated the Land Subdivision Regulations will also be amended upon recommendation of the present Master Plan Committee to more strongly reflect the land use policies set forth in Section III of this LWRP.

3. Additional Local Laws, Amendments to Existing Local Laws and Regulations Adopted or Proposed to Further LWRP Implementation

a. Proposed Draft LWRP Waterfront Consistency Review Law (See Appendix C)

- 1) This proposed law is to be adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
- 2) The purpose of this proposed law is to provide a framework for agencies of the Town of Rhinebeck to incorporate the policies and purposes contained in the Town of Rhinebeck Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions within the

coastal area; and to assure that such actions and direct actions by Town agencies are consistent with the LWRP policies and purposes.

- 3) It is the intention of the Town of Rhinebeck that the preservation, enhancement and utilization of the unique coastal area of the Town take place in a coordinated and comprehensive manner to ensure a proper balance between protection of natural resources and the need to accommodate limited population growth and economic development. Accordingly, this proposed local law is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing loss and degradation of living coastal resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural coastal processes; impairment of scenic, cultural or historical resources; losses due to flooding, erosion and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.
  - 4) This local law defines the role of various Town officials, boards and agencies in the review process to determine consistency and provides for the Conservation Advisory Council (CAC) to serve in the role of Waterfront Advisory Committee.
- b. Zoning Law Amendment / Uses Authorized in R1A and R5A Zoning Districts (Town Code Chapter A 136)
1. The uses authorized within the R1A and R5A Districts under the Town's Zoning Law were amended in 1991 such that marinas, boat clubs, docks and boat ramps were added as special permit uses.
  2. These revisions primarily serve to implement Policy 2 on siting of water-dependent uses and Policy 12 on preservation of natural protective features.
- c. Zoning Law Amendment / Regulations for the Siting of Utilities and Transmission Towers (Town Code Chapter A 136)
- 1) The Town Zoning Law was revised in 1999 to include conditions for the appropriate siting of utilities and transmission towers (i.e. communications facilities and towers) to protect environmental features, scenic resources and public access to the water.
  - 2) Such revisions serve to implement Policies 7A, 7B and 44 on protection of environment features, Policies 24A and 24B on protection of scenic

resources, Policies 2 and 22 on siting of water-dependent uses and Policies 19 and 20 on public access to the shorefront.

**B. OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP**

In addition to the local laws and regulations identified in subsection A above, a number of other public and private actions will be necessary to implement to Town's LWRP:

**1. Local Government Actions Necessary to Implement the LWRP**

a. Preparation and Use of Zoning Guides

These zoning guides will be used to clarify and interpret existing regulations and procedures for municipal officials, reviewing boards and applicants. The guides will consist of a series of pamphlets which will be distributed, as appropriate, according to the types of action.

These zoning guides will primarily be used to implement Policy 6 by expediting permit procedures. In addition, since the guides provide information and clarification on procedures for site plan review and subdivision review, they may strengthen use of above implementation steps discussed above.

Ultimately it is the Town's hope these guides and similar materials will be available on the Town web-site.

b. Preparation and Use of a Cultural Resources Map

Rhinebeck has prepared a cultural resources brochure with map which describes and locates places of scenic and historic importance, recreational sites and community points of interest within the Town, as well as a description and map of the Mid-Hudson Historic Shorelands Scenic District / Local Waterfront Revitalization Area.

This brochure with map is to be used by residents and visitors to increase their knowledge of and interest in natural and man-made resources of the Town. As such, it primarily implements Policy 1A on encouraging economic growth of the business sector of the Town. In addition, by increasing community awareness of its valuable historic, scenic and recreational resources, in the long run it may serve to increase the extent of efforts to preserve those resources.

c. Establishment of Position of Historic Preservation Advisor

The historic preservation advisor works with Town boards and applicants to preserve, protect and enhance historic properties.

The efforts of historic preservation advisor will serve to implement Policies 23A and 24A on protection of historic and scenic resources.

d. Use of the Scenic District Handbook

The Handbook includes development and design guidelines so that natural and historic features can be protected, proposed developments can be designed to be consistent with the character or quality of the existing natural, scenic and historic environment. Developers can utilize the guidelines in planning projects or developments that will preserve and enhance scenic, historic and natural features of the Town and that will be compatible with existing development consistent with the recommendations set forth in the Mid-Hudson Historic Shorelands Scenic District Management Plan. The Handbook will be used by municipal boards when reviewing proposed development projects, primarily in site plan and subdivision review.

