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Department of State
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Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

1 _____ of the year 20 25

Local Law Title: A LOCAL LAW AMENDING THE TOWN OF RHINEBECK ZONING MAP

PURSUANT TO CHAPTER 25, ARTICLE V, SECTION 125-64.4 TO REZONE THE
PROPERTY LOCATED BETWEEN ASTOR DRIVE AND RHINECLIFF ROAD (COUNTY
ROUTE 85), TAX ID NO. 6170-00-223336-0000 TO PERMIT AN
AFFORDABLE WORKFORCE HOUSING DEVELOPMENT WITHIN THE WORKFORCE
HOUSING (WH) DISTRICT

Be it enacted by the Town Board _____ of the
(Name of Legislative Body)

County City Town Village
(Select one)

of Rhinebeck _____ as follows on the attached pages:
(Name of Local Government)

For Office Use Only

Department of State Local Law Index Number: 1 _____ of the year 20 25

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

TOWN OF RHINEBECK

LOCAL LAW NO. 1 OF THE YEAR 2025

**A LOCAL LAW AMENDING THE TOWN OF RHINEBECK ZONING MAP
PURSUANT TO CHAPTER 25, ARTICLE V, SECTION 125-64.4 TO REZONE THE
PROPERTY LOCATED BETWEEN ASTOR DRIVE AND RHINECLIFF ROAD
(COUNTY ROUTE 85), TAX ID NO. 6170-00-223336-0000 TO PERMIT AN
AFFORDABLE WORKFORCE HOUSING DEVELOPMENT WITHIN THE
WORKFORCE HOUSING (WH) DISTRICT**

BE IT ENACTED by the Town Board of the Town of Rhinebeck as follows:

SECTION 1. TITLE:

This Local Law shall be known as “A Local Law Amending the Town of Rhinebeck Zoning Map pursuant to Chapter 25, Article V, Section 125-64.4 to Rezone the Property Located between Astor Drive and Rhinecliff Road (County Route 85), Tax Id No. 6170-00-223336-0000 to Permit an Affordable Workforce Housing Development within the Workforce Housing (WH) District.”

SECTION 2. AUTHORITY:

This Local Law is enacted pursuant to authority of the Municipal Home Rule Law §10 and New York State Town Law Article 16.

SECTION 3. PURPOSE AND INTENT:

The Town of Rhinebeck, pursuant to Local Law No. 1 of 2012 and Local Law No. 3 of 2017 amended Chapter 125, Article V of the Supplementary Regulations contained in the Town’s Zoning Code, to provide §125-63 entitled “Affordable Housing”. The purpose and intent of the said Town Code (hereinafter, “Code”) provisions were to achieve affordable housing opportunities within the Town of Rhinebeck through a variety of methods, including, in relevant part, construction of affordable housing units in certain locations within the Town.

Subsequently, the Town, by Local Law No. 2 of 2019, amended Chapter 125, Article V (Supplementary Regulations) to create §125-64.4 of the Code titled: “Affordable Housing Development within the Workforce Housing (WH) District”.

These Code provisions provide for the establishment of affordable workforce housing developments through the reclassification by the Town Board of certain lands previously zoned Village Gateway (VG) District to the Workforce Housing (WH) District. Section 125-64.4(C) provides, in relevant part, for the development of workforce housing in conformity with the standards set forth in subparagraphs “1” through “12” of that section of the Code. Section 125-64.4(D) provides, in relevant part, that prior to consideration of a Zoning Map amendment, the

proposed affordable workforce housing development is first subject to review and approval of an overall Concept Plan (hereinafter, "Concept Plan") by the Town Board in accordance with the requirements and criteria set forth in §125-64.4(D)(2) and (3) of the Code. On or about March 9, 2022, the Rhinebeck Town Board received an application from Kearney Realty & Development Group, Inc. (hereinafter, "Applicant") and Housing Partnership Development Corp. for a Zoning Map amendment pursuant to §125-64.4 of the Code seeking the development of an affordable workforce housing project for development on parcel no. 6170-00-223336-0000 consisting of 23.3 acres located within the Town's VG Zoning District which will consist of 80 affordable workforce rental units in six buildings with ingress and egress provided by a private driveway located on Rhinecliff Road extending through the site to through Wells Manor Lane and then to Astor Drive. The proposed residential units will be rental and affordable and income based in a range running from 30% to 80% of the Dutchess County Area Median Income (AMI).

The Town Board, in accordance with the requirements of §125-64.4 of the Code, referred the application to the Town's Planning Board; the Town's Workforce Housing Committee; the Town's Waterfront Advisory Committee, the Town Conservation Advisory Board; and the Dutchess County Department of Planning and Development for their review and comment on the application and proposed Concept Plan.

The Town Board assumed the role of lead agency for the environmental review of the action pursuant to SEQRA, following the procedures set forth in 6 NYCRR Part 617, and conducted a coordinated review with the involved and interested agencies. The Town Board conducted several workshop, informational and public hearings on the said project and by Resolution dated October 15, 2024 adopted a Negative Declaration pursuant to SEQRA, determining that the project did not have the potential for any significant adverse environmental impacts and that an Environmental Impact Statement need not be prepared.

