

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

## **Town of Rhinebeck**

### **PROPOSED Local Law No. 8 Of the year 2009**

A local law to replace in its entirety Chapter 101 of the Code of the Town of Rhinebeck entitled "Subdivision of Land" approved by Resolution of the Town Board on May 12, 1988.

Be it enacted by the Town Board of the Town of Rhinebeck as follows:

#### **SECTION 1. AMENDMENTS TO THE TOWN CODE**

A new Chapter 101 is added to replace Chapter 101 in its entirety as follows:

# C H A P T E R 1 0 1

*Subdivision Regulations of the Town of Rhinebeck, Dutchess County, NY*



## LAND SUBDIVISION REGULATIONS

Prepared by the Town of Rhinebeck Planning Board

Approved by the Town Board of the Town of Rhinebeck as Local Law No. 8 of 2009

Town of Rhinebeck  
Dutchess County, New York

LAND SUBDIVISION REGULATIONS TABLE OF CONTENTS

		Page
ARTICLE I	<a href="#">Authority for Subdivision Control</a>	1
Section 101-1	<a href="#">Planning Board Empowered to Approve Plats</a>	1
ARTICLE II	<a href="#">Declaration of Policy</a>	1
Section 101-2	<a href="#">Policy and Objectives</a>	1
ARTICLE III	<a href="#">Terminology</a>	3
Section 101-3	<a href="#">Definitions</a>	3
ARTICLE IV	<a href="#">Approval Procedure</a>	9
Section 101-4.1	<a href="#">Approval Required</a>	9
Section 101-4.2	<a href="#">Pre-application Conference</a>	9
Section 101-4.3	<a href="#">Sketch Plan Review and Classification</a>	10
Section 101-4.4	<a href="#">Approval of Minor Subdivision Plat</a>	13
Section 101-4.5	<a href="#">Approval of Preliminary Plat for a Major Subdivision</a>	16
Section 101-4.6	<a href="#">Approval of Final Plat for a Major Subdivision</a>	20
Section 101-4.7	<a href="#">Building Permits and Certificates of Occupancy</a>	22
ARTICLE V	<a href="#">Required Improvements &amp; Performance Guarantees</a>	23
Section 101-5.1	<a href="#">Required Improvements</a>	23
Section 101-5.2	<a href="#">Performance Guarantees for Required Improvements</a>	25
Section 101-5.3	<a href="#">Construction of Improvements</a>	
Section 101-5.4	<a href="#">As-built Drawing Required</a>	
Section 101-5.5	<a href="#">Maintenance Bonds</a>	26
Section 101-5.6	<a href="#">General Liability Insurance</a>	27
Section 101-5.7	<a href="#">Public Franchise Utilities</a>	27
ARTICLE VI	<a href="#">Design Standards</a>	28
Section 101-6.1	<a href="#">General Requirements</a>	28
Section 101-6.2	<a href="#">Subdivision Design Standards</a>	30
ARTICLE VII.	<a href="#">Documents to be Submitted</a>	44
Section 101-7.1	<a href="#">Submission Requirements: Minor Subdivisions</a>	44
Section 101-7.2	<a href="#">Sketch Plan Submission Requirements: Major Subdivision</a>	46
Section 101-7.3	<a href="#">Preliminary Plat Submission Requirements: Major Subdivision</a>	47
Section 101-7.4	<a href="#">Final Plat Submission Requirements: Major Subdivisions</a>	51
ARTICLE VIII	<a href="#">Conservation Subdivision</a>	57
ARTICLE IX	<a href="#">Conservation Density Subdivision</a>	59
ARTICLE X	<a href="#">Waivers, Modifications and Review</a>	60
ARTICLE XI	<a href="#">Authority to Sign Plats</a>	61

ARTICLE XII	<a href="#"><u>Plat Void If Revised After Approval</u></a>	61
ARTICLE XIII	<a href="#"><u>Conflict with Other Laws</u></a>	61
ARTICLE XIV	<a href="#"><u>Amendments</u></a>	62
ARTICLE XV	<a href="#"><u>Separability</u></a>	62
APPENDIX A	<a href="#"><u>Site Resource Analysis Assessment Form</u></a>	63
APPENDIX B	<a href="#"><u>Illustrated Subdivision Design Guidelines</u></a>	67

## **ARTICLE I. Authority for Subdivision Control**

### **§ 101-1 Planning Board Empowered to Approve Plats**

- A. By resolution adopted on September 7, 1960, by the Town Board of the Town of Rhinebeck, Dutchess County, New York, the Planning Board of the Town of Rhinebeck has the power and authority to approve or disapprove plats for the subdivision of land within the unincorporated portion of the Town of Rhinebeck and to assume all other powers and duties as prescribed by Article 16 of the New York State Town Law.
- B. Accordingly, all Subdivision Plats hereinafter submitted to the Planning Board for approval shall be governed by and subject to the provisions of these Regulations, as amended from time to time by the Town Board of the Town of Rhinebeck, upon recommendation from the Planning Board.
- C. No Plat shall be approved by the Planning Board as long as the Subdivider is in performance default on any previously approved Plat within the Town of Rhinebeck.  
[\[Back\]](#)

## **ARTICLE II. Declaration of Policy**

### **§ 101-2 Policy and Objectives**

- A. It is declared to be the policy of the Town of Rhinebeck to consider Subdivision Plats as part of a plan for the orderly, economic, aesthetic, environmentally sound and efficient development of the Town consistent with its community character and the continuing needs of its people for conservation of natural and cultural resources, quality residential building sites and enjoyable open space. The Town of Rhinebeck is home to nationally significant scenic viewsheds, historic architecture, natural beauty, and rural landscapes. These Subdivision Regulations have been carefully designed in recognition of the need to protect such resources. Additional purposes and standards for Conservation Subdivisions, which are strongly encouraged in the Town, are set forth in Chapter A136, Article V, Section I of the Town Code, the Zoning Law of the Town of Rhinebeck.
- B. The following objectives, related to the public health, safety and welfare, shall guide decisions made by the Planning Board concerning all proposed development subject to the provisions of this Chapter :
  - 1. Land is to be subdivided in a way that enhances the natural and scenic resources of the area in which it is located and preserves important scenic viewsheds, environmental resources, tracts of contiguous wildlife habitat, and viable farmland.
  - 2. Land to be subdivided and developed shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood, or

- other menace, and without resulting in significant damage to the ecology and scenic characteristics of the area in which it is located.
3. Proper provision shall be made for water supply, drainage, sewage and other needed improvements and utilities.
  4. All proposed development shall be so designed as to be in harmony with the development pattern of adjacent and neighboring properties.
  5. Proposed streets shall compose a convenient system and shall be of such width, grade and location as to accommodate present and prospective traffic while minimizing impacts on the environment. Rural road standards will be promoted for development within rural areas, with requirements matching the low intensity rural purpose.
  6. All development shall be designed to facilitate adequate fire and emergency protection and provide access for firefighting and related equipment.
  7. Proper provision shall be made for permanent reservations of open space, by conservation easement held by a local land trust, for conservation, recreation, parks and trails and for the long term protection of natural drainage and significant historical and environmental features including water resources and wildlife habitats.
  8. Proper provision shall be made for leaving undeveloped natural areas and corridors to mitigate adverse environmental impacts of the proposed subdivision and to sustain a diversity of native vegetation and wildlife, to protect water resources, agricultural land, viewsheds, and to implement the Town's policies of protecting its environmental and cultural resources pursuant to the *Comprehensive Plan*, Zoning Law, Wetlands Law, and other applicable local laws.
  9. Future development shall bear a fair share of the capital costs to the Town for public improvements necessary to service such new development and shall cause improvements which can be maintained at reasonable cost.
  10. All development and related reservations of land shall be in harmony with the Town of Rhinebeck *Comprehensive Plan* including the *Significant Habitats Report* and *Open Space and Affordable Housing Implementation Plan*, the Dutchess County Plan: *Directions*, the Greenway Compact including *Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities* and shall be consistent, as applicable, with the Town's historic districts, the *Local Waterfront Revitalization Program*, the *Mid-Hudson Historic Shorelands Scenic District Management Plan*, the *Hudson Valley Scenic Roads Masterplan*, the *Scenic Areas of Statewide Significance* document and any designated Critical Environmental Areas under the State Environmental Quality Review Act (SEQR).
  11. All review under these Regulations shall be coordinated, to the extent practicable, with involved agencies at the County and State level and with other local officials,

boards and commissions including the Conservation Advisory Council and Waterfront Advisory Committee, to ensure consistent, well-informed decision-making.

- C. Conservation Subdivisions shall meet the supplemental procedures and requirements for Conservation Subdivisions as set forth in this Chapter. To the extent any conflict exists between the requirements for a Conservation Subdivision and any other section of the Town of Rhinebeck Code, the requirements for Conservation Subdivision shall apply.
- D. In their interpretation and application, provisions of these regulations shall be held to be minimum requirements. More stringent provisions may be required if it is demonstrated that different or higher standards are necessary to promote the Town's public health, safety, and welfare.
- E. Greenway Compact. The Town of Rhinebeck is a member of Dutchess County's Greenway Compact Program and has adopted *Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities*, as amended from time to time, as a statement of land use policies, principles, and guides to supplement other established land use policies in the Town. The Town of Rhinebeck Subdivision Regulations have been designed to be consistent with *Greenway Connections* and the Greenway Compact Program. In its discretionary actions under these Subdivision Regulations, the Planning Board should take into consideration said statement of policies, principles and guides, as appropriate and when in harmony with the Town *Comprehensive Plan* including the *Significant Habitats Report* and *Open Space and Affordable Housing Implementation Plan*.
- F. Affordable Housing. Proper provision for affordable housing in applicable subdivisions shall be made in accordance with the Town of Rhinebeck's Affordable Housing Program, outlined in Article V, Section CC of the Zoning Law. [\[Back\]](#)

## **ARTICLE III. Terminology**

### **§ 101-3 Definitions**

For the purpose of these Regulations, certain words and terms used herein are defined as below. Words not defined herein may be defined in Chapter 49, Building Code; Chapter 73 Flood Damage Prevention; Chapter 76, Highway Standards; Chapters 118 and 199, Waterfront Consistency and Revitalization; or Chapter A143, Zoning, or have their ordinary dictionary meaning.

**Biodiversity.** Biodiversity describes the variety of life and its processes. The term refers to all the variation in nature, including ecosystems, biological communities, species and their genes. It also refers to the interactions of organisms with each other, and with the non-biological components of their environments such as soil, water, air and sunlight. Habitats

with a high species richness (i.e. number of species) and habitats with low species richness may be equally important to overall biodiversity.

Clerk of the Planning Board: That representative or those representatives of the Planning Board, either member, employee or consultant, who shall be designated to perform the duties of the Clerk of the Planning Board for purposes of these Regulations.

Complete Application: An application for subdivision approval which includes all of the following:

- A. All information concerning the proposed subdivision in the format required by the applicable provisions of this Chapter;
- B. All application fees required by this Chapter and the escrow deposit for development review costs shall be made in accordance with Article XIV of the Zoning Law;
- C. An EAF assessing the potential environmental impacts of the proposed subdivision; and
- D. A determination by the Planning Board, or by the lead agency in the event of a coordinated review involving other agencies, that the proposed project is not likely to have a significant impact on the environment (Negative Declaration), or the filing of a Notice of Completion of a DEIS in accordance with the provisions of SEQR.

Comprehensive Plan: The official Town Board adopted document that provides a consistent policy direction to guide the immediate and long range protection, enhancement, and development of the Town of Rhinebeck. As described in Section 272-a of the New York State Town Law, the Comprehensive Plan consists of materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports, elements, appendices, and other descriptive material. Such materials identify goals, objectives, principles, guidelines, policies, standards, devices and instruments for the unincorporated area of the Town-outside the Village of Rhinebeck. The Town of Rhinebeck "Comprehensive Plan" may also be referred to as either the "The Rhinebeck Plan," the "Town Plan" or the "Town Comprehensive Plan."

Conservation Easement: A legal agreement in the form of an easement, covenant, restriction or other interest in real property created under and subject to the provisions of Article 49, Title 3 of the Environmental Conservation Law, held by a local land trust and filed at the Dutchess County Clerk's Office, which limits or restricts the development, management or use of such real property in perpetuity for the purpose of preserving or maintaining the scenic, agricultural, open, historic, recreational, archaeological, architectural or natural condition, character, significance or amenities of the property.

Day or Days: For purposes of these Regulations, the term "day" or "days" shall refer to consecutive calendar days.

Designated Town Engineer: That licensed professional engineer, either employee or consultant, who shall be chosen by the Town Board upon recommendation of the Planning

Board to perform the duties of the designated Town Engineer for purposes of these Regulations.

Designated Town Planner: That professional planner, either employee or consultant, who shall be a member of the American Institute of Certified Planners, who shall be chosen by the Town Board upon recommendation of the Planning Board to assist in the review of project-specific applications and to advise on the administration of this Chapter, the Comprehensive Plan, Town Design Guidelines and Standards, Zoning Law, Freshwater Wetlands Law, Flood Damage Prevention Law, Local Waterfront Revitalization Program, Open Space and Affordable Housing Implementation Plan, State Environmental Quality Review Act (SEQR) and related planning and regulatory review requirements.

Development Envelope. Land area within a residential building lot within which the residential building, driveway access thereto, and supporting improvements including water supply and sanitary sewage facilities, stormwater improvements and franchise utilities, lawns and accessory structures may be located. May also be referred to as “Maximum Development Envelopment,” “Maximum Disturbance Area,” “Limit of Disturbance,” “Area of Disturbance,” or “Area of Potential Effect.”

Driveway: A private way situated within a lot for vehicular traffic providing access from a street to a single dwelling or a commercial premises. “Common Driveway” is the term employed to identify a like facility which provides shared access to dwellings or commercial premises.

EAF: Environmental Assessment Form, either Short or Long Form, for the review of potential environmental impacts under the New York State Environmental Quality Review Act.

Easement: An acquired right of use on the property of another, for a specified purpose on a designated part of that property.

Engineer or Licensed Professional Engineer: A person licensed as a Professional Engineer by the State of New York.

Engineered Yield Plan: A method of determining density of a Conservation Subdivision as set forth in Article V, Section I of the Town of Rhinebeck Zoning Law.

Environmental Conservation Law: The Environmental Conservation Law of the State of New York, Chapter 43-B of the Consolidated Laws.

Historic and Cultural Resources: Buildings or other structures, objects, landscapes, archaeological resources, or sites listed or eligible for listing on the State or National Registers of Historic Places or locally designated as a historic or cultural resource by the Town Board.

Improvements: A physical change to the land or installation of certain services necessary to produce usable lots or sites from raw acreage, including, but not limited to, water and sewer facilities, recreation and open space areas, grading, pavement, curbs, gutters, stormwater management facilities, sidewalks and other pedestrian ways, bicycle paths, lanes or routes,

street signs, shade trees, sodding or seeding, buffer plantings and monuments, and lighting whether such improvement is intended to be dedicated and maintained by the public, or held in private ownership.

Official Map: A map showing streets, highways and parks heretofore laid out, which may be adopted by the Town Board in accordance with Section 270 of the Town Law.

Planning Board: The Planning Board of the Town of Rhinebeck, Dutchess County, New York.

Plat: The map of a subdivision showing the location, boundaries and proposed ownership of individual properties and associated improvements.

Preliminary Plat: The maps, drawings and other data showing the layout of a proposed subdivision, as specified in Article VII, Section 3 of these Regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout and improvements within such proposed subdivision.

Public Health Law: The Public Health Law of the State of New York, Chapter 45 of the Consolidated Laws.

Qualified Easement Holder: 1) A not-for-profit corporation organized inter alia for the conservation or preservation of real property and which has the power to acquire interests in real property. Such organization must have qualified as exempt for federal tax purposes pursuant to § 501(c)(3) of the Internal Revenue Code or any similar successor statutory provision; or 2) The state or a municipal corporation as that term is defined in section two of the General Municipal Law.

Resource Analysis: The review and evaluation of the natural, historical and cultural resources on a site, resulting in the identification of resources to be protected and establishing preliminary building envelopes, also known as potential development areas.

Resubdivision: Any change in the plat of a subdivision which has previously been filed in the Office of the Dutchess County Clerk, which change affects any street layout shown on such plat, affects any area reserved thereon for public use or changes the area or any other dimension of any lot shown thereon. A resubdivision shall be considered a subdivision for the purposes of these Regulations.

SEQR: The New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the implementing regulations 6 NYCRR 617.

Sight Distance: The distance an object 18" off the pavement (e.g. a tail light) is visible from an eye level 54" above pavement (i.e. and average seated driver's eye) measured ten (10) feet from the edge of the traveled portion of the street or such distance as the Planning Board deems appropriate. Standards promulgated by the Institute of Transportation Engineers (ITE) or the American Association of State Highway and Transportation Officials (AASHTO) may also be used in calculating sight distance.