The guidelines in the Handbook can be used to implement several policies in the LWRP, including Policy 1 on revitalizing and redeveloping waterfront areas; Policy 2 on siting of water-dependent uses; Policies 7A, 7B and 7C on protecting significant fish and wildlife habitats; Policy 11 on siting of structures in the coastal area relative to flooding and erosion hazard areas; Policies 23, 23A, 24A and 24B on protection and enhancement of historic and scenic structures, features and areas; Policy 26A on protection of agricultural lands; and Policy 44 on protection of wetlands.

e. Use of the Scenic Roads Handbook and Efforts to Improve and/or Maintain Roadside Conditions

A variety of techniques will be utilized to improve or maintain roadside conditions, particularly on designated scenic roads. Conservation easements held by not-for-profit groups or municipalities will be encouraged to limit development immediately adjacent to the roadway. Local boards will use guidelines in the Scenic Roads Handbook as they work with local utility companies and local, County and State highway, transportation and/or public works departments to accomplish the underground placement of utility wires, appropriate preservation or trimming of trees, and appropriate road maintenance and improvement procedures to increase safety and protect stone walls and existing trees. Decisions on road realignments,

resurfacing, speed postings, drainage work, snow removal, de-icing and any other roadway procedures should be made with regard to protection of scenic concerns.

Coordination of efforts to improve roadside conditions and to maintain and enhance scenic and historic areas and features will serve primarily to implement Policies 23, 23A, 24A and 24B.

f. Efforts to Reduce or Minimize Traffic Congestion at Intersections

Local boards and agencies at the Town and Village levels will work with the Town Highway Department, County Department of Public Works and/or State Department of Transportation to improve traffic conditions and reduce or minimize congestion at the intersection of major highways, particularly at the junction of Routes 9 and 308 in the Village of Rhinebeck and preferably through non-structural means including the encouragement of greater reliance on non-vehicular travel modes, including restoration of ferry service linking the Town Landing at Rhinecliff with nearby communities such as Kingston and Tivoli.

The Dutchess County Department of Planning undertook a transportation study which included a series of recommendations for improving present and future conditions at the intersections that are currently the most congested and that will probably be most heavily impacted by future development. The Town needs to determine which recommendation(s) it wishes to implement and work with the Village of Rhinebeck, the Town Highway Department, the County Department of Public Works and/or State DOT, as appropriate, to effectuate necessary changes.

Efforts to improve traffic conditions in the coastal area will implement Policy 19.

g. Use of Tax Incentives for New Waterfront Businesses

Under Section 485-b of the Real Property Tax Law the Town could initiate a program to grant tax incentives for new businesses that may locate along the shoreline for water-related uses that would be compatible with the existing built and natural environments, particularly where water-related recreation facilities represent a primary or multiple use of a parcel. Initial reduction of taxes could be up to 50% with decreasing incentives for the next nine years.

The Town's granting of tax incentives for development of compatible water-related uses would serve primarily to implement Development Policies 1, 1A and 2.

h. Expanded Use of Land Conservation District or Other Protective Mechanisms

Consideration might be given to expanded use of the Land Conservation District, the Water Resources Protection Overlay (WRP-O) District, or other mechanism to protect bluff areas, ridgelines, the Snyder Swamp and Millpond areas, and other environmentally sensitive areas within the LWRA.

Expanded use of the Land Conservation District or other mechanism would primarily implement Policies 7A and 7B on protection of significant habitat areas and Policy 44 on preservation of wetlands.

i. Request for Expansion of Railroad Station Parking Area

Town officials will continue to seek the cooperation and assistance of the New York State Department of Transportation and other concerned parties to enlarge the parking area near the Rhinecliff railroad station to accommodate additional numbers of train passengers and users of the Town Landing / Rhinecliff Dock facilities. This request will primarily implement Policy 19A on providing facilities to assure public access to Rhinebeck Dock area.

j. Request for Reclassification of Streams

The Town will continue to request that stream classifications be upgraded by NYSDEC so that stream corridors are adequately protected under the NYS Stream Protection Act.

k. Communication with Dutchess County Department of Public Works Concerning LWRP

Portions of River Road, South Mill Road, Morton Road and Mill Road are State-designated Scenic Roads. It is important to the preservation of the scenic character of these roadways that Dutchess County DPW employ maintenance and management techniques that will enhance and not destroy the scenic elements of these highway corridors, including such features as the presence of mature trees, stone walls, stone culverts and bridges, and limited but adequate cartway width.

l. Local Law No. 1, 2004, Greenway.

