



**TOWN of RHINEBECK**

**Zoning Board of Appeals**

**80 East Market Street, Rhinebeck, NY 12572**

**Phone: (845) 876-6296 Fax: (845) 876-5885**

**PUBLIC HEARING NOTICE**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Rhinebeck will hold a Public Hearing, pursuant to Section 267-a of the NYS Town Law, and Section 125-125 of the Town of Rhinebeck Code, on the Application of:

**Red Wing Properties, Inc. - Paul Doherty & Francis Doherty (collectively “Red Wing”)** - Soil Mining Operation on White Schoolhouse Road - Tax Parcel # 6270-00-855330 – Parcel Area: approximately 241 acres - ZBA Case #923

This application is an appeal from a determination of the Town Zoning Enforcement Officer dated February 25, 2016, denying Red Wing’s application for a determination that it has a vested right to conduct mining on its White Schoolhouse Road property outside the boundaries of the Town of Rhinebeck Mining Overlay Zoning District as a valid, non-conforming use.

Under the Rhinebeck Town Zoning Law, mining is only allowed on lands located within the boundaries of the Town’s Mining Overlay (Mi-O) Zoning District. In 2015, the Town of Rhinebeck changed the boundaries of the Mi-O Zoning District (Local Law No. 4 of 2015). Before the Mi-O District boundaries were changed, most of Red Wing’s property was located within the Mi-O District. After the change, a large portion of Red Wing’s property is located outside the Mining Overlay District boundaries. Red Wing asserts on this appeal that they should be able to mine their entire property, even portions of the property outside the Mining Overlay District boundaries, because its mining use is essentially grandfathered as a valid, non-conforming use.

The public hearing will be held on Wednesday, May 4<sup>th</sup>, 2016, at 8.00 p.m. in the Town of Rhinebeck Town Hall, located at 80 East Market Street, Rhinebeck, NY 12572.

At the public hearing, the Zoning Board of Appeals, will hear and receive oral and/or written comment on this appeal from any and all persons, or their agents.

By Order of the ZBA,

Margarita Rincon, Zoning Secretary

Dated: April 25, 2016