Sketch Plan: A sketch of a proposed subdivision showing the information required by these Regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and the objectives of these Regulations. A Sketch Plan shall be drawn to scale but need not have the accuracy of an engineering drawing.

Street: A public or private right-of-way which provides vehicular access to abutting properties.

- A. Collector Road: A residential collector road collects traffic from residential areas and channels it to larger roads, such as County or State highways. It is well-traveled and accommodates a variety of vehicles.
- B. Cul-de-Sac or Dead-end Street: A minor street with only one (1) means of vehicular and pedestrian ingress and egress and with a turnaround at its terminus. Cul-de-sac or dead-end streets are discouraged by these Regulations.
- C. Private Road: A minor road that serves a limited number of residences or a recreational area, proposed for permanent ownership and maintenance by a private entity, e.g. a homeowners or condominium association.
- D. Public Road: A road proposed for dedication to the Town of Rhinebeck for purposes of ownership and maintenance.
- E. Residential and Farm Access Road: This road, used mostly by cars, light trucks and farm vehicles, provides access solely to farm areas and residences. Traffic on this road is light, but may include occasional large trucks, school buses and farm equipment.
- F. Through Road: A road with two (2) or more means of ingress and egress, i.e. having two (2) or more points of connection with another road or roads.

Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic, i.e. the traveled way.

Street Width: The width of the right-of-way or the distance between property lines on opposite sides of a street, measured at right angles to the center-line of such street.

Subdivider: Any person, firm, corporation, partnership or association who or which shall lay out, for the purpose of development, sale or lease, any subdivision or part thereof, as defined herein, either for himself, herself, itself or for others.

Subdivision: The division of any parcel of land into two (2) or more lots, plots, sites, or other division of land for the purpose, whether immediate or future, of lot line alteration, transfer of ownership, lease for other than recreation, conservation or agricultural purposes, or building development. Such division shall include lot line adjustments or resubdivision of any parcel of land for which an approved plat has already been filed in the Office of the Dutchess County Clerk.

- A. Lot Consolidation: A type of minor subdivision effected through alteration of lot line, in this instance the elimination of one or more lot lines, and resulting in the merger in their entirety

of two or more lots as depicted on a filed subdivision plat or otherwise set forth on the Town real property tax map. The Planning Board may exercise discretion to waive the full subdivision procedures for lot consolidation if deemed appropriate in accordance with Article X of these Regulations.

- B. Lot Line Alteration: Also known as a resubdivision, a type of minor subdivision resulting in any other modification in either the boundary of an existing, legally-established lot or in deeded easement providing for driveway access to the lot access which neither results in the creation of any new lot nor creates or increases any non-complying condition with respect to any area or bulk or other dimensional requirement established by the Town Zoning Law, or other regulations administered by the Dutchess County Health Department, the New York State Uniform Fire Prevention and Building Code, or other pertinent law, rule or regulation.
- C. Minor Subdivision: Any subdivision containing not more than four (4) lots, each fronting on an existing street, not involving any new public or private street or road, or the extension of Town or other municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining properties, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Town Zoning Law, Freshwater Wetlands Law, Local Waterfront Revitalization Program, or these Regulations.
- D. Major Subdivision: Any subdivision not classified as a Minor Subdivision, including, but not limited to, subdivisions of five (5) or more lots, or any size subdivision requiring any new street or any extension of Town or other municipality's facilities.
- E. Conservation Subdivision: A subdivision which is designed in accordance with the provisions of Article V, Section I of the Town of Rhinebeck Zoning Law and which is specifically intended to conserve significant features of the natural and cultural landscape, and which achieves this result through flexibility in lot area and dimensions and permanent designation of protected open space through conservation easements as defined herein.
- F. Conventional Subdivision: A subdivision in which lots are laid out in accordance with the basic dimensional standards of the Zoning District in which the property is located, as set forth in the Schedule of Area and Bulk Regulations, and for which a Special Use Permit and Site Plan approval is required pursuant to Articles V and VI of the Town of Rhinebeck Zoning Law.

Subdivision Plat or Final Plat: The final maps, drawings and charts on which the subdivider's plan of subdivision containing all information or detail required by law and by these Regulations is presented to the Planning Board for approval, and which, if approved, shall be submitted to the Dutchess County Clerk for filing or recording in order to complete the subdivision approval process.

Superintendent of Highways: The duly-elected Town Superintendent of Highways.

Surveyor, Land: A person licensed as a professional land surveyor by the State of New York

Town Board: The Town Board of the Town of Rhinebeck, Dutchess County, New York.

Town Street and Highway Specifications: The standards and specifications adopted by the Town Board for the construction of streets and related subdivision improvements.

Town Law: The Town Law of the State of New York, Chapter 62 of the Consolidated Laws.

Traffic: Traffic is defined in accordance with Section 152 of the New York State Vehicle and Traffic Law to include pedestrians, ridden or herded animals, vehicles, bicycles, and other conveyances either singly or together while using any highway for purposes of travel.

Wetlands: New York State Department of Environmental Conservation designated freshwater wetlands and those adjacent upland areas within 100 feet of the delineated wetland; federal wetlands regulated by the U.S. Army Corps of Engineers; and wetlands and the adjacent upland areas within 100 feet of the delineated wetland protected by the Town of Rhinebeck Freshwater Wetlands Law.

Zoning Law: The officially adopted Zoning Law of the Town of Rhinebeck, together with any and all amendments thereto, in accordance with Article 16 of the Town Law and Articles 2 and 3 of the Municipal Home Rule Law. [\[Back\]](#)

## **ARTICLE IV. Approval Procedure**

### **§ 101-4.1 Approval Required**

- A. Whenever any subdivision of land is proposed, and before any contract for the sale or lease of, or any offer to sell or lease any lot in such subdivision or any part thereof is made, and before any permit for the erection of any structure or the undertaking of any other improvement in such proposed subdivision shall be granted, the Subdivider or his/her duly authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedures identified herein.
- B. Any owner of real property who shall create a subdivision or who shall subdivide real property into lots within the Town of Rhinebeck without first obtaining approval of the Planning Board of the Town of Rhinebeck of a subdivision map or plat showing the land to be subdivided shall be guilty of a violation of this Chapter. Any contract vendee, agent or contractor or such owner who shall knowingly participate in such violation and any grantee of such owner who shall knowingly participate in such violation shall also be guilty of a violation of this Chapter. [\[Back\]](#)

### **§ 101-4.2 Pre-application Conference**

- A. The property owner, or his or her duly authorized representative, shall initially schedule an appointment with the Planning Board or its authorized representatives to informally discuss the proposed subdivision and become familiar with the requirements of these

Regulations, the Town of Rhinebeck *Comprehensive Plan* including the *Significant Habitats Report* and the *Open Space and Affordable Housing Plan*, the Town of Rhinebeck Zoning Law, the Town of Rhinebeck Wetlands Law, the *Local Waterfront Revitalization Program* document (if applicable), *Greenway Connections*, the State Environmental Quality Review Act (SEQR), and all other laws, ordinances, rules, regulations or policies of the Town of Rhinebeck, County of Dutchess, or State of New York that may be pertinent to the proposed subdivision.

- B. Discussion at the pre-application conference shall include review of both procedural and submission requirements and the technical application of the standards provided within the Regulations as related to the Site Resource Analysis Map and the Site Resource Analysis Assessment for the conservation of natural and cultural resources, the proposed design and layout as well as required improvements. The pre-application conference shall also include a review of the manner in which the subdivision will be designed, either conservation or conventional. If a Conventional Subdivision is proposed by the applicant, then a Special Use Permit is required to be issued by the Planning Board. The Planning Board is authorized to deny a Special Use Permit for a Conventional Subdivision and to require a Conservation Subdivision, when the criteria identified in Article V, Section I(4)(c) of the Zoning Law apply. Applicants are required to submit a Site Resource Analysis Map and Site Resource Analysis Assessment regardless of whether a Conventional or Conservation Subdivision has been proposed.
- C. A non-refundable fee shall accompany all applications for pre-application discussion, sketch, minor and major subdivision approval. Application fees shall be in accordance with the fee reimbursement requirements found in Article XIV of the Zoning Law.
- D. Conservation Subdivision. The applicant is encouraged at this time to identify a local land trust to accept a conservation easement over the required open space, which may provide input as to which land has conservation value and which land is suitable for potential development. [\[Back\]](#)

#### **§ 101-4.3 Sketch Plan Review and Classification**

- A. **Submission of Sketch Plan:** The property owner, or his or her duly authorized representative, shall submit to the Clerk of the Planning Board, at least twenty-one (21) days prior to the regular meeting of the Planning Board, a Sketch Plan application, SEQR Environmental Assessment Form, and twelve (12) copies of the Site Resource Analysis Map and Assessment described in Subsection 101-4.3A(1) through (3) below and a Sketch Plan of the proposed subdivision for purposes of classification and preliminary discussion. If the proposed subdivision includes five (5) or more lots, the Sketch Plan shall conform to the requirements listed in Article VII, Section 7.2, of these Regulations. The Sketch Plan should reflect what was learned from the pre-application conference and conceptual discussions with the Planning Board. Additional copies of the proposed Sketch Plan and such further information as is

required by the Planning Board may be requested for the purposes of Coordinated Review under SEQR.

1. **Site Resource Analysis Map.** With the submission of a Sketch Plan, an applicant shall prepare a Site Resource Analysis Map which meets the requirements of Article V, Section I of the Zoning Law, shall fill out the Site Resource Analysis Assessment in conjunction with the Planning Board (included as Appendix A of these Regulations) and participate in a discussion with the Planning Board to determine a conceptual plan for the proposed subdivision.
  2. **Study of Site Resource Analysis.** The Planning Board shall review the applicant's Site Resource Analysis Map, the Site Resource Analysis Assessment and discuss the proposed subdivision with the applicant. The applicant should be prepared to discuss possible subdivision concepts, based on the site's resource analysis, and how the subdivision concepts can meet the objectives of the Town's regulations. The Site Resource Analysis Map, the Site Resource Analysis Assessment and conceptual design discussion will form the basis for the design of the subdivision and should be reflected in subsequent plans. Any requirements of these Regulations, which the applicant requests to be waived, should be discussed at this time. No statement, comment or other communication made during this informal review shall be binding on any party. The Planning Board may provide the applicant with written comments, which may be in the form of meeting minutes, regarding whether the Site Resource Analysis Map and Site Resource Analysis Assessment meets the objectives of this Chapter. If comments are received, such comments shall be incorporated by the applicant into the Sketch Plan. If no comments are received within 62 days of submission of the Site Resource Analysis Map and the Site Resource Analysis Assessment, the applicant may proceed to the Subdivision Application.
  3. The Site Resource Analysis Map and conceptual discussions with the Planning Board does not allow filing of a plat with the Dutchess County Clerk nor authorize the sale or lease of or any offer to sell or lease any lots in such subdivision or any part thereof. The Site Resource Analysis Map, Site Resource Analysis Assessment and conceptual discussion allows the applicant to proceed with the Subdivision application.
- B. **Classification and Designation:** Classification of the Sketch Plan is to be made at the regular meeting by the Planning Board as to whether it is a Minor or Major Subdivision as defined in these Regulations and as to whether it is considered a Type I or Unlisted Action under SEQR. A notation regarding classification shall be made by the Planning Board directly on the Sketch Plan. The Planning Board may require, however, when it deems necessary for protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions. If the Sketch Plan is classified as a Minor Subdivision, the Subdivider shall then comply with the procedure outlined in Article IV, Section 4.4 of these

Regulations. If it is classified as a Major Subdivision, the Subdivider shall then comply with the procedures outlined in Article IV Sections 4.5 and 4.6. The Planning Board shall, based upon input provided by the applicant, also designate the name by which the subdivision shall be known.

- C. **Study of Sketch Plan.** The Planning Board shall within sixty-two (62) days after submission, determine whether the Sketch Plan meets the objectives of these Regulations and shall inform the applicant, in writing, that the proposed subdivision as submitted or as modified, will meet the objectives of these Regulations. In the event the Sketch Plan is found unacceptable, the applicant will be asked to submit a new plan, based upon specific recommendations to be incorporated by the applicant in the next submission to the Planning Board, before proceeding with a Preliminary Plat. Reasons for recommended modifications of the Sketch Plan or rejection shall be stated in the records of the Planning Board. In its review of the Sketch Plan, the Planning Board shall schedule a field inspection of the site.
1. For conservation subdivisions, a site inspection shall be conducted to discuss the Site Resource Analysis Map, Site Resource Analysis Assessment and the delineation of open space and potential development areas. The Subdivider and/or his or her representatives shall accompany the Planning Board during its site inspection.
  2. To facilitate the inspection of the site for proposed conventional subdivisions, the Subdivider shall have the corners of the property, proposed lot corners, and the centerline of any proposed streets marked by temporary stakes.
  - 3.
- D. **Sketch Plan Fees.** Sketch Plan review requires the filing of an initial application and payment of a non-refundable fee in accordance with the Town of Rhinebeck Fee Schedule and Article XIV of the Zoning Law. Sketch Plan endorsement is not considered an “Action” as that term is defined by the New York SEQR Regulations and does not allow filing of a plat with the County Clerk or authorize the sale or lease of, or any offer to sell or lease any lots in such subdivision or any part thereof. [\[Back\]](#)

#### **§ 101-4.4 Approval of Minor Subdivision Plat**

- A. **Application and Fee.** Within six (6) months of the classification by the Planning Board of the Sketch Plan of a proposed subdivision as a Minor Subdivision, the property owner, or his or her duly authorized representative, shall submit an application for approval of a Minor Subdivision Plat. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article VIII of these Regulations for Conservation Subdivisions. Any application for Plat Approval for a Minor Subdivision shall be accompanied by the applicable non-refundable fee in accordance with Article XIV of the Zoning Law. A copy of said fee schedule shall be available from the Clerk of the Planning Board.

- B. **Number of Copies.** The application for approval of a Minor Subdivision Plat, complete with twelve (12) paper copies and, unless impracticable, one electronic copy of the Subdivision Plat and all further required data specified within Article VII, Section 7.1, shall be filed with the Clerk of the Planning Board at least twenty-one (21) days prior to the regular meeting of the Planning Board at which meeting it shall be introduced and considered officially received by the Planning Board for purposes of these Regulations. Additional copies of the proposed Subdivision Plat and such further information as is required by the Planning Board may be requested for the purposes of Coordinated Review under SEQR.
- C. **Subdivider to Attend Planning Board Meeting.** The Subdivider, or his or her duly authorized representative, shall attend the meeting of the Planning Board to discuss the Minor Subdivision Plat.
- D. **Approval Procedure.**
1. Within sixty-two (62) days of the receipt of the complete Subdivision Plat application by the Planning board, the Planning Board shall hold a public hearing on such Plat. The hearing on the plat shall be closed upon a motion of the planning board within 120 days after it has opened, unless extended by mutual consent of the applicant and the Board. If the Planning Board is serving as lead agency under SEQR, and if the Planning Board has determined that a DEIS is required, a public hearing shall be held on the DEIS. The public hearing on the DEIS and the public hearing on the subdivision application shall be consolidated and held jointly, in which event the hearing shall be advertised at least once in a newspaper of general circulation in the Town at least 14 days prior to the hearing. 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. 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 or Registered Mail 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 pending Subdivision Plat proceeding before the Plannign Board for a period not less than five (5) calendar days prior to the public hearing and in

such manner as otherwise specified by the Planning Board at the time of acceptance of the application for Subdivision Plat approval.

- c. By requiring notice of the public hearing and data regarding the substance and location of the Subdivision application to the owners of all property abutting that held by the applicant and all other owners within five hundred (500) 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 Clerk of the Planning Board.
  - d. By providing notice of the public hearing and data regarding the substance and location of the Subdivision application to all Involved Agencies under SEQR at least ten (10) 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 Subdivision application.
9. If no DEIS has been required, the Planning Board shall, within sixty-two (62) days after the close of the public hearing required on such plat, approve, with or without modifications, or disapprove the plat. The Board shall specify in writing its reasons for any such disapproval. In the event that the hearing is not held, or if the Board fails to disapprove the Subdivision Plat within sixty-two (62) days as prescribed above, the Plat shall be deemed approved in accordance with the provisions of Section 276 of Town Law. This time may be extended upon request by the applicant and consent by the Planning Board.
  10. If a DEIS has been required, the Final EIS shall be filed and considered for a minimum of 10 days in accordance with the provisions of SEQR. Within 30 days

of the filing and consideration of such Final EIS with the Planning Board, the Planning Board shall issue a written Findings Statement on the action and make its decision on the plat. This time may be extended upon mutual consent of the applicant and the Planning Board.