The Town Board's enactment of Local Law No. 1 of the Year 2004 provided for (1) the adoption of Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities as a statement of land use policies and principles and guides to supplement other established land use policies in the Town and (2) through related amendments to the Town's Zoning Law and Land

Subdivision Regulations for guidance to reviewing agencies that the adopted policies, principles and guides may be taken into account in consideration of any discretionary action under these land use regulations.

Use of appropriate maintenance and management techniques would serve to implement Policies 24A and 24B on preservation and enhancement of scenic resources.

**2. Joint Public and Private or Not-for-Profit Organization Efforts Necessary to Implement the LWRP**

a. Use of Conservation Easements

- 1) Conservation easements may be held by municipalities or qualified not-for-profit organizations, such as local land trusts, as a means of limiting development in areas of historic, scenic, agricultural or environmental value.
- 2) Use of conservation easements could serve to preserve scenic, historic, agricultural and environmentally sensitive areas and thus can implement: Policies 7 and 44 on preservation of natural features and habitats; Policies 23, 23A, 24A and 24B on scenic and historic resources, and Policy 26A on agricultural resources.

b. Use of Facade Easements

- 1) Facade easements held by municipalities or not-for-profit organizations can be used to prevent the alteration of, and facilitate the renovation of, historically significant buildings.
- 2) The use of façade easements can serve to implement Policies 23 and 23A on preservation and enhancement of historic structures.

**C. MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP**

**1. Local Actions**

At the local government level, cities, towns, or villages with adopted Local Waterfront Revitalization Programs (LWRPs) are required to enact consistency provisions applicable to municipal agency decision-making, such as decisions involving actions requiring zoning changes, subdivisions, site plans, special use permits, municipal construction projects, and funding activities.

LWRP consistency review procedures are distinct but integrally tied to the State Environmental Quality Review Act (SEQRA) procedures. All Town agencies contemplating a direct action or receiving an application for approval of an action by others shall follow review and certification procedures set forth in the Town's proposed LWRP Consistency Review Law. (See Appendix C)

The Supervisor of the Town of Rhinebeck and the Town Board will be responsible for overall management and coordination of the LWRP. Each Town agency will be responsible for determining whether its actions are consistent with the LWRP. A Waterfront Advisory Committee (WAC), as presently constituted pursuant to Town Code Chapter 118 in its entirety of all appointed members of the Town's Conservation Advisory Council (CAC), has been and will continue to be appointed by the Town Board to make recommendations to the Town Supervisor, the Town Board and other responsible Town agencies involved in the financing, permitting or approval of projects within the LWRA concerning consistency of actions with the Coastal Policies.

Whenever a proposed action is located with the waterfront area, the local agency under whose jurisdiction that action falls shall, prior to approving or permitting, funding or undertaking the action, seek the advice of the CAC. The CAC's advice shall be presented in writing and include, along with its consistency recommendation, any suggestions for modifications the referring official or agency might consider that would make the proposed action more consistent with the LWRP or help advance the LWRP policies and standards.

Upon receipt of the CAC's report, the local agency with jurisdiction to approve or permit, fund or undertake the proposed action will consider the recommendations of the CAC and make its own determination as to whether the proposed action is consistent to the maximum extent practicable with the LWRP or, absent such a finding, either recommend or impose, as pertinent, modifications that would have to be incorporated in the proposed action to merit a determination of consistency with the LWRP.

If the agency determines that the action would cause a substantial hindrance to the achievement of LWRP policy standards and conditions, such action shall not be undertaken unless the agency determines with respect to the proposed action that:

- No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;
- The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions to the maximum extent practicable; and

- The action will result in an overriding Town, regional or State-wide public benefit.

Such a finding shall constitute a determination that the action is consistent to the maximum extent practicable.

Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Waterfront Advisory Committee. Such files shall be made available for public inspection upon request.