11. Upon a resolution of approval, a reproducible mylar and ten (10) copies of the Subdivision Plat shall be provided by the applicant and properly signed by the Chair of the Planning Board. The Subdivision Plat may then be filed by the applicant in the Office of the Dutchess County Clerk. Any Minor Subdivision Plat not so filed or recorded within sixty (60) days of the date upon which such plat is approved, or considered approved by reason of the failure of the Planning Board to act, shall become null and void as provided in Section 276 of the Town Law.
12. If conditional approval is granted, the Planning Board shall empower the Chair of the Planning Board to sign the Plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) days of the resolution granting conditional approval, the Plat shall be so certified by the Clerk of the Planning Board as conditionally approved, a copy filed in the Planning Board office, and a copy so certified mailed to the Subdivider. The copy mailed to the Subdivider shall include, by attachment of the Planning Board's resolution, a statement of such requirements which, when completed, will authorize the signing of the conditionally approved Plat. Conditional approval of a Plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the conditions and requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved Plat may be submitted for signature, if in its opinion such extension is warranted, for a period not to exceed two (2) additional periods of ninety (90) days each. [\[Back\]](#)

#### **§ 101-4.5 Approval of Preliminary Plat for a Major Subdivision**

- A. **Application and Fees.** Prior to the filing of an application for the approval of a Major Subdivision Plat, and within six (6) months of the classification by the Planning Board of the Sketch Plan of a proposed subdivision as a Major Subdivision, the property owner, or his or her duly authorized representative, shall file an application for consideration of a Preliminary Plat of the proposed subdivision. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall be in the form and include all the data prescribed by Article VII, Section 7.3, hereof. The Preliminary Plat shall, in all respects, comply with the requirements of Sections 276 and 277 of the Town Law and these Regulations, except where waiver of any specific requirement may be specifically requested in writing from, and authorized by, the Planning Board. Payment of a non-refundable fee shall accompany all applications for approval of a Preliminary Plat for a Major Subdivision. Said application fee shall be in accordance with the subdivision fee schedule and the Fee Reimbursement requirements of Article XIV of the Zoning Law. A copy of said fee schedule shall be available from the Clerk of the Planning Board.

- B. **Purpose.** The Preliminary Plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Board, and later one (1) copy shall become the official record of the Town Clerk. The Preliminary Plat and supporting documents shall show the layout of the subdivision and its required improvements, both public and private, so that the Planning Board can indicate its approval or disapproval of the subdivision prior to the time that the Final Plat, including the final engineering design and detailing of the required improvements and utilities, is completed.

Approval of the Preliminary Plat does not constitute an approval of the Final Plat, nor should it be considered a valid basis for the construction of site improvements or other commitments which depend upon its design characteristics, except as may otherwise be specifically authorized by the Planning Board.

- C. **Number of Copies.** The application for approval of the Preliminary Plat, complete with twelve (12) paper copies and, unless impracticable, one electronic copy of the Preliminary Plat and all further required data specified within Article VII, Section 7.1, shall be filed with the Clerk of the Planning Board at least twenty-one (21) days prior to the regular meeting of the Planning Board at which meeting it shall be introduced and considered officially received by the Planning Board for purposes of these Regulations. A proposed submission which does not include all the required drawings and documents specified within Article VII, Section 7.3, of these Regulations shall not be accepted by the Clerk of the Planning Board. Additional copies of the proposed Preliminary Plat and such further information as is required by the Planning Board may be requested for the purposes of Coordinated Review under SEQR.
- D. **Subdivider to Attend Planning Board Meeting.** The Subdivider, or his or her duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.
- E. **Study of Preliminary Plat.** The Planning Board shall study the practicality of the Preliminary Plat taking into consideration the results of the resource analysis and Sketch Plan discussions, the best use of the land being subdivided and the Policies and Objectives identified in Article II of these Regulations. Particular attention shall be given to the arrangement, location and width of streets, their relationship to the topography of the land, location of prospective home sites, water supply, sewage disposal, drainage, lot sizes and configuration, biodiversity, historic, scenic and rural resources, the future development of lands as yet unsubdivided, and the requirements of the *Comprehensive Plan* including the *Open space and Affordable Housing Implementation Plan* and the *Significant Habitats Report, Local Waterfront Revitalization Program*, the Official Map (if one exists), and the Zoning, Flood Damage Prevention, and Freshwater Wetlands Laws. In its review of the Preliminary Plat, the Planning Board may consult with its private planning, engineering and legal consultants, as well as other Town, County, State and Federal Officials, boards, agencies and departments.

F. **Approval Procedure.**

1. Within sixty-two (62) days of receipt of the complete Preliminary Plat application by the Planning Board, the Planning Board shall hold a public hearing on such Preliminary Plat.
2. 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. 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 or Registered Mail 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 pending Subdivision Plat proceeding before the Planning Board for a period not less than five (5) calendar days prior to the public hearing and in such manner as otherwise specified by the Planning Board at the time of acceptance of the application for Subdivision Plat approval.
  - c. By requiring notice of the public hearing and data regarding the substance and location of the Subdivision application to the owners of all property abutting that held by the applicant and all other owners within five hundred (500) 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 Clerk of the Planning Board.
  - d. By providing notice of the public hearing and data regarding the substance and location of the Subdivision application to all Involved Agencies under SEQRA at least ten (10) 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 Subdivision application.
3. Within sixty-two (62) days from the date of such public hearing, the Planning Board shall act by resolution on the Preliminary Plat. The Planning Board shall either approve, with or without modifications, or disapprove the Preliminary Plat. The time in which the Planning Board must take action may only be extended by mutual consent of the owner and the Planning Board. Failure of the Planning Board to take action on a Preliminary Plat within the time prescribed therefore shall be deemed approval of the Preliminary Plat in accordance with the provisions of Section 276 of the Town Law. When approving a Preliminary Plat, the Planning Board shall state in writing the modifications, if any, it deems necessary for submission of the Plat in final form with respect to:
  - a. The specific changes which it will require in the Preliminary Plat;
  - b. The extent of waivers which may have been specifically requested and which in the Planning Board's opinion may be authorized without jeopardy to the public health, safety and general welfare; and
  - c. The categories of improvement and the estimated amount of all bonds or similar performance guarantees which the Planning Board shall require as a requisite to approval of the Final Plat.
4. The action of the Planning Board plus any conditions attached thereto shall be noted on three (3) copies of the Preliminary Plat, which notation may occur by attachment of the Planning Board's resolution. One (1) copy shall be returned to the Subdivider, one (1) copy shall be retained by the Planning Board and one (1) copy shall be forwarded to the Town Board, through the Town Clerk. Approval of a Preliminary Plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these Regulations. Prior to the approval of the Final Plat, the Planning Board may require additional changes as a result of further study of the

subdivision in final form or as a result of new information obtained at the public hearing. [\[Back\]](#)

**§ 101-4.6 Approval of Final Plat for a Major Subdivision**

- A. **Application and Fees.** Following approval of the Preliminary Plat, with or without modifications, the property owner or his or her duly authorized representative, shall prepare a Final Plat, together with all other supplementary documents, in accordance with Article VII, Section 7.4 of these Regulations which Final Plat shall specifically address each of the conditions of the Preliminary Plat approval. The application for Final Plat approval for a Major Subdivision, or any section thereof, shall be accompanied by fees in accordance with the Town's subdivision fee schedule and Article XIV of the Zoning Law.

The Final Plat and other supplementary documents shall be filed with the Clerk of the Planning Board, together with a written application for final approval, within one hundred eighty (180) days after approval of the Preliminary Plat, with or without modifications, unless such time limit is extended upon request by the applicant and consent of the Planning Board.

- B. **Purpose.** The Final Plat and the supporting documents for proposed subdivision constitute the complete plans for development of the subdivision proposal. After public hearing, as required, and approval by the Planning Board, this complete submission along with the applicable performance guarantee and the general liability insurance policy, as approved by the Town Board, becomes the basis for the development of the subdivision, the installation of required improvements and the applicable inspection services by the Planning Board, the designated Town Engineer or other delegated Town officials.
- C. **Number of Copies.** The application for approval of the Final Plat, complete with twelve (12) paper copies and, unless impracticable, one electronic copy of the Final Plat, shall be filed with the Clerk of the Planning Board at least twenty-one (21) days prior to the regular meeting of the Planning Board at which meeting it shall be introduced and considered officially received by the Planning Board for purposes of the Regulations.
- D. **Approval Procedure.**
1. Within sixty-two (62) days of the receipt of the Final Plat by the Clerk of the Planning Board, the Planning Board shall hold a public hearing, if required, on such Final Plat. Such hearing shall be advertised in accordance with the Public Hearing requirements of Section 4.5.F of these Regulations, provided, however, that when the Planning Board deems the Final Plat to be in substantial agreement with a Preliminary Plat approved under Section 4.5 of this Article, and modified in strict accordance with requirements of such approval, if such Preliminary Plat has been approved with modifications, the Planning Board may waive by resolution the requirements for such public hearing.

2. Within sixty-two (62) days from the date of such public hearing, or from the date of receipt of the application by the Clerk of the Planning Board if no such hearing is held, the Planning Board shall act by resolution on the Final Plat. The Planning Board shall approve, conditionally approve with or without modifications, or disapprove the Final Plat. The time in which the Planning Board must take action may only be extended by mutual consent of the owner and the Planning Board. Failure of the Planning Board to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat in accordance with the provisions of Section 276 of New York State Town Law. No Plat shall be approved by the Planning Board as long as the Subdivider is in performance default on any previously approved Plat within the Town of Rhinebeck.

If conditional approval is granted, the Planning Board shall empower the Chair of the Planning Board to sign the Plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) days of the resolution granting conditional approval, the Plat shall be so certified by the Clerk of the Planning Board as conditionally approved, a copy filed in the Planning Board office, and a certified copy mailed to the Subdivider which shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved Plat. Conditional approval of a Plat shall expire on hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. Upon specific request by the applicant, the Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted, for a time not to exceed two (2) additional periods of ninety (90) days each.

- E. **Final Approval and Filing.** Upon completion of the requirements in Article IV, Section 4.6, and Article V, Sections 5.1 and 5.2, and notation to that effect upon the Subdivision Plat, the Subdivision Plat shall be deemed to warrant final approval. A reproducible mylar and twelve (12) copies, as provided by the applicant, shall be properly signed by the Chair of the Planning Board upon receipt of notification that the required performance guarantee and insurance, as may be requested, have had the approval of the Town Attorney and that the performance guarantee has been accepted by the Town Board. The Final Plat may then be filed by the applicant in the Office of the Dutchess County Clerk. Planning Board approval of a Final Plat shall not be deemed to constitute or imply an acceptance by the Town of any street, or other land, shown as offered for cession to public use and ownership.
- F. **Expiration of Approval.** The approval of a Final Plat shall expire sixty (60) days after the signing of the Plat by the Chair of the Planning Board unless filing of the Plat accomplished within that time period in the Office of the Dutchess County Clerk in accordance with Section 278 of the Town Law.

Expiration of an approval shall mean that any further action shall require submission of a new application, payment of a new filing fee and Planning Board review of all previous findings. On and after such expiration of Plat approval, any formal offers of cession which may have been submitted by the Subdivider shall be deemed to be invalid, void, and of no effect.

- G. **Division of Plat into Two (2) or More Sections.** The Planning Board may permit the plat to be divided into two (2) or more sections, subject to such conditions as it deems necessary to assure orderly development of the subdivision. Approval of the sections shall be granted concurrently with the approval of the plat. The approved plat, or any approved section thereof, shall be recorded within sixty (60) days of approval, subject to any conditions imposed, and shall encompass at least ten percent (10%) of the total number of lots shown on the plat. Approval of any other sections not recorded shall expire unless recorded before the expiration of the period to which such plat is entitled under the provisions of §265-a of the Town Law. In the event the applicant does not record all approved sections, the entire plat shall be filed with the Town Clerk within thirty (30) days from the recording of the plat or any approved section thereof, and the applicant shall file with the Clerk of the Planning Board a photostatic copy of the plat certified by the County Clerk to be a true copy of the recorded plat. [\[Back\]](#)

**§ 101-4.7 Building Permits and Certificates of Occupancy**

- A. Upon the posting of a satisfactory performance guarantee or upon certification of the completion or installation of all required improvements to the satisfaction of the Town Board, in accordance with Article V, Section 5.2 of these Regulations, Article X of the Zoning Law, and upon Planning Board approval of the Final Plat, the Subdivider, or his or her successor in title, may be issued building permits for the construction of buildings in accordance with the approved Subdivision Plat, the Town's Zoning Law, and other applicable laws, rules and regulations, and provided the street giving access to the proposed building(s) has been suitably improved and sufficient drainage, erosion, and other applicable environmental controls have been constructed to accommodate such buildings.
- B. In instances where building permits have been authorized upon the posting of a satisfactory performance guarantee, the Subdivider or his or her successor in title may not be subsequently issued certificates of occupancy for any buildings constructed in the subdivision until completion of all required improvements to Town standards and upon certification of such as required by Article X of the Zoning Law and by Article V, Section 5.2 of these Regulations. A note to this effect shall be specifically included on the final Plat submitted for signature and for filing in the Office of the Dutchess County Clerk. [\[Back\]](#)

## **ARTICLE V. Required Improvements and Performance Guarantees for Major Subdivisions.**

A Subdivider who proposes to develop a major subdivision in the Town of Rhinebeck shall comply with the Regulations provided in this Article regarding the posting of performance guarantees and the provision or installation of utilities and other required improvements.

[\[Back\]](#)

### **§ 101-5.1 Required Improvements.**

In making determinations regarding the necessity and extent of the provision and installation of required subdivision improvements, the Planning Board shall take into consideration the prospective character, density and uses within the proposed subdivision, whether residential or commercial.

A. **Required Improvements:** The Planning Board shall require the provision and installation of the following improvements in accordance with Town Law, unless it shall specifically waive in writing any such improvements as provided in Article X, Section 10.1 of these Regulations.

1. Parks, playgrounds, or other public open spaces of adequate size and location for recreational purposes;
2. Paved streets, roadways, common driveways, and driveway aprons;
3. Street signs and posts;
4. Pedestrian ways;
5. Bicycle facilities;
6. Street lighting;
7. Curbs or gutters unless in conflict with the Town's Stormwater Management Regulations (see Article V, Section Z of the Zoning Law);
8. Street trees and treatment of buffer areas and other required landscaping;
9. Water supply and fire protection facilities;
10. Sanitary sewage disposal facilities;
11. Storm drainage facilities;
12. Franchise utilities;
13. Seeding and other means of erosion control for all lands within the subdivision tract, including all lots, common areas and rights-of-way; and
14. Monuments or other acceptable markers suitably placed and installed, including installation of stone cairns at the corners of all open space conservation lands.

B. **Standards for Installation:** All improvements required by the Planning Board shall be installed in accordance with standards, details, specifications, and procedures

acceptable to the appropriate Town departments or as provided in these Regulations.

- C. **Modifications of the Design of Improvements Shown on the Approved Plat:** If at any time before or during construction of the required improvements shown on the approved Plat it is demonstrated to the designated Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the designated Town Engineer may, upon concurrence of the Chairman of the Planning Board, authorize minor modifications which are within the spirit and intent of the Planning Board's approval and do not extend to constitute the waiver or substantial alteration of the function of any of the improvements required by the Planning Board. The designated Town Engineer shall issue any such authorization in writing and provide a copy thereof to the Clerk of the Planning Board for report to the Planning Board at its next regular meeting.
- D. **Inspection of Improvements:** At least five (5) days prior to commencing construction of required improvements, the Subdivider shall pay to the Town Clerk for purposes of establishing an escrow account the inspection fee required by the Town Board and shall notify the Town Board in writing of the time when he or she proposes to commence construction of such improvements so that the Town Board may cause such inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and utilities as required by the Planning Board. The inspection fee shall provide reimbursement to the Town for actual direct cost incurred for such engineering services, as specified on the subdivision fee schedule established and annually reviewed by the Town Board upon recommendation of the Planning Board.

In order to facilitate inspection of required improvements during construction, the applicant shall notify the designated Town Engineer at least three (3) working days before reaching each of the following stages of construction:

- a. Rough grading complete;
- b. Drainage and other underground facilities installed, but prior to backfilling;
- c. After gravel base is spread and compacted;
- d. When each pavement course is being applied; and
- e. After completion of all improvements.

The subdivider shall not proceed to work on any stage subsequent to the first stage until the work of the previous stage has been inspected and approved by the designated Town Engineer, or a representative who may be duly authorized by the Town Board. In the case of any other improvements, the designated Town Engineer shall inspect the work at such progressive stages as he or she shall specify. The designated Town Engineer shall certify in writing to the Planning Board that the work was inspected by him or her and was found to be in accordance with the approved plans and specifications.

- E. **Proper Installation of Improvements:** If the designated Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the Performance Guarantee (per § 101-5.2), that any of the required improvements have not been constructed in accordance with plans and specifications filed by the Subdivider, he or she shall so report to the Town Board, the Zoning Administrator and the Planning Board. The Town Board shall then notify the Subdivider and, if necessary, the Bonding Company, and take all necessary steps to preserve the Town's rights under the performance guarantee. No Plat shall be approved by the Planning Board as long as the Subdivider is in performance default on any previously approved Plat within the Town of Rhinebeck. [\[Back\]](#)

**§ 101-5.2 Performance Guarantees for Required Improvements.**

The Subdivider shall deliver to the Town Clerk a performance bond or equivalent security (subject to Town Attorney review) to guarantee thereby to the Town that the Subdivider shall faithfully cause the required improvements to be constructed and completed. The improvements shall be completed within a period of one (1) year or such other period as the Planning Board may determine appropriate but not exceeding three (3) years, and shall be set forth in the bond. The Subdivider shall convey the required lands and improvements, where applicable, to the Town free and clear of any and all encumbrances.

- A. **Procedure:** Before the Planning Board grants final approval of the Final Subdivision Plat, the Subdivider shall provide to the Clerk of the Planning Board a detailed engineer's cost estimate for all required improvements for review and concurrence by the designated Town Engineer and shall subsequently follow the procedure set forth in either subparagraph (1) or subparagraph (2) herein:
1. In any amount set by the Planning Board the Subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the Subdivider shall file with the Town Clerk a performance guarantee to cover the full cost of the required improvements. Any such performance bond or equivalent security shall comply with the requirements of Section 277 of the Town Law and further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one (1) year or such other period as the Planning Board may determine appropriate but not exceeding three (3) years, shall be set forth in the bond or equivalent security as the period within which the required improvements must be completed. The Subdivider shall additionally file a copy of said certified check or other performance guarantee with the Clerk of the Planning Board, with a copy to the Town Clerk.
  2. If the Planning Board shall decide at any time during the term of the performance guarantee that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance guarantee, or that required improvements have been installed as provided in this Article and by the Planning Board in sufficient amount to warrant

reduction in the face amount of said bond, or that the character and extent of such development requires additional improvements previously waived for a period stated at the time of fixing the original terms of such bond or equivalent security, the Planning Board may modify its requirements for any or all such improvements. The face value of such performance guarantee shall thereupon be reduced or increased by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the bond may be reduced or increased proportionately, as determined by the Planning Board in concert with the Town Engineer. In no event shall the required security be reduced to less than the future Maintenance Bond amount, as per § 101-5.5. [\[Back\]](#)

**§ 101-5.3 Construction of Improvements.**

The Subdivider shall complete all required improvements to the satisfaction of the designated Town Engineer, who shall file with the Clerk of the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board in accordance with § 101-5.5. For any required improvements not so completed, the Subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements, in addition to the cost of satisfactorily installing any improvements not approved by the designated Town Engineer. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. The Subdivider shall additionally file a copy of said certified check or other performance guarantee with the Clerk of the Planning Board. [\[Back\]](#)

**§ 101-5.4 As-Built Drawing Required.**

No required improvements shall be considered to be completed until the installation of the improvements have been approved by the designated Town Engineer and a map certified by the applicant's engineer and satisfactory to the Planning Board has been submitted indicating the specific location of all underground utilities as actually installed. If the Subdivider completes all required improvements according to provision of 5.2.A(2) above, then said map shall be submitted prior to signature of the Final Plat by the Planning Board Chair. However, if the Subdivider elects to provide a performance guarantee for all required improvements as specified in 5.2.A (1) above, such bond or equivalent security shall not be released until the required As-Built drawing is submitted and deemed satisfactory by the Planning Board, in conjunction with the Town Engineer. [\[Back\]](#)

**§ 101-5.5 Maintenance Bonds**

The Subdivider shall file with the Town Clerk on behalf of the Town Board a maintenance bond in an amount of twenty percent (20%) of the cost estimate for installation of required improvements and which shall be adequate to assure the satisfactory condition and operation of the initial public improvements for a period of two (2) years following their completion and acceptance, where applicable, by the Town Board. Such maintenance

bond shall be satisfactory to the Town Attorney as to form, manner of execution and surety and in an amount satisfactory to the designated Town Engineer. The Subdivider shall additionally file a copy of said certified check or other performance guarantee with the Clerk of the Planning Board. The required term of the maintenance bond may, upon recommendation of the designated Town Engineer, be established for a maximum period of five (5) years and increased to thirty percent (30%) of the cost estimate for installation of landscaping, erosion control and stormwater management improvements. The Town retains the right to apply cost escalation factors to protect against inflation. The Town retains the right to specify time deadlines for the completion of any or all improvements.

[\[Back\]](#)

#### § 101-5.6 General Liability Insurance

- A. **Filing Requirements:** The Subdivider shall file with the Town Clerk a General Liability Insurance Policy at the same time that he or she files his or her performance guarantee. The policy shall be acceptable to the Town Attorney and designated Town Engineer and shall be in force during the entire term of the performance guarantee and shall be extended in conformance with any extension of the performance guarantee. The Subdivider shall additionally file a copy of said policy with the Clerk of the Planning Board and, as may be applicable, the Town Superintendent of Highways. A current copy of the insurance policy shall remain on file at all times at the Town Clerk's office.
- B. **Limits of Coverage:** The policy shall insure the Town and the Subdivider, and shall cover all operations in the development involving continuation and maintenance of property and buildings and contracting operations of every nature involving all public improvements. Said policy shall have limits of liability of two million dollars (\$2,000,000.) for bodily injury and/or property damage per occurrence or such other limits as the Planning Board may require, upon recommendation of the designated Town Engineer and/or Town Attorney. [\[Back\]](#)

#### § 101-5.7 Public Franchise Utilities

- A. **Service Connections:** When public franchise utilities are to be installed, the Subdivider shall submit to the Planning Board written assurances from each public utility company that such company will make the necessary service installations within a time limit and according to specifications satisfactory to the Planning Board, which shall include the underground installation of all on-site and, to the extent practicable, off-site extensions in accordance with rules and regulations promulgated by the New York State Public Service Commission.
- B. **Easements or Other Releases:** The Final Plat shall include statements made and signed by the owner granting all necessary easements or other releases where required for the installation of public franchise utilities. [\[Back\]](#)

## ARTICLE VI. Design Standards

### § 101-6.1 General Requirements

A Subdivider who proposes to develop a subdivision in the Town of Rhinebeck shall observe all general requirements for land subdivision as herein provided.

- A. **Character of Land:** Land to be subdivided shall be of such character that, in the opinion of the Planning Board, it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and with a minimum of detrimental effects on the environment.
- B. **Preservation of Existing Features:** The Planning Board may require in subdivision design and through the subsequent dedication of conservation easements, the preservation of natural and cultural features which add value to residential developments and to the community, such as active farmland, large trees or forested areas, water resources, beaches, historic structures and features, scenic views, ridgelines, steep slopes, rock outcrops, stone walls, hedgerows, biodiversity and wildlife habitats, and similar irreplaceable assets.
- C. **Conformance with Zoning Law and Comprehensive Plan:** Subdivision Plats and improvements provided shall conform to the Zoning Law and Freshwater Wetlands Law of the Town of Rhinebeck and shall be in harmony with the Town *Comprehensive Plan* including the *Significant Habitats Report* and the *Open Space and Affordable Housing Implementation Plan*, the Dutchess County Plan: *Directions*, and the Greenway Compact Program Guidelines: *Greenway Connections*. In addition, as an extension of the Town *Comprehensive Plan*, the Subdivision Plat shall be consistent with the intent, purposes and objectives of the environmental and cultural protection programs which may be applicable to the proposed subdivision location. These programs include the Town's *Local Waterfront Revitalization Program*, the *Mid-Hudson Historic Shorelands Scenic District Management Plan*, Scenic Roads (including the *Hudson Valley Scenic Roads Masterplan*) and Scenic Byways programs, *Scenic Areas of Statewide Significance*, National Historic Landmark District, National and State Register of Historic Places sites and districts and any locally- or state-designated Critical Environmental Areas (CEAs).
- D. **Minimum Dimensional Standards:** No lot in a Conventional Subdivision shall have less than the minimum lot area and minimum lot dimension required by the Zoning Law for the district in which it is located, unless otherwise provided in the Zoning Law. No lot in a Conservation Subdivision shall have less than the minimum dimensional standards and minimum open space required by Article V, Section I of the Zoning Law for the district in which it is located. The Planning Board may impose higher planning and design standards than otherwise provided for lots in a Conventional Subdivision, including Yield Subdivision Plans prepared for the purposes of determining density in conservation subdivisions, when there exists good reason in the nature of the land,

including but not limited to topography, location, shape, size, drainage, surface and ground water resources, and other physical features of the site as well as the character of the surrounding community.

- E. **Plats with Access Through Other Municipalities:** Whenever access to a subdivision is by crossing land in another municipality, the Planning Board may require assurance from said municipality that such access is adequately improved or that a legally adequate performance guarantee has been duly posted and is sufficient in amount to assure the construction of the necessary road or roads.
- F. **Resubdivision:** Resubdivision of all or part of land covered by an existing Plat which has been laid out prior to the compulsory Subdivision Plat review, approval and filing shall comply with these Regulations as now required.
- G. **Preservation of Topsoil:** No topsoil shall be removed from any subdivision in the Town, except that in areas over which heavy equipment will be operated, the topsoil shall be stripped and stockpiled on the property. When final grades have been established and construction activities have been completed, the entire property shall be suitably graded and to the extent practicable, recovered with topsoil except that portion of the site covered by buildings or included in the roads.
- H. **Watercourses:** Where a watercourse separates a proposed street from an abutting property, provision shall be made for access to all lots by culverts, bridges or other permanent structures, provided such structures minimize adverse impacts on water resources. Such structures shall be designed to accommodate access by construction, emergency, fuel and other large vehicles and should have an unobstructed width of 12 feet and the ability to support 65,000 pounds. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way, not less than thirty (30) feet in width. All such structures and rights-of-way shall be of design and specification approved by the designated Town Engineer and the Town Highway Superintendent, in consultation with the Town's Conservation Advisory Council.
- I. **Floodplains:** If any portion of the land within the subdivision is subject to periodic inundation or flood hazard caused by storm water, this portion shall be clearly indicated on any submissions required by these Regulations. In cases of doubt, the Planning Board may require the submission of a flood hazard study delineating the limits of the one hundred (100) year flood plain. Such study shall be conducted by the applicant's licensed professional engineer.
  - 1. Land subject to flooding, and land deemed by the Planning Board to be otherwise uninhabitable, shall not be platted for residential or commercial occupancy or for any such other use that may increase danger to life, health, or property or aggravate the flood hazard.
  - 2. And subdivision, including all proposed improvements and construction, shall comply with all further applicable provisions of the National Flood Insurance Act

of 1968, including all amendments thereto, with the Town of Rhinebeck Flood Damage Prevention Law, and with the Town of Rhinebeck Flood Fringe Overlay District regulations found at Article V, Section G of the Zoning Law. In the event of a conflict, the more stringent regulation shall apply. [\[Back\]](#)

## **§ 101-6.2 Subdivision Design Standards**

The Subdivider shall additionally conform to all subdivision design standards as herein provided. These standards shall be considered minimum standards and shall be modified, or waived, by the Planning Board only as provided for in Article X of these Regulations. In addition to the Design Standards, Appendix B of these Subdivision Regulations contain illustrated subdivision and house siting design guidelines to be consulted for the design and siting of all uses in all Zoning districts.

### **A. Lots:**

1. **Lots to be Buildable:** The lot arrangement shall be such that construction of a building and related improvements in compliance with the Zoning Law, there will be no foreseeable prohibitions to development based upon soils, topography or other natural conditions, including the presence of wetlands or flood plain areas.
2. **Corner Lots:** Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the building setback line on both streets, as well as side yard requirements, for the zoning district in which the lot is located.
3. **Minimum Lot Size:** Except as provided by Article VIII of these Regulations for Conservation Subdivisions, each lot shall be no smaller than the minimum lot area, lot frontage and lot width required by the Zoning Law for the district in which it is located, including the provision that no less than three-fourths (75%) of the minimum lot area within any Zoning district must be fulfilled by land which is outside any regulated wetland, water body, or a FEMA-designated 100-year flood plain.
4. **Driveway Grade and Design:** Driveway grades between the street pavement and the required building setback line shall not exceed ten percent (10%), with suitable negative grade provided within twenty (20) feet of the intersecting street pavement. The remainder of the driveway shall be designed and built to afford suitable access to the building site in accordance with the provisions of the NYS Uniform Fire Prevention and Building Code, with any design guidelines or standards which may be adopted by the Town Board, and to prevent adverse impacts from either storm water drainage or erosion on the public street or roadway.
5. **Access from Public Streets:**
  - a. The subdividing of land shall be such as to provide each lot with satisfactory access for routine and emergency purposes from the community's system of streets. This access may be provided either directly or, in the case of an approved Conservation Subdivision or Conservation Density Subdivision, by

suitable-improved and maintained private streets, for which the Planning Board is authorized to approve.

- b. A lot of less than three hundred (300) feet frontage fronting on a County or State highway shall be designed as to share a common curb-cut with any adjacent lot, if either adjacent lot has not been previously granted a curb-cut permit. When more than three (3) lots are proposed to be subdivided from a parcel with frontage on a County or State highway, frontage for all such lots shall be on internal street, not on the County or State highway. Each lot permitted to front on a County or State highway shall provide for an improved on-site turnaround so as to obviate the necessity of any vehicle from backing onto such highways. Similar provision for on-site turnarounds on Town highways shall be encouraged.

Any such common curb-cut and/or common driveway shall be subject to reciprocal easements and suitable maintenance agreements which shall be reviewed and approved by the Planning Board and filed in the County Clerk's office.

6. **Access from Private Streets:** Access from privately-owned and maintained streets, as may be specifically authorized in accordance with Section 280-a of Town Law, shall be deemed acceptable only if such streets are designed and improved in accordance with Article V, Section 5.2.B of these Regulations, and means satisfactory to the Planning Board is provided for the long-term ownership and maintenance of said privately-owned and maintained streets.

## B. Streets

1. **General Objectives:** Streets shall be of sufficient width for their intended purposes, suitably located, and adequately constructed to accommodate the prospective traffic, both vehicular and pedestrian, and normal road maintenance equipment. The arrangement of streets shall be coordinated such that they compose a convenient system, cause no undue hardship to adjoining properties, are consistent with and avoid or minimize adverse impacts upon any adopted Critical Environmental Area (CEA) designations under SEQR, and render to property inaccessible from an existing street or from a proposed street in a subdivision for which a completion bond or similar performance guarantee has been posted.
2. **Relation to Topography:** Streets shall be logically related and conform insofar as possible to the original topography. They shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. A combination of steep grades and sharp curves shall be avoided.
3. **Arrangement of Streets:** To the extent practicable, the arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties

which are not yet subdivided, by use of stub streets, in order to make possible necessary fire protection, movement of traffic and pedestrians and the construction or extension, presently or when later required, of needed utilities and services. Any stub street or other intended through street, provided with a temporary turnaround with a pavement radius of at least forty (40) feet. A note on the Subdivision Plat shall state that the land include within the turnaround which is outside the normal street right-of-way shall revert to abutters upon continuation of the stub street and shall be regarded and seeded.

4. **Street Connections:** Subdivisions containing twelve (12) or more lots shall have at least two (2) connections with existing public streets, with streets shown on the Town's Official Map as may be developed in accordance with Section 270 of the Town Law, or streets shown on an approved Subdivision Plat for which a performance bond or similar performance guarantee has been posted.
5. **Cul-de-sac Streets:** Cul-de-sac streets shall not be created to provide access to residential lots except in situations where, in the view of the Planning Board, a through street cannot reasonably be provided due to the physical characteristics of the subdivision parcel and adjoining properties. Where a cul-de-sac street is authorized, either as a permanent dead-end street or as a temporary dead-end street pending completion of through road network, not more than twelve (12) single-family residential lots may gain access from such cul-de-sac street.

A cul-de-sac street shall be restricted to a maximum of seven percent (7%) grade and to a length of 2000 feet in the HP20 zoning district, 1500 feet in the RA10 zoning district, and 1000 feet in the other Zoning districts.

A turnaround with a right-of-way radius of at least sixty (60) feet and a pavement radius of at least forty (40) feet, with an island in the center, shall be provided at the end of any cul-de-sac or permanent dead-end street as illustrated in the graphic. The cul-de-sac street shall otherwise be governed by all stated requirements of the Town's Highway Specifications.