**2. Local Review of Proposed State and Federal Actions**

Proposed State and federal actions within the Town's waterfront revitalization area will be reviewed in accordance with the below-stated guidelines established by the New York State Department of State and set forth in Appendix F.

**D. SUMMARY CHART OF LOCAL IMPLEMENTATION OF LWRP POLICIES**

<b><u>Policy</u></b>	<b><u>Implemented or Enforced by:</u></b>
<b>Policy 1</b>	<ul style="list-style-type: none"> <li>- Environmental Quality Review Regulations.</li> <li>- Flood Damage Prevention Local Laws.</li> <li>- Zoning Law.</li> <li>- Improvements to Rhinebeck Town Dock.</li> <li>- Site Plan Review.</li> <li>- Use of Scenic District and Scenic Roads Handbooks.</li> <li>- Land Subdivision Regulations.</li> <li>- Private and/or Public Efforts to Establish Water-Related Recreation Facilities at Coastal Access Points.</li> <li>- Local Consistency Laws.</li> <li>- Possible Use of Tax Incentives for New Waterfront Businesses.</li> <li>- Creation of a Trail System.</li> </ul>
<b>Policy 1A</b>	<ul style="list-style-type: none"> <li>- Use of Cultural Resources Map.</li> <li>- Use of Tax Incentives for New Waterfront Businesses.</li> </ul>
<b>Policy 2</b>	<ul style="list-style-type: none"> <li>- Environmental Quality Review Regulations.</li> <li>- Zoning Law.</li> <li>- Flood Damage Prevention Local Laws.</li> <li>- Improvements to Rhinebeck Town Landing.</li> <li>- Use of Scenic District and Scenic Roads Handbooks.</li> <li>- Site Plan Review.</li> <li>- Land Subdivision Regulations.</li> </ul>

- Private and/or Public Efforts to Establish Water-Related Recreation Facilities at Coastal Access Points.
  - Local Consistency Laws.
  - Possible Use of Tax Incentives for New Waterfront Businesses.
  - Revisions to R-1A and R-5A District Special Permit Uses.
  - Regulations for Siting of Utilities and Communications Towers and Facilities.
- Policy 3** - Not applicable.
- Policy 4** - Not applicable.
- Policy 5** - Environmental Quality Review Regulations.  
 - Site Plan Review.  
 - Zoning Law.  
 - Land Subdivision Regulations.
- Policy 6** - Assignment of Responsibility for Coordinating and Reviewing Coastal Area Development to Waterfront Advisory Committee  
 - Keeping All Agencies Aware of LWRP and Consistency Review Procedures as Basis of Expediting Review.  
 - Local Consistency Laws.  
 - Use of Zoning Guide.
- Policy 7** - Not applicable.
- Policies 7A, 7B, 7C, 7D, and 7E** - Environmental Quality Review Regulations.  
 - Zoning Law.  
 - Flood Damage Prevention Local Laws.  
 - Site Plan Review.  
 - Land Subdivision Regulations.  
 - Maintenance of Stream Monitoring Program.  
 - Use of Scenic District and Scenic Roads Handbooks.  
 - Use of Conservation Easements.  
 - Request for Reclassification of Streams.  
 - Expanded Use of Land Conservation District, WRP-O District, or Other mechanism  
 - Examine Feasibility of Extending Village Sewer System to Rhinecliff or Alternative Facility Arrangement.  
 - Regulations for Siting of Utilities and Communications Towers and Facilities.

- Policy 8**
  - Environmental Quality Review Regulations.
  - Review of Proposals through Land Use Permitting Procedures Included in the Zoning Law.
  
- Policy 9**
  - Creation of Scenic Lookout / Parking Areas.
  - Improvements to Rhinebeck Town Dock.
  
- Policy 10**
  - Improvements to Rhinebeck Town Dock.
  
- Policy 11**
  - Flood Damage Prevention Local Laws.
  - Environmental Quality Review Regulations.
  - Zoning Law.
  - Land Conservation District and WRP-O District in Zoning Law.
  - Land Subdivision Regulations.
  - Site Plan Review.
  - Use of Scenic District and Scenic Roads Handbooks.
  