6. **Private Streets.** The Planning Board may approve paved or unpaved private roads to provide access to lots in Conservation Subdivisions and Conservation Density Subdivisions, provided that the Planning Board finds that the proposed subdivision will protect the rural, scenic and natural character of the town. The private road requirements are as follows:
  - a. The maximum number of lots gaining access through any portion of a private road shall be ten (10).
  - b. Written approval from the Town Engineer shall be secured before approval of any private road. The Town Superintendent of Highways shall approve the intersection of the private road with any Town road. Any required permit for the intersection of a private road with a State or County highway shall be the

sole responsibility of the applicant.

- c. A Homeowners Association (HOA) must be created to own and provide for the perpetual care and maintenance of the private road. The Planning Board shall have discretion to determine whether a performance bond must be posted by the applicant to ensure the proper completion of the private road and, if so, how much the performance bond shall be and what form it shall take.
- d. Such HOA must have the power to assess the subdivision lot owners for their share of the maintenance costs of the private road. The HOA shall ensure that the road will always be maintained and kept open to permit emergency vehicle access.
- e. In the event the HOA does not ensure that the road is properly maintained, the Town of Rhinebeck may assume maintenance responsibilities and charge the HOA for all reasonable costs thereof. Such costs, if unpaid for more than 60 days, shall, along with attorneys' fees for their collection, become a lien on the property and enforceable in the same manner as a property tax lien.
- f. The private road can only be offered for dedication to the Town of Rhinebeck if it conforms to the Town Highway Specifications in effect on the date of the offer of dedication. However, the Town Board shall be under no obligation to accept such an offer of dedication, even if the road conforms to Town Highway Specifications. In the event such dedication becomes necessary to ensure public safety, the cost of bringing the road up to Town Highway Specifications shall be fully borne by the HOA.
- g. The subdivision plat shall show the road clearly labeled "private road."
- h. Road design shall comply with the standards for private roads in these Subdivision Regulations.
- i. When a private road is approved, the subdivider shall establish a Road Maintenance Endowment fund, of a sum to be specified by the Planning Board, to ensure the proper long-term maintenance of the road(s). This fund shall be administered by the HOA, with the Town Board named as a third party enforcing agent, and shall be used for road reconstruction and its supporting engineering review and inspection. The Planning Board shall devise a maintenance schedule prior to approval, and this schedule shall be incorporated into the documents creating the fund.
- j. The Planning Board may waive the requirement of a private road maintained by a HOA if it finds, after consulting with the attorney for the Planning Board or the Town Attorney, that a common drive providing access to a maximum of four dwelling units, maintained pursuant to a recorded maintenance agreement, executed by the applicant as a condition of subdivision approval, will provide the same protections to lot owners and the Town as would a private road owned by a HOA. Issuance of a "No Action" letter from the New York

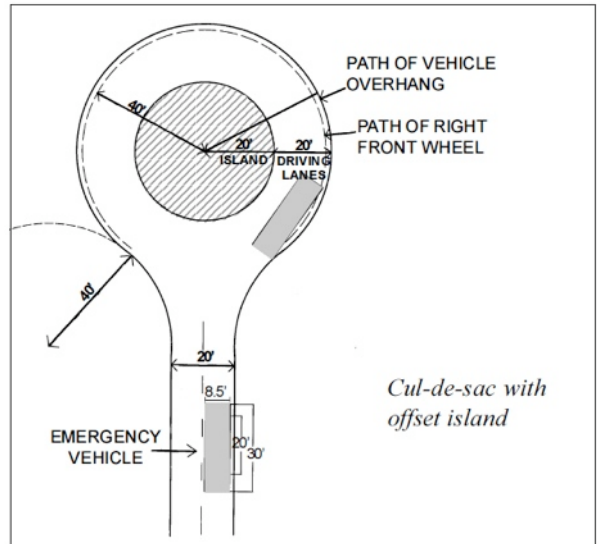
State Attorney General's Office shall be a condition of such waiver.

7. **Common Driveways.** Common driveways will be permitted in the Town of Rhinebeck in accordance with the following specifications, in addition to any design guidelines or standards which may be adopted by the Town Board. The common driveway is defined as that portion of the driveway that provides access to two or more individual parcels. The common driveway becomes a private access at the point at which it provides access to one parcel. A plan and profile for the common driveway shall be prepared by a licensed professional engineer and submitted for approval by the Planning Board.
  - a. Number of Lots. A maximum of four (4) lots can be served by one (1) common driveway.
  - b. Length. The common portion of the driveway shall not exceed 1,200 feet in length. The individual private extensions leading from the common driveway are not restricted by this section.
  - c. Design. Common driveways shall be designed and built in accordance with the approved subdivision plan to allow for the passage of all vehicles expected to use the driveway year round.
  - d. The traveled way shall be a minimum width of twelve (12) feet with two (2) foot shoulders on each side.
  - e. Maximum grade shall be twelve (12) percent and minimum grade shall be 0.5 percent. Grades at intersecting roadways shall not exceed three (3) percent for the first thirty (30) feet from the sidelines of the intersecting edge of pavement.
  - f. The driveway may be gravel or paved. A minimum gravel base of twelve inches, with no aggregate larger than six (6) inches, shall be required. An additional two (2) inch wearing surface shall be dense, graded, crushed stone for all common driveways.
  - g. The driveway shall be paved fifteen (15) feet from the edge of existing pavement or to the property line, whichever distance is lesser, unless other specifications are approved by the Planning Board.
  - h. Culverts or water crossings shall comply with the Town Highway Specifications.
  - i. Common Driveway Identification. A permanent marker, meeting the specifications of the Planning Board and the Dutchess County 911 addressing system, shall be placed at the end of the driveway where it meets the street. The marker shall show all 911 locations and street numbers. Should the common driveway split, permanent markers shall also be placed at the intersections indicating which homes are located on either side of the split. Lettering shall have a minimum size of four (4) inches and shall be painted black or another contrasting color or shall be permanently etched in the marker.

- j. Bond. The common driveway shall meet the Subdivision Regulations’ bonding requirements.
  - k. Inspections. The common drive shall be inspected by the Town engineer to ensure the use of the required materials and proper construction. Funds for these inspections shall be escrowed as set forth in the Subdivision Fee Schedule and Article XIV of the Zoning Law.
  - l. Building Permits and Certificates of Occupancy. The common driveway shall be complete up to a point fifteen feet beyond the common access point, between the dwelling and the Town road, including drainage, crushed gravel and grading, and all identification markers shall be installed prior to the issuance of a Building Permit.
8. **Minimum Design Standards:** Streets and related improvements shall be designed to reflect the rural, scenic and agricultural character of the Town of Rhinebeck. Where approval is sought for a subdivision on land of a rural, scenic, environmentally sensitive or agricultural nature, the Planning Board is empowered to and may, in consultation with the Town Highway Superintendent and designated Town Engineer, waive strict compliance with the requirements of the “Town Street and Highway Specifications” in order to allow roads more in keeping with the character of the rural landscape. In such cases, the Board will consider the following factors before approving a deviation from the Town Street and Highway Specifications requirements:
- a. Zoning district and density of land use.
  - b. Number of lots and probable traffic volume generated by the proposed subdivision.
  - c. Projected future development likely to use the road.
  - d. Other public uses of the road (e.g., farm or recreational access).
  - e. Road length.
  - f. Design of the road and of the development with respect to preservation of open space, scenic resources, and other conservation measures.

The following design guidelines and standards shall apply to rural roads:

	<b>Residential Collector</b>	<b>Residential &amp; Farm Access</b>	<b>Private Road</b>	<b>Cul-de-sac</b>
Right of way width (feet)	50*	50*	50*	50*
Pavement width (feet) (minimum-maximum)	18 - 22	16 - 18	12 - 16	12 - 16



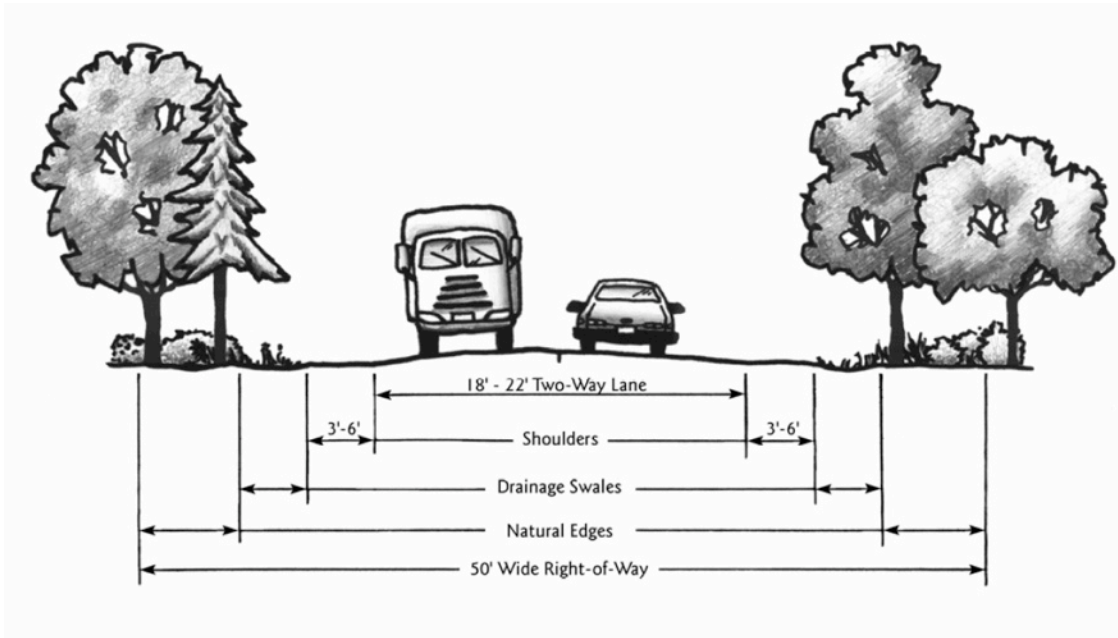
	Residential Collector	Residential & Farm Access	Private Road	Cul-de-sac
Shoulder width (feet) (minimum-maximum)	3 - 6 on 2 sides	1 - 2 on 2 sides	1 - 2 on 2 sides	1 - 2 on 2 sides
Grade (percent) (minimum-maximum)	1 - 10	1 - 10	1 - 10	1 - 10
Curb Radii (feet) (minimum-maximum)	5 - 10	5 - 10	5 - 10	5 - 10
Minimum tangent length between reverse curves (feet)	100	100	50	50
Maximum grades within 150 feet of center-line intersections (%)	1.5	1.5	1.5	1.5
Minimum distance between center- line offsets at street jogs (feet)	300	125	125	125
Angle at intersections of street center lines (degrees)	90	90	90	90

\* A 50' right-of-way is required by State Highway Law, but grading and clearing within the right-of-way should be reduced to the minimum necessary.

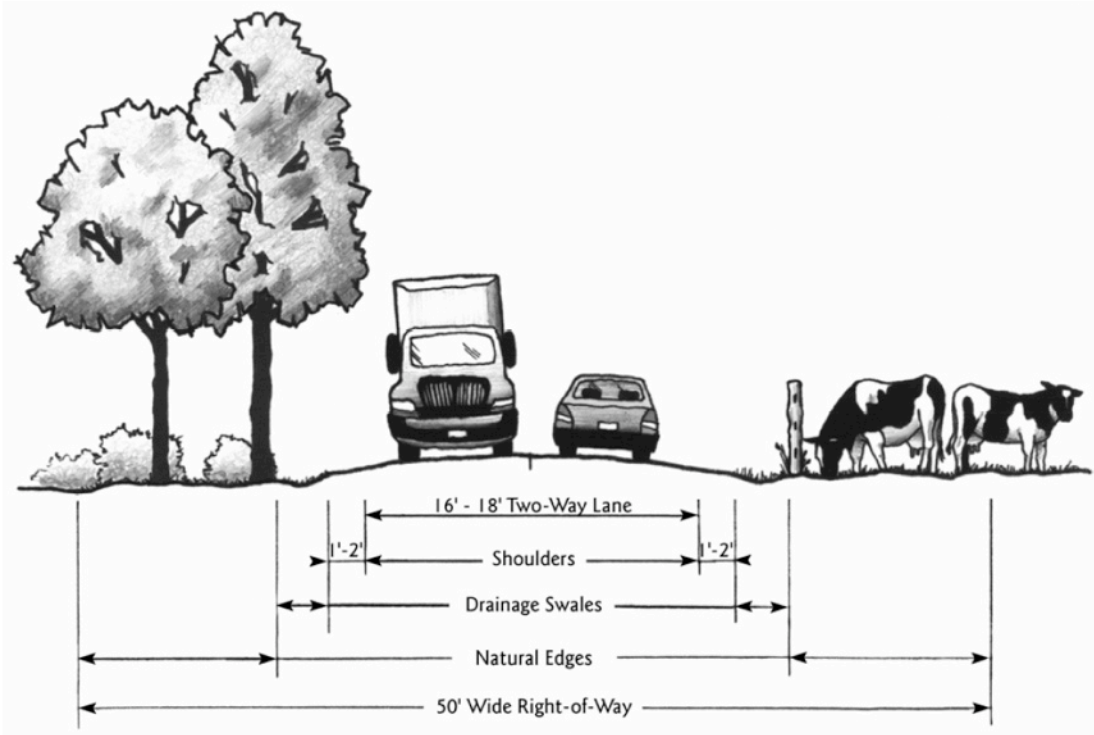
**Note:** Standards are not given for arterial streets, as they would in all probability be built by the State or County.

**Residential Collector Road:** A residential collector road collects traffic from residential areas and channels it to larger roads, such as county and state highways. These roads are designed for a speed of 30-35 mph. It is well-traveled and accommodates a variety of vehicles, including large delivery trucks, school buses, pick-up trucks, vans, and cars.

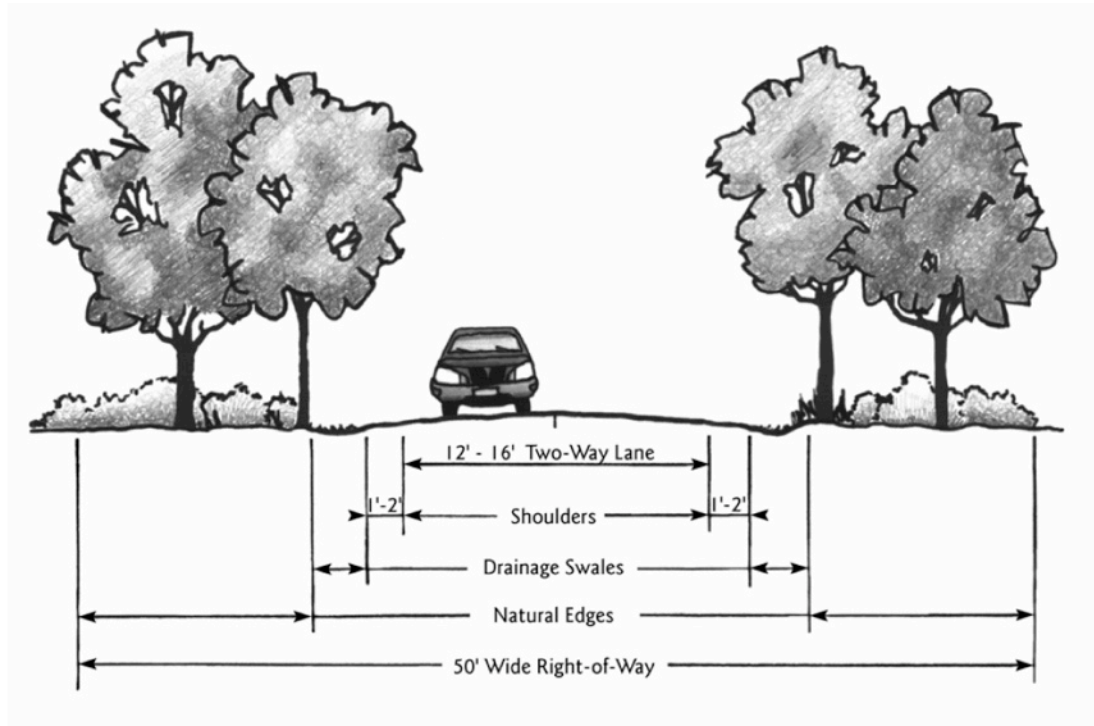
Average annual daily traffic (AADT) ranges from 50 to 400 trips. Bicycle lanes and sidewalks or trails are separated from the road by at least a six (6) foot grassy aisle.