- Policy 12**
  - Flood Damage Prevention Local Laws.
  - Environmental Quality Review Regulations.
  - Land Conservation District and WRP-O District in Zoning Law.
  - Land Subdivision Regulations.
  - Site Plan Review.
  - Use of Scenic District and Scenic Roads Handbooks.
  - Revision to R-5A District Setback Requirements.
  
- Policy 13**
  - Environmental Quality Review Regulations.
  
- Policy 14**
  - Flood Damage Prevention Local Laws.
  - Environmental Quality Review Regulations.
  
- Policy 15**
  - Environmental Quality Review Regulations.
  
- Policy 16**
  - Environmental Quality Review Regulations.
  
- Policy 17**
  - Flood Damage Prevention Local Laws.
  - Environmental Quality Review Regulations.
  - Zoning Law.
  - Land Subdivision Regulations.
  - Site Plan Review.
  - Use of Scenic District and Scenic Roads Handbooks.
  
- Policy 18**
  - Environmental Quality Review Regulations.
  - Zoning Law.

- Site Plan Review.
- Policy 19**
  - Improvements to Rhinebeck Town Dock.
  - Creation of Scenic Lookout / Parking Areas.
  - Regulations for Siting of Utilities and Communications Towers and Facilities
  - Efforts to Secure Agreements and/or Funding for Maintenance, Repair and/or Installation of Bridges over the Railroad Tracks.
  - Local Law Regulating Usage of the Town Dock.
  - Request for Expansion of Railroad Parking Area.
  - Restoration and Expansion of Ferry Service.
- Policy 20**
  - Improvements to Rhinebeck Town Dock.
  - Regulations for Siting of Utilities and Communications Towers and Facilities.
- Policy 20A**
  - Efforts to Secure Agreements and/or Funding for Repair, Maintenance and/or Installation of Bridge(s) over the Railroad Tracks.
- Policy 21**
  - Environmental Quality Review Ordinances.
  - Improvements to the Rhinebeck Dock.
  - Creation of Scenic Lookout / Parking Areas.
  - Establishment of a Trail System.
- Policy 21A and 21B**
  - Private and/or Public Efforts to Establish Water-related Recreation Facilities at Coastal Access Points.
  - Restoration and Expansion of Ferry Service.
- Policy 22**
  - Zoning Law.
- Policy 23**
  - Environmental Quality Review Regulations.
  - Zoning Law.
  - Land Subdivision Regulations.
  - Site Plan Review.
  - Historic Buildings Protection Law.
  - Efforts of Historic Preservation Advisor.
  - Use of Scenic District and Scenic Roads Handbooks.
  - Work with Utility Companies, Town Highway Department, County Department of Public Works and/or State Department of Transportation to Maintain and Improve Roadside Conditions.
  - Private Efforts to Preserve Wilderstein Property, Lodge and Adjacent Lands.
  - Efforts to Establish Historic Preservation Programs.
  - Use of Conservation Easements.
  - Use of Facade Easements.

- Support of Activities of Winnakee Land Trust and Other Conservation Organizations.

**Policy 23A**

- Environmental Quality Review Regulations.
- Zoning Law.
- Land Subdivision Regulations.
- Site Plan Review.
- Historic Buildings Protection Law.
- Efforts of Historic Preservation Advisor.
- Use of Scenic District and Scenic Roads Handbooks.
- Work with Utility Companies, Town Department of Highways, County Department of Public Works and/or State Department of Transportation to Maintain and Improve Roadside Conditions.
- Support of Activities of Winnakee Land Trust and Other Conservation Organizations.
- Efforts to Repair Stone Walls.
- Efforts to Establish Historic Preservation Programs.
- Use of Conservation Easements.
- Use of Facade Easements.

**Policy 24**

- Not Applicable.

**Policies 24A,  
24B, and 24C**

- Environmental Quality Review Regulations.
- Zoning Law.
- Site Plan Review.
- Land Subdivision Regulations.
- Efforts of Historic Preservation Advisor.
- Use of Scenic District and Scenic Roads Handbooks.
- Work with Utility Companies, Town Department of Highways, County Department of Public Works and/or State Department of Transportation to Maintain and Improve Roadside Conditions.
- Private Efforts to Preserve Wilderstein Property, Lodge, and Adjacent Lands.
- Efforts to Establish Historic Preservation Programs.
- Use of Conservation Easements.
- Creation of Pull-Offs to View Scenic Vistas.
- Repair or Replacement of Lookout Tower at Ferncliff Forest.
- Support of Activities of Winnakee Land Trust and Other Conservation Organizations.
- Efforts to Repair Stone Walls.
- Revisions to R-5A District Requirements.
- Regulations for Siting of Utilities and Communications Towers and Facilities
- Communication with Dutchess County Department of Public Works.