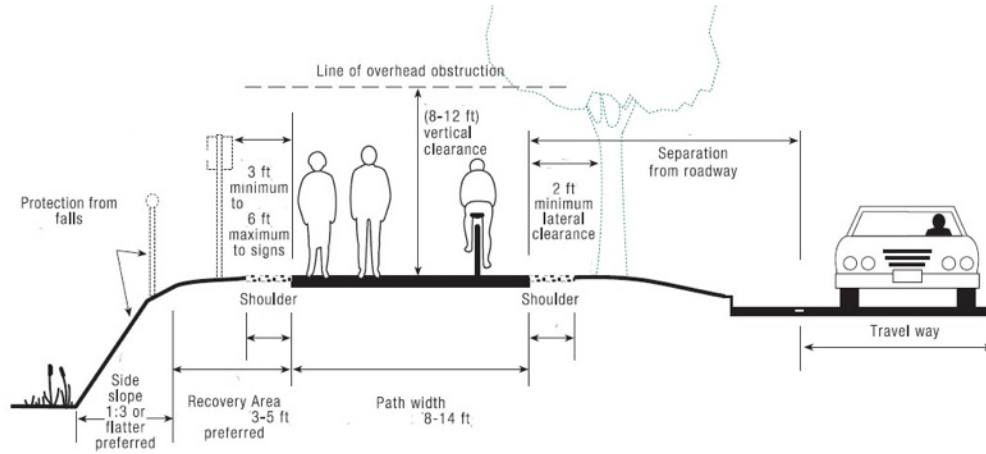
**Residential and Farm Access Road:** A residential and farm access road provides access to farms and residential areas and is primarily traveled by cars, small trucks, and farm vehicles and is shared with pedestrians and bicyclists. AADT is generally 50 to 200 trips. These roads are designed for a speed of 25-30 mph. Traffic on this road is fairly light, but it may include occasional school buses and large trucks, such as milk trucks and farm equipment.



**Private Road:** A private road, which may be unpaved, serves a limited number of single-family residences or a recreational area. Pedestrians and bicyclists share the road with vehicles. Private roads are designed for a speed of 15-25 mph. Private roads are maintained by homeowner’s associations or through common use and maintenance agreements, approved by the Planning Board and Town Attorney.



- C. **Bicycle Paths and Sidewalks:** The Planning Board shall consider the design of bicycle paths in the subdivision, and if required, such paths shall be designed to maximize the safety of path users, shall be a minimum width of six (6) feet, should be constructed of bituminous concrete over a gravel foundation, and shall be constructed as necessary to connect the proposed subdivision with the Town's network of trails and bicycle paths. The Planning Board shall consider the design of sidewalks in the subdivision, and if deemed appropriate and required by the Planning Board, such sidewalks shall be a minimum width of five (5) feet, shall be constructed of concrete to ADA standards and shall connect the proposed subdivision with the Town's network of trails and bicycle paths. Shared paths accommodating both bicyclists and pedestrians are also desirable as illustrated below:



- D. **Parks and Public Open Space:** Adequate lands for parks and other public open space purposes shall be provided in any subdivision of land for residential purposes throughout the Town of Rhinebeck.
1. **Amount of Land Dedicated:** In general, the Planning Board shall require that ten percent (10%) of the total land area within the subdivision be set aside and shown on the Plat for park and public open space purposes, including trails and other linkages between neighborhoods. All lands designated on the Plat as park or public open space must be deemed suitable for this purpose by the Planning Board based upon overall consistency with the Town *Comprehensive Plan* and a site-specific analysis of the lands' topographic, geologic, hydrological and locational characteristics. The Planning Board may establish such conditions on the subdivision concerning access, use, and maintenance of such park and public open space lands as deemed necessary to ensure the preservation of the lands, in perpetuity, for their intended purposes. Such conditions shall be clearly noted by the licensed land surveyor and/or professional engineer on the Plat prior to Final Plat approval and subsequent recording of the Plat in the Office of the Dutchess County Clerk.
  2. **Information to be Submitted:** In the event that an area to be used for park or

public open space is required to be shown, the Subdivider shall submit, prior to Final Plat approval, to the Clerk of the Planning Board, drawings at a scale of not less than twenty (20) feet to the inch of such area and the following features thereof:

- a. The boundaries of the said area, giving lengths and bearings of all straight lines; and radii, lengths, central angles and tangent distances of all curves.
  - b. Existing features such as streams, ponds, clusters of trees, rock outcrops and structures, existing and proposed.
  - c. Existing and, if applicable, proposed changes in grade contours of the said area and of the area immediately adjacent, for a distance of not less than one hundred (100) feet, with such contours to be at an interval of not more than two (2) feet.
  - d. Plans for improvements of said area, not limited to grading, seeding, fencing, landscaping, the provision of play and related equipment, and the address of conditions relating to the protection of the public health and safety.
3. **Payment in Lieu of Dedication:** In cases where, because of the size, topography, or location of the subdivision, or because of the size of the individual lots provided within the subdivision or of the proposed open space, the requirements for land dedication or reservation for parks and other public open space, the Planning Board shall alternatively require, under Section 277 of the Town Law, that a payment be made into a special fund for Town recreation site acquisition and/or improvement in lieu of such land dedication or reservation within the subdivision. Such payment shall be a condition of approval of the Final Plat and shall be assessed as a per lot or per dwelling unit basis in accordance with the subdivision fee schedule established and annually reviewed by the Town Board upon recommendation of the Planning Board. Such fee shall be imposed only after the Planning Board has made a finding that a proper case exists for requiring that park or recreational facilities are needed by the subdivision's residents for recreational purposes. The Planning Board, in making such findings, shall evaluate present and anticipated future needs for park and recreational facilities, based upon the cumulative demands of all recently approved and pending Subdivision applications on Town recreational facilities and the resulting need to expand recreational facilities in the near future as a result of the proposed Subdivision and other subdivisions and may rely on the projections and other analysis of need in the *Recreational Needs Assessment For The Rhinebeck Community* dated September 12, 2006, as updated from time to time. This fee shall not apply to any proposed lot presently developed with a residential structure and legally occupied within the past twelve (12) months for residential purposes. No Final Plat shall be signed by the Chair of the Planning Board until such payment has been received by the Town Clerk and receipt therefore provided to the Clerk of the Planning Board.

**E. Public Improvements and Utilities:**

1. **Placement:** Underground improvements required by the Planning Board in accordance with Article V, Section 5.1, and public franchise utilities shall be placed in the street right-of-way between the street paving and the right-of-way line. Where topography makes such placement impracticable, perpetual unobstructed easements at least twenty (20) feet in width shall be provided for along lot frontages abutting the street lines, with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and their layout shall be as regular as possible. Subject to the discretion of the Town Board, an underground public improvement or utility operated for revenue by the Town or by a special district may be installed by the Town in a private street, provided a public easement of satisfactory size is obtained for such improvement or utility. Before the street is paved, the Subdivider shall install underground service connections for all required improvements and utilities to the property line of each lot within the subdivision.
2. **Service Connections:**
  - a. **Water:** Where an appropriate community water main already exists and is physically and legally accessible, the Subdivider may connect into said main and provide a water connection for each lot in accordance with Article 12 of the Town Law, the Public Health Law, and other applicable laws, rules and regulations. Where an appropriate water main does not exist or is not accessible, the Subdivider shall install at his or her own expense such main together with all necessary valves, cutoffs, fire hydrants, pumps, storage tanks, meters and other equipment necessary to make such water system conform to the standards of the Town.
  - b. **Sewage Disposal:** Where an appropriate community sanitary sewer system is reasonably accessible physically and legally, the Subdivider shall install at his or her expense the necessary connections into the system and provide a sewer connection for each lot. The Planning Board may require shared or community sanitary sewage disposal systems for Conservation Subdivisions, where single-family attached dwellings or small hamlet-sized lots are proposed. Shared or community sanitary sewage disposal systems are encouraged for all other Conservation Subdivisions except for large farm or conservancy lots.
  - c. **Stormwater Management System:** The Subdivider shall install all necessary stormwater management facilities at his or her expense, in accordance with the standards of the Town and of all authorities having jurisdiction. Where an appropriate stormwater management system is reasonably accessible, the Subdivider shall make proper connection thereto.

Otherwise, the Subdivider shall provide means and methods for stormwater management satisfactory to the Planning Board and all other utilities having jurisdiction. In either event, the stormwater management facilities provided shall be fully consistent with the stormwater management design standards

which may be promulgated and from time to time reviewed and modified by the Planning Board and the State of New York. The stormwater management system shall be large enough to accommodate potential runoff from the entire upstream drainage area whether inside or outside of the subdivision. The designated Town Engineer shall approve the design and size of facilities based on anticipated runoff from at least the “twenty-five year” storm under conditions of total potential development permitted by the Zoning Law in the watershed. The cost of a culvert or other drainage facility in excess of that required for the particular subdivision may be deemed to be the responsibility of the Town, or may be prorated among the upstream property owners.

The subdivider’s engineer shall also study and report on the effect of each subdivision on the existing downstream drainage system outside the area of the subdivision; and this report shall be reviewed by the designated Town Engineer. When it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a “twenty-five year” storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the Plat until provision has been made for the improvement of said condition.

- F. **Realignment or Widening of Existing Streets:** Where the subdivision borders an existing street proposed for realignment or widening, the Planning Board may require that land be reserved on the Subdivision Plat to permit the proposed improvement to be carried out. Similarly, the Planning Board shall require in its review of any Subdivision Plat abutting a user/roadway, as defined under Section 189 of the Highway Law, the reservation of twenty four and three-quarters (24¾) feet from the center-line of such user roadway for highway purposes and recommend Town Board acceptance of such land when offered for dedication by the Subdivider.
- G. **Pedestrian and Bicycle Ways:** Adequate provision shall be made for convenient and safe movement of pedestrians and bicyclists in any subdivision of land for residential purposes throughout the Town of Rhinebeck. All streets designated as collector roads shall have an improved pedestrian path, sidewalk, bikeway or bike path provided on at least one (1) side of the street. Any such sidewalk or pedestrian path shall be so placed that there will be a distance of not less than six (6) feet between the sidewalk and the street pavement. A bikeway, or combined bicyclist/pedestrian path, not less than six (6) feet in width, may be alternatively situated adjacent to the street pavement and be visually separated therefrom by striping on both its inner and outer edges.

To the extent considered practicable by the Planning Board, and in consideration of public health, safety and general welfare, the Planning Board may require that additional or alternatively-located pedestrian and bicycle ways be provided within a residential subdivision to provide access to parks or public spaces, school sites, neighborhood shopping facilities, or similar destination. Any such pedestrian or

bicycle way may be situated within either a public right-of-way or established within a suitable easement.

- H. **Private Water Supply and Sewage Disposal Facilities:** Where community water supply and/or sewage disposal facilities are not available, the Planning Board shall ascertain as a part of Subdivision Plat review and approval that each prospective lot and dwelling unit may be adequately served by acceptable water supply and sewage disposal facilities, including shared or community septic disposal facilities, and ensure that all such on-site water supply and sewage disposal facilities shall be designed and installed in accordance with the requirements of the Dutchess County Health Department.

To the extent authorized by the Public Health Law and the Dutchess County Health Department, the Planning Board may, in accordance with Article X of these Regulations, waive this requirement for proposed lots in excess of five (5) acres and instead accept a note on the Plat advising of applicable Health Department permit requirements which must be met prior to the issuance of a building permit by the Town of Rhinebeck. No waiver shall be granted unless an examination of soil conditions and percolation and deep tests have been conducted by a licensed professional engineer and written certification is provided to the Planning Board that an on-site system(s), complemented by an appropriate water supply system, can be designed to serve not less than a three (3) bedroom dwelling in accordance with Dutchess County Health Department requirements and design standards.

- I. **Street Trees:** Trees shall be planted on both sides of a newly-installed street, in locations approved by the Planning Board, except where unnecessary due to the presence of significant, preservable existing vegetation, which shall be identified on the Subdivision Plat. Street trees shall generally:
1. Be located near the property line, in a manner that will not obstruct sight distance nor impede street maintenance, and be spaced approximately thirty to forty (30-40) feet apart, subject to variations made necessary by driveways and street corners as well as by the species of trees planted;
  2. Have a caliper of three (3) inches or larger measured at breast height and be not less than ten (10) feet in overall height at the time of planting; and
  3. Be approved as to species by the Planning Board, in consultation with the Conservation Advisory Council.
- J. **Maximum Development Envelopes and Conservation Areas on Lots:** The Planning Board shall consider, as part of Subdivision Plat review and approval, the required depiction of a maximum development envelope within any proposed residential building lot for the purposes of protecting and otherwise mitigating potential adverse impacts on significant environmental features including but not limited to wetlands, wetland buffers, and stream corridors, historic and archaeological sites, scenic and other visual resources, mature woodlands and wildlife habitat, and maintaining natural

buffers whether of landform or vegetation between individual residential building sites, two or more subdivisions, either public or private streets and roadways, or adjacent non-residential land uses.

1. Any such maximum development envelope shall encompass the land area occupied by the residential building, driveway access thereto, and supporting improvements including water supply and sanitary sewage facilities, stormwater improvements and franchise utilities, and shall further provide reasonable land area for lawn and accessory structures. The maximum development envelope might otherwise be cited as a “maximum disturbance area.”
2. The remainder of the lot shall be considered a private conservation area subject to a conservation easement, covenant or other restriction, approved by the Planning Board and recorded in the Dutchess County Clerk’s Office simultaneously with the filing of the approved subdivision plat. The conservation easement or other restriction shall typically prohibit the construction of any residential accessory structures or related improvements within the conservation area except as may be specifically set out therein and either prohibit or otherwise restrict clearing, grading, and removal of vegetation. [\[Back\]](#)

## **ARTICLE VII. Documents to Be Submitted**

Any Subdivider who proposes to develop a subdivision in the Town of Rhinebeck shall submit Plats and other documents for approval as provided in this Article.

### **§ 101-7.1 Submission Requirements for a Minor Subdivision Plat**

- A. Completed subdivision application form, receipt for payment of required application and escrow fees as specified by Article IV, Section 4.7 of these Regulations and Article XIV of the Zoning Law, and twelve (12) paper copies and, unless impracticable, one electronic copy of the proposed Subdivision Plat certified by a licensed land surveyor, bearing the Planning Board’s assigned case number, including individual stamp/signature blocks for the Town Planning Board and the Dutchess County Health Department, and suitable for filing in the Office of the County Clerk. The Subdivision Plat mylar shall bear no erasures and shall be of a sheet size not exceeding 36" x 42".
- B. In the case of a Minor Subdivision only, the Subdivision Plat application shall include the following information:
  1. An area map showing the location of that portion of the tract which is to be subdivided in relation to the entire tract, and showing the distance to the nearest street intersection. The drawing of the entire tract may be either deed plot or actual survey.
  2. An actual field survey of the boundary lines of the tract, or portion thereof, being subdivided, giving complete description data by bearings and distance, made and

certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Planning Board, and shall be referenced and shown on the Plat. The Planning Board may modify the requirement for a full field survey pursuant to Article X, Section 10.2 of these Regulations.

3. Information concerning portions of the land within the subdivision subject to periodic inundation by flood waters or in a wetland subject to the jurisdiction of the Town of Rhinebeck, New York State Department of Environmental Conservation, and/or US Army Corps of Engineers.
4. A copy of the deed to the parcel(s) proposed for Subdivision Plat approval.
5. A copy of such covenants or deed restrictions as intended to cover all or part of the tract.
6. Documentation regarding all easements, existing or proposed, which either affect, or are intended to affect, any portion of the Subdivision Plat including conservation easements on adjoining lands that have been filed with the Dutchess County Clerk or for which there are plans available for such adjoining lands which include proposed conservation easements.
7. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the Dutchess County Department of Health. Evidence of contact with the Health Department shall be presented at the time of application and a specific note regarding this requirement shall be stated on the Plat. Written endorsement of the Subdivision Plat by the Dutchess County Health Department must precede final stamping and signature by the Planning Board.
8. Proposed subdivision name, Town of Rhinebeck, Dutchess County, New York.
9. The date, north arrow, map scale, name and address of the record owner and Subdivider.
10. If the application involves either Re-subdivision or Lot Consolidation, a copy of the filed map(s) depicting the parcel or parcels proposed for Re-subdivision or Lot Consolidation.
11. Information from the Habitat Assessment required by Article V, Section Y of the Zoning Law and New York State Natural Heritage Program concerning species of conservation concern within or in the vicinity of the parcel(s) proposed for subdivision.
12. Information concerning resources of architectural, historic or archaeological significance within or in the vicinity of the parcel(s) proposed for subdivision.
13. If the subdivision parcel(s) lies partially, wholly or within 500 feet of either a certified agricultural district or land for which an individual commitment has been received pursuant to sections 305 and 306 of the Agriculture and Markets Law of

the State of New York, an Agricultural Data Statement in a form prescribed by the Planning Board.