- Efforts to Preserve Existing Trees and Plant New Trees.
- Policy 25** - See Policies 24A and 24B.
- Policy 26** - Environmental Quality Review Regulations.  
- Land Subdivision Regulations.  
- Site Plan Review.  
- Zoning Law.  
- Use of Scenic District and Scenic Roads Handbooks.  
- Use of Conservation Easements.  
- Identify Open Space Areas for Preservation and/or Protection.
- Policy 27** - Environmental Quality Review Regulations.  
- Site Plan Review  
- Zoning Law.
- Policy 28** - Environmental Quality Review Regulations.
- Policy 29** - Not applicable
- Policy 30** - Environmental Quality Review Regulations.  
- Site Plan Review.  
- Maintenance of Stream Monitoring Program.  
- Possible Extension of the Rhinebeck Village Sewer System to Rhinecliff of Alternative Facility Arrangement
- Policy 31** - Request for Reclassification of Streams.
- Policy 32** - Environmental Quality Review Regulations.
- Policy 33** - Environmental Quality Review Regulations.  
- Site Plan Review.  
- Efforts to Provide Public Sewer Service to Hamlet of Rhinecliff.
- Policy 34** - Environmental Quality Review Regulations.
- Policy 35** - Environmental Quality Review Regulations.
- Policy 36** - Environmental Quality Review Regulations.  
- Zoning Law, including General Performance Standards on Storage of Flammable Liquids and WRP-O District Regulations.
- Policy 37** - Environmental Quality Review Regulations.

- Policy 38**
  - Environmental Quality Review Regulations.
  - Town Regulations on Solid Wastes Management / Recycling Facilities.
  - Site Plan Review.
  - Maintenance of Stream Monitoring Program.
  - Possible Extension of Rhinebeck Village Sewer System to Hamlet of Rhinecliff or Alternative Facility Arrangement.
  
- Policy 39**
  - Environmental Quality Review Regulations.
  - Zoning Law.
  - Site Plan Review.
  
- Policy 40**
  - Environmental Quality Review Regulations.
  - Site Plan Review.
  
- Policy 41**
  - Environmental Quality Review Regulations.
  - Zoning Law.
  
- Policy 42**
  - Request for Reclassification of Streams.
  
- Policy 43**
  - General Performance Standards Section of Zoning Law.
  
- Policy 44**
  - Environmental Quality Review Regulations.
  - Zoning Law.
  - Use of Conservation Easements.
  - Expanded use of Land Conservation District, WRP-O District, or Other Mechanism.
  - Flood Damage Prevention Local Laws.
  - Land Subdivision Regulations.
  - Use of Scenic District and Scenic Roads Handbooks.
  - Identify Open Space Areas for Preservation and/or Protection.
  - Regulations for Siting of Utilities and Communications Towers and Facilities

**E. COST IMPLICATIONS OF PROJECTS AND PROGRAMS IN THE LWRP**

There are three main funding implications associated with implementation of the Town's LWRP. These are the administrative costs involved in the continued local management of the LWRP, the capital and revenue costs involved in project implementation, and the costs related to maintenance and upkeep of projects.

### Administration Costs

Management costs associated with the administration of the LWRP must be budgeted by the Town and financed out of general revenues. This may involve creating a separate budget item for the administration of the LWRP to cover the costs of consistency reviews, fulfilling reporting requirements, and general administrative and clerical needs if the Town finds that this adds significantly to the Town Board costs.

### Capital Improvements

The second funding implication is the capital and revenue costs involved in project implementation. The Town has identified a number of LWRP projects designed to address and implement many of the LWRP Policies identified in Section III. These projects are discussed in detail in Section IV. Although the Town will need to take the lead in achieving the implementation of these projects, it is not necessary that the Town provide all of the financial resources to implement LWRP projects since financial assistance is available from public agencies or as part of a public/private partnership.

### Upkeep Costs

Maintenance and upkeep of public LWRP improvements will vary from year to year depending on the types of materials chosen during design and construction, and normal wear and tear from weather. Costs will likely be built into the Town annual budget.

## **F. FINANCIAL RESOURCES TO IMPLEMENT THE PROJECTS AND PROGRAMS IN THE LWRP**

Possible sources of funding are listed here as available grant programs. Most of these sources require a percentage contribution or funding match from the Town. This match is essential in leveraging public or private sector money. The local match generally can take a number of forms including money, the provision of materials by the Town, Town public works labor, and the monetary value of in-kind services or volunteer work and staff time. It is also advantageous to try to link LWRP project implementation to other capital improvement work that is going on within the Town, such as a public development proposal, property acquisition, or public water supply project, stretching the benefits of limited public funds and achieving multiple objectives.

The Town should evaluate the requirements necessary to obtain funds from a variety of public and private environmental and economic development programs. The Town may work with the New York State Department of State Division of Coastal Resources and Waterfront Revitalization to identify possible funding sources. Primary available government funding programs include:

**The New York State Clean Water/Clean Air Bond - Environmental Conservation Law Article 56.** Project eligibility should be evaluated under different Bond Act funds, including the Safe Drinking Water Fund (Title 2), the Clean Water Fund (Title 3), and the Municipal Environmental Restoration Project Fund (Title 5).

**The New York State Environmental Protection Fund - Environmental Conservation Law Article 54.** The fund, administered by NYSOPRHP, provides assistance for park, recreation and historic preservation projects. Funding for the implementation of Local Waterfront Revitalization Programs, administered by the NYSDOS, is also available through this program.

**The Federal "Superfund" - Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).** This fund provides the federal government with funds to implement short-term "removal" actions, or longer term remedial investigation and remediation of hazardous waste sites listed on the National Priorities List (NPL). The NYSDEC must request that a site be listed on the NPL. This fund was used to implement limited clean-up activities at the former Diamond International site.

**Federal Environmental Response and Spill Compensation Fund - Navigation Law Article 12.** This fund is available to states to implement investigation and clean-up of petroleum discharges and removal of underground storage tanks. The fund is also available to compensate injured parties, including municipalities which have lost revenue as a result of the discharge of petroleum.

**Clean Water State Revolving Fund for Water Pollution Control.** Financing is available to respond to non-point source pollution projects. Non-point source refers to water pollution from diffuse sources that are not directly related to a piped discharge. Examples include remediation of contamination from leaking underground storage tanks or collection and treatment of road runoff, and water body restoration such as stream bank stabilization, drainage erosion, and sediment control.

**Industrial Finance Program.** Provides low interest loans to private businesses for environmental improvement capital projects, including Brownfields site remediation and solid waste management.

**The State Revolving Fund Program** is one of the largest environmental infrastructure financing programs in the nation. Three primary loans are available through EFC: Bond-Funded Loans, Financial Hardship Loans, (including interest-free long-term), and Interest-Free Short-Term (up to two years).

**Community Development Block Grant (CDBG).** This program provides direct funding from the Department of Housing and Urban Development (HUD) for activities that support the reuse of industrial sites. CDBG funds are used for grants, loans, loan guarantees, and technical

assistance activities. Formally a federal program, New York State has been administering the program since 2000.

**Section 108 Federal Loan Guarantees.** Another HUD program, may also be applicable to the industrial site reuse effort. Eligible projects include rehabilitation of obsolete structures, property acquisition and site preparation activities that could include removal of contamination from a property.

**New York State and U.S. Departments of Transportation.** Grants and loans may be available pursuant to the DOT Safe Accountable Flexible Efficient Transportation Equity Act: A legacy for users (SAFE TEA-LU) replacing the Intermodal Surface Transportation Efficiency Act (ISTEA) formerly the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21). Other funds may be available through the Industrial Access Program (IAP) Chap 54 of Laws of 1985 - appropriations bill.

**New York State Empire State Development Corporation (EDC).** Program grants and loans are available as incentives to attract commercial development and may be applicable to Brownfields development. The Economic Development Fund is the primary funding program.

**U.S. Department of Commerce Economic Development Administration.** Grants are available to assist economic development projects.

**New York State Nonpoint Source Implementation Grants Program.** The NYSDEC has a grant program under its Nonpoint Source Implementation Grants Program. The Program provides grants for up to fifty percent (50%) of the cost of eligible nonpoint source water pollution assessment, planning, and abatement projects.