14. If the subdivision lies within the Town's Local Waterfront Revitalization Area, a Coastal Assessment Form in a manner prescribed by the Planning Board.
15. If applicable to the proposed subdivision, a Stormwater Pollution Prevention Plan (SWPPP) pursuant to New York State and EPA Phase II Stormwater Regulations and the Town Zoning Law Article V, Section Z, and consistent with the submission requirements and the performance and design criteria and standards set forth therein.
16. If the application involves a "Lot Consolidation" or other "Re-subdivision," as defined within this Chapter, consolidation or merger deed(s).
17. An Environmental Assessment Form (EAF), as required by the SEQR regulations.
18. Copies of any related permit applications required for approval of the Subdivision, e.g. a State wetlands permit, a Town wetlands permit, a state DOT or Dutchess County Department of Public Works access permit.
19. Any additional requirements deemed necessary by the Planning Board due to the unique circumstances of the Subdivision Plat, including the submission of additional data more typically required for a major Subdivision Plat. [\[Back\]](#)

**§ 101-7.2. Sketch Plan Submission Requirements for a Major Subdivision**

- A. The Sketch Plan initially submitted to the Planning Board shall be based on tax map information or some similarly accurate base map at a scale of not less than one hundred (100) feet to an inch. The entire Sketch Plan shall be shown on one sheet not exceeding 36" x 42" and, unless impracticable, provided in electronic form. The Sketch Plan shall show the following information:
  1. Proposed subdivision name.
  2. A vicinity or area map showing the location of that portion of the tract which is to be subdivided in relation to the entire tract, to community facilities which serve it (such as schools, roads, shopping and public trails) and the distance to the nearest street intersection. All streets shall also be shown within five hundred (500) feet of the applicant's property.
  3. All existing structures, prime agricultural and statewide significant soils, agricultural district lands (within 500 feet of the property), wooded areas, wetlands, streams and other significant physical features including rock outcrops, stone walls and other man-made features within the portion of the tract to be subdivided and within two hundred (200) feet thereof. Topographic contours shall also be indicated at intervals of not more than ten (10) feet. All elevations are to be referred to USGS datum with location and description of bench mark included.
  4. Mapping of soils based on the Dutchess County Soil Survey data.

5. A copy of the deed to the parcel(s) proposed for Subdivision Plat approval.
6. The name of the owner and of all adjoining property owners, and others within 200 feet, as disclosed by the most recent Town assessment records. Property owners across the street also to be shown.
7. The tax map sheet, block and lot numbers, as available from the Town Assessor's Office.
8. All the utilities available, all streets, whether public or private, which are either proposed mapped or built.
9. The proposed pattern and number of lots (including approximate lot areas, widths and depths), street layout, recreation areas, and systems of drainage, sewerage and water supply within the subdivided area.
10. Conceptual future plans for the parcel, if any.
11. Information regarding all existing restrictions on the use of land including easements, covenants and location of Zoning district boundaries.
12. Delineation of all portions of the land within the subdivision subject to periodic inundation or flooding by storm water, or including all wetlands, whether regulated by the Town, State or Federal governments.
13. As may be applicable, a conceptual engineering report discussing the demands of the proposed subdivision on water, sewer, drainage, highways and related systems, and discussing the methods through which these demands may be accommodated and the methods through which any potentially adverse impacts may be mitigated, including discussion of alternatives as may be appropriate.
14. Information from the Habitat Assessment required by Article V, Section Y of the Zoning Law and New York State Natural Heritage Program concerning species of conservation concern within or in the vicinity of the parcel(s) proposed for subdivision.
15. Information concerning resources of architectural, historic or archaeological significance within or in the vicinity of the parcel(s) proposed for subdivision.
16. Information on all County or State permits required for Subdivision Plat approval.
17. A Full Environmental Assessment Form (EAF), as required by the SEQRA regulations. The Visual EAF Addendum may be required if the parcel is located within a Scenic District or on a designated Scenic Road or designated Critical Environmental Area (CEA).
18. A Site Resource Analysis Map of the parcel(s) and Resource Analysis Assessment on forms provided by the Town of Rhinebeck.
19. Any additional requirements deemed necessary by the Planning Board due to the unique circumstances of the Subdivision Plat. [\[Back\]](#)

**§ 101-7.3 Preliminary Plat Submission Requirements for a Major Subdivision**

- A. Completed subdivision application form, receipt for payment of required application fees as specified in Article IV, Section 4.5 of these Regulations, and ten (10) copies of the Preliminary Plat certified to by a licensed land surveyor and a professional engineer, as required by law, at a scale of not more than on hundred (100) but preferably not less than fifty (50) feet to an inch. The Preliminary Plat sheet size shall not exceed 36" x 42".
- B. The Preliminary Plat shall include, to the extent applicable, all information identified for Sketch Plan approval and as outlined below:
  1. Information on existing site conditions:
    - a. An actual field survey of the boundary lines of the tract, or portion thereof, to be subdivided, giving complete descriptive data by bearing and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments of such size and type as approved by the Town Planning Board, and shall be referenced and shown on the Plat;
    - b. Street rights-of-way on the subdivision and within two hundred (200) feet of its boundaries including name and right-of-way width and location; type, width and elevation of surface; any legally-established centerline elevations including those at intersections and other critical points;
    - c. Location, width, identification; purpose, and restrictions upon any other rights-of-way and easements in the subdivision;
    - d. Drainage structures on the subdivision and within two hundred (200) feet of its boundaries, including type of structure and location, invert elevations, gradients, types and sizes of all pipe and all other drainage structures where applicable, including direction of flow;
    - e. Location and size or capacity of all other utility structure, such as sewer, water, gas mains and power lines on the subdivision and within two hundred (200) feet of its boundaries;
    - f. As contours affect proposed improvements or existing improvements that will be utilized, ground elevations on the tract shall be based on a datum plane approved by the designated Town Engineer. For land with slope that is less than approximately two percent (2%), spot elevations should be shown at all breaks in grade, along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than two percent (2%), contours should be shown at intervals of not more than two (2) feet or as required by the Planning Board;
    - g. Wetlands, ponds, streams and all land subject to periodic or occasional flooding, or similar unstable condition, on the subdivision and within two

hundred (200) feet of its boundaries. Indicated shall be location, approximate land area, high water level based on 100 year storm, and maximum depth of water at critical points;

- h. Location of rock outcrops, wooded areas, stands of trees and significant preservable trees, structures, stone walls and other significant existing features for the proposed subdivision area and within two hundred (200) feet thereof;
  - i. Tabular data regarding soils characteristics from the Dutchess County Soil Survey; and
  - j. If the proposed subdivision will not be served by common sewage disposal, sub-surface data in accordance with Dutchess County Health Department requirement, including date, location and graphic representation of findings for all test holes including location and results of percolation and other tests to ascertain subsurface soil, rock and ground water conditions, and depth or ground water unless pits are dry at a depth of five (5) feet.
2. Information on proposed site development:
- a. Streets
    - i. Name to be checked prior to submission with the Town Clerk to avoid duplication and will be subject to subsequent approval of the Planning Board;
    - ii. The width and location of any streets or public ways or places shown on the Official Town Map, within the area to be subdivided, together with street profiles of all streets or public ways proposed by the subdivider;
    - iii. Right-of-way width;
    - iv. Tentative centerline elevations at intersections and at principal changes in gradient;
    - v. Tentative centerline gradient shown in percent slope;
    - vi. Computed sight distance at all proposed intersections and other critical points;
    - vii. Plans and cross-sections, showing, as applicable, the proposed location and type of pedestrian ways, bicycle ways, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits; and
    - viii. Preliminary designs of any bridges which may be required.
  - b. Lot Layout
    - i. Lot lines and dimensions scaled to the nearest foot;

- ii. Proposed location of building and driveways in full accordance with Zoning and other requirements; and
- iii. Lot numbers and lot areas measured to the nearest one hundred (100) square feet if less than one (1) acre or nearest one-tenth (0.1) of an acre for parcels greater than one (1) acre.
- c. Easements, Parks, Restricted Areas and Other Improvements
  - i. Purpose and restriction;
  - ii. Designation of areas or rights-of-way which are to be offered for public dedication or deeded to homeowners' associations or other private corporations with clear indication of proposed changes in grades and landscaping thereon. The Planning Board may require special recreational improvements and planting of trees, shrubs, grass, and other landscaping in all areas to be so dedicated.
  - iii. Proposed open space and conservation easements delineated.
  - iv. Where the topography is such as to make difficult the inclusion of any of the required facilities and improvements within the public areas as laid out, the Preliminary Plat shall show the boundaries or proposed permanent easements over or under private property.
- d. Preliminary stormwater management system plan
  - i. Drainage structures shall be shown on the Preliminary Plat indicating the approximate location and size of proposed lines and culverts and their profiles, including connection to existing stormwater management systems or alternate means of disposal; and
  - ii. Outline of watersheds tributary to drainage structures and their approximate area in acres including those which extend beyond the boundaries of the subdivision.
- e. Preliminary Water Supply and Sewage Treatment Systems
  - i. If public or other common facilities are available or to be provided, the approximate location, size and profiles of all proposed water lines, valves, hydrants and sewer lines, including connection to existing facilities as required and provided in the Public Health Law.
  - ii. If private on-site facilities are provided, design data is consistent with the requirements of the Dutchess County Health Department.
- f. Covenants, Deed Restrictions and Other Agreements
  - i. A copy of all covenants, deed restrictions or conservation easements which either presently affect, or are intended to apply to, all or part of the tract.

- ii. A copy of all conservation easements on adjoining lands that have been filed with the Dutchess County Clerk or for which there are plans available for such adjoining lands which include proposed conservation easements.
- g. Temporary Stakes or Markers
  - i. The Planning Board may require the location of temporary stakes or markers adequate to enable the Planning Board to locate readily and appraise the basic layout in the field, including markers at the corners of the tract. Unless the subdivision is adjacent to an existing street intersection the distance along a street from one (1) corner of the property to the nearest existing street intersection shall be shown.
- 3. Preliminary engineering report detailing the demands of the proposed subdivision on water, sewer, drainage, streets and related systems, and detailing the methods through which these demands shall be accommodated and the methods, including available alternatives, through which any potentially adverse impacts shall be mitigated. Preliminary engineering calculations of “cut” and “fill” shall be provided including an estimate of material to be imported to and exported from the subdivision in undertaking subdivision improvements, including installing sanitary sewage facilities, and grading roads, drainage facilities and building sites on each of the proposed lots.
- 4. If the subdivision parcel(s) lies partially, wholly or within 500 feet of either a certified agricultural district or land for which an individual commitment has been received pursuant to sections 305 and 306 of the Agriculture and Markets Law of the State of New York, an Agricultural Data Statement in a form prescribed by the Planning Board.
- 5. If the subdivision lies within the Town’s Local Waterfront Revitalization Area, a Coastal Assessment Form in a manner prescribed by the Planning Board.
- 6. If applicable to the proposed subdivision, a Preliminary Stormwater Pollution Prevention Plan (SWPPP) pursuant to New York State and EPA Phase II Stormwater Regulations and the Town Zoning Law Article V, Section Z, and consistent with the submission requirements and the performance and design criteria and standards set forth therein.
- 7. Additional data as may be required to complete the SEQR process, as initiated with the EAF submission at the Sketch Plan phase.
- 8. If applicable, all documentation necessary for the Planning Board to make a consistency determination under the Town’s Local Waterfront Revitalization Program. The Planning Board will consult with the Waterfront Advisory Committee (WAC) in its review of the Subdivision Plat and will make such consistency determination prior to Preliminary Plat approval.
- 9. A Preliminary Affordable Housing Plan, as required by Article V, Section CC of the

Town Zoning Law.

10. Information regarding the status of all applications for County and State permits which may be required, e.g. a State Wetlands Permit, Town Wetlands Permit, a State Protected stream crossing or stream disturbance permit, or a State DOT or Dutchess County DPW access or work permit.
11. Any additional requirements deemed necessary by the Planning Board due to the unique circumstances of the Preliminary Subdivision Plat. [\[Back\]](#)

**§ 101-7.4. Final Plat Submission Requirements for a Major Subdivision**

- A. Completed subdivision application form, receipt for payment of required application fees and escrow deposits, as specified by Article IV, Section 4.4 of these Regulations and by Article XIV of the Zoning Law, a reproducible mylar and twelve (12) paper copies and, unless impracticable, one electronic copy of the Final Plat certified by both a licensed land surveyor and a professional engineer, as required by law, at a scale of not more than one hundred (100) feet but preferably not less than fifty (50) feet to an inch. The Final Plat shall bear the Planning Board's assigned case number, include individual stamp/signature blocks for the Town Planning Board and the Dutchess County Health Department, and be suitable for filing in the Office of the County Clerk. The Final Plat mylar shall bear no erasures and shall be of a sheet size not exceeding 36"x 42".
- B. To the extent applicable, the following information will be submitted for approval and shall constitute a Final Plat:
  1. Lot map of the entire subdivision shall be the same as that required on the Preliminary Plat with the following additions:
    - a. Lot layout:
      - i. Individual lot identification by a suitable system of consecutive numbers;
      - ii. Lot lines with accurate dimensions to the nearest tenth of a foot and bearings to nearest five (5) seconds;
      - iii. Lot areas for each lot measured accurately to the nearest one hundred (100) square feet for lots of on (1) acre or less, and to the nearest one-tenth acre for lots greater than one (1) acre.
      - iv. Minimum building setback lines, if imposed beyond zoning requirements through deed restriction, shown and dimensioned.
    2. Survey data:
      - a. Accurate tract boundary lines with bearings and distances:
      - b. Survey tie-in accurate bearings and distances to nearest established street monuments or other official monuments, which are within reasonable distance of the property. When referenced to the State system of plane coordinates, they shall also conform to the requirements of the New York State Department of

Transportation. They shall be placed as required by the designated Town Engineer and their location noted and referenced upon the Plat;

- c. Special district boundaries, e.g. water or sewer, as affect the subdivision, referenced to the subdivision survey by accurate bearings and distances;
  - d. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street; and
  - e. Accurate dimensions to the nearest tenth of a foot.
  - f. Monuments and Markers:
    - i. Accurate location of all monuments (existing, proposed, or to be reset) shall be shown; and
    - ii. Monuments or other suitable markers shall be of a type approved by the Town Engineer and shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as may be required by the Planning Board, these Subdivision Regulations and/or the Town Highway Specifications.
3. Required Improvement Plans and Profiles
- a. The amount of all performance guarantees and conduct of all required inspections shall be based on these drawings, the Final Plat itself, these Subdivision Regulations and other applicable Town specifications for such required improvements and utilities.
  - b. Unless a specific waiver is requested and granted in writing by the Planning Board, the proposed improvements and utilities shall be considered to comply specifically with these Subdivision Regulations and the other applicable Town specifications for such improvements and utilities.
  - c. Basic drawing layout requirements are the same as those required for the Preliminary Plat and shall also include rights-of-way, gradients, and directional arrows downhill.
  - d. Designs for water lines, sewers, street, bridges and drainage structures shall be prepared by a licensed professional engineer.
  - e. Complete drainage system for the entire subdivision, with appropriate development staging for each of the Final Plat section, shown graphically and related to all existing drainage features.
  - f. Utility system requirements:
    - i. Water supply and distribution:
      - (a) Location of source on property or, where piped in, the size of the supply

- main.
- (b) Location and size of all distribution mains.
- (c) Location of fire hydrants.
- (d) Location of control valves.
- ii. Sanitary waste disposal systems.
  - (a) Sanitary sewer system design shall be indicated in all cases where public or private sewer connections exist or are proposed.
  - (b) Typical lot layout indicating location of individual system, where appropriate, with reference to house and water supply, and detailed drawing of proposed sanitary waste disposal system.
- iii. Location of electric, telephone, cable tv, gas, and other energy-related lines.
- iv. Location and description of street lighting.
- g. Profile drawing requirements:
  - i. Drawings shall be prepared with horizontal scale of one (1) inch equals fifty (50) feet and vertical scale of one (1) equals ten (10) feet, unless otherwise approved by the Planning Board.
  - ii. All profiles shall show the existing natural grades, the typical cross-section of existing or proposed roads, the centerlines of intersecting roads and a system of survey stations.
  - iii. The centerline profile of all proposed roads with dimensions on vertical curves, and notations as to gradient and critical elevations.
  - iv. Detailed plans for bridges, culverts or similar structures.
  - v. The invert profile and location of all storm and sanitary drainage structures (manholes, catch basins, etc.) in street rights-of-way, drainage or other easements.
- h. Recreation and community improvements:
  - i. Landscape plans prepared by registered landscape architect, architect or professional engineer indicating proposed changes in existing grades and landscaping including the following items: play areas, walkways, incidental shelters, lighting, walls, new trees and shrubs (location, caliper and botanical name), and other required improvements.
- i. Final engineering report.
- j. A Final Stormwater Pollution Prevention Plan (SWPPP), including pertinent certifications, pursuant to New York State and EPA Phase II Stormwater Regulations and the Town Zoning Law Article V, Section Z, and consistent with the submission requirements and the performance and design criteria and

standards set forth therein.