**Private Foundation Grants.** The Environmental Grantmaker's Association, 1290 Avenue of the Americas, Suite 3450 New York, New York, 10104 compiles a listing of hundreds of potential foundations and trusts which may provide funding assistance to creative environmental/economic development initiatives. The Foundation Center's satellite location at the Yonkers Public Library has a searchable database of charitable foundations.

**Greenway Communities Grant Program.** Provides funding for natural and cultural resource protection, regional planning, economic development, heritage and environmental education, and promotion of access to the Hudson River.

**Greenway Conservancy.** Provides funding for trail-related projects.

**The Environmental Protection Fund.** A legislatively designated long-term source of revenues available to meet the pressing environmental needs of the State. A portion of this funding is administered by NYS DOS for LWRP implementation.

**Land and Water Conservation Fund.** Federal monies allocated to the States by the Department of the Interior for land acquisition and development of outdoor recreation.

**Pittman-Robertson Program.** Federal monies from the Federal Aid in Wildlife Restoration Act, apportioned to the states for wildlife conservation and hunter education.

**Sport Fish Restoration Program.** Also known as the Dingell-Johnson program and amended by the Wallop Breaux Act, collects taxes on sport fishing related items and returns the monies to the states for use in fisheries management and research programs.

**Biodiversity Stewardship and Research Fund.** A legislatively designated vehicle to receive funds from a variety of sources; federal, state, and private; to support biodiversity stewardship, research, and education in New York State.

**Forest Legacy Program.** Federal monies designed to identify and protect environmentally sensitive forests that are threatened with conversion to non-forest uses.

**Environmental Benefit Project Funds and Natural Resource Damages.** If appropriate and in accord with law and guidance, may be provided for open space conservation.

**Bird Stamp and Print.** A dedicated source of revenue for management and acquisition of wetlands and associated migratory bird habitat in New York State and Canada.

**Return a Gift to Wildlife.** A state income tax donation program. The revenues are used for a variety of projects that benefit fish and wildlife.

**State Revolving Loan Fund.** Provides low-interest loans to municipalities to construct and expand sewage treatment facilities. Continuation of the state revolving loan fund depends on periodic reauthorization of the Clean Water Act with grants to states to capitalize the loan fund.

**Federal Non-Game Wildlife Funding Initiative.** Under consideration by the International Association of Fish and Wildlife Agencies, would provide a flexible program of grants to the states, funded through a federal excise tax on backpacks, mountain bicycles, tents, climbing gear, and similar outdoor recreational equipment.

Army Corps of Engineers, Civil Work Water Resources Development Program. Monies have been committed for the purpose of determining ecosystem restoration opportunities on the Hudson River. Additional federal funds are available on a matching basis for feasibility studies and implementation.

**Gifts and Donations.** A way for individuals and businesses to contribute directly to the conservation of open space through donations of land or easements.

**Natural Resource Damage Claims.** For harm to natural resources within the Hudson River ecosystem may be used for restoration projects to the extent consistent with law. A potential source of these funds is General Electric's settlement regarding the company's PCB contamination of the Hudson River.

**The Wallace Fund for the Hudson Highlands.** A private foundation supporting land acquisition in the Hudson Valley. Shared funding may be possible for properties identified for acquisition in this plan.

**The Hudson River Foundation.** A private foundation supporting research, education and public access to the river. Its purpose is to contribute to the development of sound public policy concerning the river's ecosystem.

**The Hudson River Improvement Fund.** In the fall of 1985, the Hudson River Foundation received \$1.5 million from the State of New York to endow the Hudson River Improvement Fund. Originally this money was paid to the state to settle litigation concerning the out-of-state export of Hudson River water by oil tankers--an issue first brought to public attention by the Hudson River Fisherman's Association. Through the combined efforts of Hudson River environmental groups, including Scenic Hudson, Clearwater and the New York State Department of Environmental Conservation, the Improvement Fund was created to fund projects that stress the enhancement of public use and enjoyment of the natural, scenic and cultural resources of the Hudson River and its shores.

**The Hudson River Estuary Program.** Administered by NYSDEC funds several categories of projects to improve open space and public access to the Hudson River.

**NYS Council on the Arts.** Several categories of design, program, and facility development support are available in an annual funding program.