- k. Final engineering calculations of “cut” and “fill” and estimate of the amount of material to be imported to and exported from the subdivision in undertaking required subdivision improvements, installing sanitary sewage facilities and grading building sites on each of the proposed lots.
- l. Detailed cost estimate for the installation of all required improvements.
- m. A pre-paid title insurance policy insuring the Town the fee to the lands in any situation where any offer of dedication of easements, rights-of-way and/or improvements is being made to the Town or other municipal entity.
- n. Bond calculation by Town Engineer.
- o. Performance guarantee executed by the developer, secured by either a surety bond or letter of credit guaranteeing performance of the construction and maintenance obligations set forth within this Chapter. If the developer is a corporation or a limited liability corporation, a principal of the corporation shall personally guarantee the obligations in terms of those miscellaneous items such as proper execution of deeds and easements that cannot necessarily be resolved with money.
- p. General liability insurance policy.
- q. Either documentation of the establishment of a discrete special stormwater management district for the subdivision or incorporation of the subdivision within an existing stormwater management district by the Town Board or, in the event the stormwater control facilities within the subdivision are to be privately owned, a stormwater control maintenance agreement executed by the Town and developer.
- r. Maintenance agreement executed by the developer guaranteeing the installation and operation of the stormwater management facilities for a period of up to five years, depending on the nature and type of facilities proposed.
- s. Deeds executed by the developer for roads, easements and other proposed dedications to the Town or other public or private, non-profit agency of fee or lesser interest to the lands and improvements within the subdivision.
- t. Environmental resource protection notes conspicuously set forth on the Subdivision Plat as may either be required pursuant to State regulation or otherwise required by the Planning Board during the subdivision plat review and approval process to call attention to the presence of protected environmental resource features including but not limited to farm lands and associated agricultural practices protected under the NYS Agriculture and Markets law, protected streams, designated NYSDEC wetlands and federal jurisdictional wetlands, public parklands, and historic and/or archaeological sites either within the subdivision or either directly or substantially adjacent to

the subdivision.

- u. Legal mechanisms, including conservation easement documents, covenants or restrictions, to ensure long-term protection of any open space or conservation areas.

4. Certification

- a. Certification of title showing that the applicant is the owner or duly authorized agent of the owner. The applicant shall provide evidence of title insurance in the amount of not less than the cost of lands to be dedicated as shown and approved on the Final Plat.
- b. Written offers of cession to the Town for all proposed public streets, right-of-way, easements and open spaces shown on the Subdivision Plat and copies of agreements or other documents showing the manner in which open spaces, title of which is reserved by the Subdivider, are to be maintained. All offers of cession and covenants governing the maintenance of unseeded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- c. A certificate by the designated Town Engineer certifying that the Subdivider has complied with one or both of the following alternatives:
  - i. All or part of the improvements have been installed in accordance with the requirements of these Regulations and with the action of the Planning Board granting approval of the Preliminary Plat; or
  - ii. A performance bond or equivalent security has been posted available to the Town in sufficient amount to assure completions of all required improvements.
- d. Protective covenants, signed conservation easement documents, and other appropriate devices in form for recording.
- e. Letters directed to the Chair of the Planning Board and signed by a responsible official or any governmental authority or district which must provide necessary utility service, approving the utility installation design and assuring that adequate service will be available to accommodate the needs of the subdivision. Assurance shall also be provided that the long-term ownership and maintenance of the utilities shall be provided in accordance with Article 12 of the Town Law, or similarly acceptable mechanism.
- f. Letter, in appropriate cases, directed to the Chair of the Planning Board signed by a responsible official of the State Department of Transportation, or the Dutchess County Department of Public Works, approving proposed construction and access on State or County rights-of-way, respectively. If access or construction affects a Town Highway, approval of the Town Highway Superintendent shall be similarly required.

- g. To the extent required by the Public Health Law and the Dutchess County Sanitary Code, endorsement and approval by the Dutchess County Health Department for the plans for all water supply and sewage disposal facilities shown on the Final Plat.
  - h. A memorandum and copies of related documentation establishing specific compliance with each of the conditions stated within the preliminary Plat approval resolution, including a copy of all necessary permits from County or State agencies which may be required due to the particular circumstances of the subdivision and the nature and location of the intended improvements.
  - i. Statements made and signed by the owner granting all necessary easements or other releases where required for the installation and maintenance of public improvements.
5. A Final Affordable Housing Plan.
6. Any additional requirements deemed necessary by the Planning Board due to the unique circumstances of the Final Subdivision Plat. [\[Back\]](#)

## **ARTICLE VIII. Conservation Subdivision**

In the Town of Rhinebeck, Conservation Subdivision, pursuant to Article V, Section I of the Zoning Law and Section 278 of New York State Town Law, is a permitted use in all Zoning districts and is the preferred approach to protecting the nationally significant scenic, historic, natural and rural resources of the community. Conventional Subdivision in strict accordance with the District Schedule of Bulk Requirements found in Article IV of the Zoning Law, requires the issuance of a Special Use Permit in most Zoning districts in accordance with Article VI of the Zoning Law. The Planning Board is empowered to approve Conservation Subdivision, to the extent provided within the Zoning Law, so that the design and development of land is carried out in such a manner as to preserve the natural and scenic qualities of open lands, to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to maintain rural character and environmental quality through preservation of large tracts of open space land. Conservation Subdivision is a more flexible approach to land development than Conventional Subdivision. It is intended as an alternative to Conventional Subdivision's rigid and sprawling pattern of suburban development that occurs when lots and dwelling units are laid out in a uniform pattern over the landscape, generally with little regard for valued natural, cultural and scenic resources..

The following shall be the standards and procedure utilized by the Planning Board in reviewing applications for approval of a Conservation Subdivision within the Town of Rhinebeck.

- A. Pre-application Conference:** A pre-application conference discussion with the Planning Board is required for both Conservation and Conventional subdivisions. At

the pre-application conference, the Planning Board and the subdivider shall review of the manner in which the subdivision will be designed, either conservation or conventional. If Conservation Subdivision is proposed by the Subdivider or required by the Planning Board, the additional requirements of this Article shall apply.

- B. **Sketch Plan:** A Subdivider shall present the conservation Sketch Plan and a Yield Subdivision Plan, which is fully consistent with all of the criteria established by these Subdivision Regulations, including lots being fully consistent with the District Schedule of Area and Bulk Regulations found in Article IV of the Zoning Law. Upon review of the Yield Subdivision Plan, the Planning Board shall by resolution determine the number of lots that could be accommodated on the land under a Conventional Subdivision approach, and, thus, the number of lots or dwelling units that would be authorized through application of the Conservation Subdivision process.
- C. **Lands for Park, Recreation, Open Space or other Community Purpose:** Conditions regarding the long-term ownership, use, maintenance and permanent protection of all common lands within a Conservation Subdivision shall be set forth by the Subdivider in consultation with the Planning Board.
- D. **The following minimum standards shall be strictly met:**
  - 1. The open space land, which shall meet the minimum open space requirements of Article V, Section I(8)(a) of the Zoning Law, shall be shown on the Plat and shall be labeled in a manner to indicate that such land is not to be platted for building lots and is permanently reserved for open space purposes.
  - 2. A perpetual conservation easement leaving the land forever wild or limiting use of such land to agricultural, managed forest land, passive recreational or open space use as permitted by Article V, Section I(12)(b) of the Zoning Law and prohibiting residential or commercial use of such open space land, pursuant to Section 247 of the General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Law, shall be granted to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be agreed upon by the Planning Board and shall be required as a condition of Plat approval hereunder, shall not be amendable to permit commercial or residential development, and shall be recorded in the Dutchess County Clerk's office simultaneously with the filing of an approved Conservation Subdivision Plat.
  - 3. Open space land may be owned in common by a homeowners' association, dedicated to the Town, or held in non-common private ownership by one or more property owners subject to a permanent conservation easement. The Planning Board shall assure that proper provision has been made for ownership and maintenance of the open space land in accordance with Article V, Section I(13) of the Zoning Law. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against all individual owners in the homeowners' association and the

dwelling units they each own. Ongoing maintenance standards shall be established, enforceable by the Town against an owner of open space land as a condition of subdivision approval, to assure that the open space land does not detract from the character of the neighborhood.

- D. **Plat Submission:** Upon determination that such Sketch Plan is suitable for the procedures hereunder and subsequent resolution by the Planning Board authorizing the Subdivider to proceed, a Preliminary Plat meeting all of the requirements of the resolution shall be presented to the Planning Board within six (6) months and thereafter the Planning Board shall proceed with the required public hearings and satisfy all other procedural requirements of these Regulations.
- E. **Filing, Notation on Zoning Map:** On the filing of the Final Plat in the Office of the Dutchess County Clerk in which Conservation Subdivision has been used, the Subdivider shall file a copy with the Town Clerk who shall make appropriate notations and reference thereto on the Town Zoning Map. The Clerk of the Planning Board shall notify the Building Inspector when such a Subdivision Plat is filed. [\[Back\]](#)

## **ARTICLE IX      Conservation Density Subdivision**

Pursuant to the resolution of the Town Board, the Planning Board is further empowered to modify to the extent provided within the Zoning Law applicable provisions of said Law for the purpose of encouraging the preservation of large tracts of open space by affording flexibility to landowners in road layout and design and road frontage requirements, if and only if such landowners commit to the permanent preservation of significant open space resources through a conservation easement held by a local land trust and filed in the office of the Dutchess County Clerk. The following shall be standards and procedure utilized by the Planning Board in reviewing applications for approval of a Conservation Density Subdivision within the Town of Rhinebeck.

- A. **Location:** A Conservation Density Subdivision may only be created in the HP20, RA10, RL5 or RC5 Zoning districts.
- B. **Minimum Lot Area:** A Conservation Density Subdivision shall require a minimum lot area of sixty (60) acres within the HP20 district, a minimum lot area of thirty (30) acres within the RA10 district and a minimum lot area of fifteen (15) acres within the RL5 or RC5 districts. All lots created within a Conservation Density Subdivision shall be permanently restricted by conservation easement from further subdivision and shall, by virtue of the expressed language of said easement, be restricted to the development of one (1) single-family dwelling unit per approved lot.
- C. **Maximum Number of Lots:** The maximum number of lots within a Conservation Density Subdivision shall be eight (8) unless the more restrictive requirements of Article IX, Section D(6) below apply.

D. **Conditions for Waiver of Road Frontage Requirements and Authorization of Private Roads:** In a Conservation Density Subdivision, the Planning Board may waive the requirement for lot frontage on a public road and may permit the construction of private roads to lesser specifications than normally required for Town roads, provided that the following conditions are met:

1. All road designs must be approved by the Planning Board and the Town Engineer. Specifications for such roads shall be adequate to service the maximum number of lots that can be developed on such roads, as provided on the Plat and in the restrictions on future subdivision. Unpaved roads may be permitted provided that all other Town specifications, except those related to the pavement surface and pavement width are met.
2. A homeowners' association or other mechanism acceptable to the Planning Board and the Town Attorney, must be created to maintain all private roads and must have adequate powers to collect funds needed to assure road maintenance, including the ability to impose liens against all lot owners. The adequacy of the homeowners' association or other documents shall be reviewed and approved by the Town Attorney.
3. The homeowners' association or other documentation and conservation easements shall state that the private roads may not be deeded to the Town unless they are improved to Town specifications at the sole cost of the lot owners, each sharing equally in the cost of such upgrading of the road, which costs maybe made a lien against the property.
4. All reasonable engineering and legal costs for Town review of the adequacy of the road designs, conservation easements and homeowners' association or other documents shall be paid by the applicant for a Conservation Density Subdivision.
5. To the extent applicable, the requirements of Section 352(e) of the General Business Law relating to the filing with the Attorney General's office of common interests in real estate shall be strictly adhered to by the Subdivider.
6. To the extent which may be applicable, the requirements of Town Law section 280-a providing for the declaration of an open development area by the Town Board shall be satisfied. [\[Back\]](#)

## **ARTICLE X.      Waivers, Modifications and Review**

A. **Waiver of Specific Improvements.** The Planning Board may waive, upon specific request and by specific resolution, subject to appropriate conditions and guarantees, and for such period as it may determine, the requirements of these Regulations relative to the provision and design of any or all required improvements which in its judgment of the special circumstances of a particular Plat or Plats are not requisite to the interests

of the public health, safety and general welfare of the Town, or are not appropriate because of the inadequacy or lack of connecting facilities adjacent to or in the proximity of the proposed subdivision.

- B. **Modification of Specific Requirements.** Where the Planning Board finds that compliance with these Regulations would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions or topography, access, location, shape, size, drainage or other physical features of the site, the minimum requirements of these Regulations may be modified upon specific request and by specific resolution of the Planning Board to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of these and other Town Regulations.
- C. **Review of Decisions of the Planning Board.** Any Officer, Department, Board or Bureau of the Town, with the specific approval of the Town Board, or any person or persons, jointly or severally aggrieved by any decision of the Planning Board concerning a Plat decision, may bring a proceeding to review such decision in the manner provided by Article 78 of the Civil Practice Law and Rules in Court of record on the ground that such decision is illegal in whole or in part. Such proceedings must be commenced within thirty (30) days after filing of the decision in the Office of the Town Clerk. Commencement of such proceeding shall stay all further proceedings upon the decision appealed from. [\[Back\]](#)

## **ARTICLE XI. Authority to Sign Plats**

The sole officer authorized to sign approved Subdivision Plats is the Chair of the Planning Board or in his or her absence the Vice Chair. The Clerk of the Planning Board is authorized, however, to carry out any ministerial acts on behalf of the Planning Board or its Chair that are required by these Regulations. [\[Back\]](#)

## **ARTICLE XII. Plat Void if Revised After Approval**

No changes, erasures, modifications or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Planning Board and such Board approves in writing any such modifications. In the event that any Subdivision Plat is recorded in the Office of the Dutchess County Clerk without complying with these requirements, the same shall be considered null and void, and the Planning Board shall institute proceedings to have the Plat stricken from the records of the Office of the Dutchess County Clerk. [\[Back\]](#)

### **ARTICLE XIII. Conflict with Other Laws**

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements established by the Planning Board of the Town of Rhinebeck for the subdivision of land and the provision of required improvements within the Town. Should the requirements of these Regulations conflict with, or otherwise be inconsistent with any provision or requirement of any other lawfully adopted rules, regulations, ordinances or laws the more stringent provisions, or those imposing the higher standards shall govern. [\[Back\]](#)

### **ARTICLE XIV. Amendments**

These Regulations may be amended, upon recommendation of the Planning Board, after public hearing and approval of the Town Board. Notice of the time, place and purpose of such hearing shall be given by publication in the official Town newspaper at least five (5) days prior to the date on which it is to be held. A copy of the proposed amendment shall be placed on file in the Office of the Town Clerk, where it shall be available for public inspection during normal working hours for a period of at least five (5) days before such hearing. Amendments recommended by the Planning Board shall take effect on the date of the Town Board approval, or at such time as provided in the resolution of approval, and shall apply to any Preliminary Subdivision which has not received approval or approval with modification prior to such date, and to any Preliminary Subdivision approval, with or without modification, for which a formal application for final approval is not received within six (6) months of the date of such approval. [\[Back\]](#)

### **ARTICLE XV. Separability**

Should any section or provision of these Regulations contained herein, or as amended, or the application thereof to any person or circumstance, hereinafter be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof, other than the part so declared to be invalid. The Planning Board hereby declares that it would have recommended these Regulations or the remainder thereof, and the Town Board declares that it would have approved the same, even if the invalidity of such section or provision or its application had been apparent. [\[Back\]](#)

## Appendix A: Town of Rhinebeck Site Resource Analysis Assessment

Name of subdivision: \_\_\_\_\_

Address: \_\_\_\_\_

	Yes	No	Not Sure
Are there streams, wetlands, waterbodies or watercourses that require protective buffer areas?			
Is there active farmland on the parcel(s)?			
Will the active farmland be preserved?			
Is there active farmland contiguous to or within 500 feet of the subject parcel(s)?			
Is this an Agricultural Exempt parcel(s)?			
Are there ridgelines that the Town desires to be kept clear of development?			
Could development alter the visual character from off-site areas dramatically?			
Could development alter viewshed vantage points within the property?			
Have visual mitigation measures been discussed?			
Are there high-quality trees and significant groups of trees that should be preserved?			
Is there the potential for significant wildlife habitats or wildlife migration areas?			
Do any of these significant natural areas extend into abutting properties?			
Have mitigation measures been discussed?			
Are there stone walls and rock outcrops on the site?			
Is the parcel adjacent to a public recreational area?			
Are there possibilities for walkway, bikeway and/or trail connections?			



## Appendix B: Illustrated Subdivision Design Guidelines

[\[Back\]](#)