The Applicant, through its engineering consultant, CPL, during the course of this review of the project, submitted to the Town Board and the Town Board's consultants, the following documentation: (i) Title Sheet (C001, last revised 8/22/2024; (ii) General Notes (C002), last revised 8/22/2024; (iii) Existing Conditions (C100), last revised 8/22/2024; (iv) Tree Plan – 1 (C101), last revised 8/22/2024; (v) (Tree Plan - 2 (C102), last revised 8/22/2024); (vi) Existing Tree Table (C103), last revised 8/22/2024; (vii) Environmental Analysis Map (C104), last revised 8/22/2024; (viii) Overall Site Plan (C200), last revised 8/22/2024; (ix) Enlarged Site Plan – 1 (C201), last revised 8/22/2024; (x) Enlarged Site Plan -2 (C202), last revised 8/22/2024; (xi) Overall Grading Plan & Road Profile (C300), last revised 8/22/2024); (xii) Sight Lines (C301), last revised 8/22/2024); (xiii) Overall Utility Plan (C400), last revised 8/22/2024); (xiv) Enlarged Utility Plan – 1 (C401), last revised 8/22/2024); (xv) Enlarged Utility Plan – 2 (C402), last revised 8/22/2024; and (xvi) Overall Erosion & Sediment Control Plan (C450), last revised 8/22/2024. In addition, the applicant submitted, and its consultants reviewed, a Stormwater Pollution Prevention Plan ("SWPPP"); a Construction Impact Mitigation Narrative; a Blasting Plan; Fire Department correspondence; an NYS DEC Habitat Assessment; US Fish & Wildlife Service correspondence; and a Visual Impact Analysis, as well as a Fiscal Impact Analysis.

As a result of the foregoing, the Town Board by Resolution dated October 15, 2024 approved the Concept Plan for the affordable workforce housing development and forwarded the application to the Town of Rhinebeck Planning Board for commencement of the site plan approval process as set forth in Article VII of the Town Code, with the caveat that the Planning Board not issue its final site plan approval of the Concept Plan until such time as the Town Board adopted a Local Law rezoning the subject property for the proposed housing development.

Thereafter, the Town Board received a Resolution Letter from the Town Planning Board dated December 18, 2024; a letter from the Village of Rhinebeck dated January 31, 2025; a letter from the Town Board's Consultant Engineer Christian Paggi dated September 26, 2024; and a letter from the Conservation Advisory Board and Waterfront Advisory Committee dated February 5, 2025. The Town Board also received a comment letter from the Rhinebeck Fire Department Chief Knapp dated August 7, 2024. The Town Board forwarded all of these comments to CPL and received a response from CPL to those additional comments. The Town Board held a special workshop session on February 12, 2025 for purposes of reviewing all of the additional comments received and considered those comments with the input from the Town's Consulting Engineer and Planner and the Attorney to the Town. The Town Board also considered the possibility of a change in the plans from a private road to a public road to be dedicated to the Town after completion and discussed the relative advantages and disadvantages associated with that change with the Town's Highway Superintendent. As a result of those discussion, the Town Board determined to retain the requirement of making the interior road a private road to be thereafter maintained by the Applicant.

Thereafter, the Town Board received, and reviewed with its consultants, a revised set of plans for the project dated March 18, 2025, together with a set of building floor plans and updated elevations and landscaping plans. The Town Board determined that none of these updated plans required the reopening of the SEQRA review process for the project. The Town Board, by Resolution dated April 28, 2025 reapproved the Concept Plan, as amended by the revised set of plans.

SECTION 4. AMENDMENT OF TOWN OF RHINEBECK ZONING MAP:

The Town of Rhinebeck Zoning District Map dated November 2015 and amended April 18, 2017 and annexed to the Town of Rhinebeck Zoning Code as §125, Attachment 1, is hereby amended to provide that the property bearing tax id no. 6170-00-223336-0000 located between Astor Drive and Rhinecliff Road is hereby designated, pursuant to the provisions of §125-64.4(D)(7) as a Workforce Housing (WH) District so as to permit the development of the proposed affordable workforce housing development in accordance with the approved Concept Plan and the provisions of Article VII of the Code in accordance with the standards set forth in §125-64.4(C) of the Code.

SECTION 5. MODIFICATION OF ARTICLE V, SECTION 125-21 DISTRICT SCHEDULE OF AREA AND BULK REGULATIONS, ARTICLE VII and ARTICLE VIII OF THE TOWN CODE TO ACCOMMODATE THE PROPOSED WORKFORCE HOUSING DEVELOPMENT:

The provisions of Article V, Section 125-21 District Schedule of Area and Bulk Regulations applicable to the VG Zoning District, Article VII and Article VIII of the Town Code shall apply to the Planning Board's site plan review and approval of this project, except as modified herein.

- a. Modification of Minimum Building Setbacks: The required front yard building setbacks for the proposed project shall be 10 foot minimum as measured from the back of the curb for the private internal road and 25 foot maximum as measured from the back of the curb for the private internal road.
- b. The required side yard setbacks set forth in the Code for the VG District shall be complied with.
- c. The required rear yard setbacks of 25 feet minimum as set forth in the Code shall be complied with.
- d. Maximum Building Height. The required maximum height set forth in the Code of 35 feet shall be modified to allow for a height of 40 feet for this project.
- e. Minimum Open Space. The required minimum open space for this project as set forth in the Code shall be one-half (1/2) acre or 500 square feet per dwelling unit (du) whichever is greater. The Central Green area indicated on the approved Concept Plan may be counted towards the minimum open space requirements and there shall be no limitation on the maximum slope of designated open space areas.
- f. Parking. The required 1.5 spaces per dwelling unit (du) as set forth in the Code shall be complied with for this project.
- g. Design Standards. The overall site layout and the exterior architectural features of the dwelling units as previously reviewed by the Town Board have been determined to be of a quality, character, compatibility and appearance that is in harmony with the surrounding neighborhood. By reason of the foregoing, the Town of Rhinebeck Article VIII Neighborhood Design Standards and Guidelines shall not be used as a basis to require further modification to the project.
- h. The Planning Board shall review the site plan in conjunction with the provisions of Chapter 125, Article VII, Section 125-73 of the Town Code and may, in the exercise of its discretion, require modifications or changes to the proposed site plan provided such changes or modifications are not inconsistent with the Concept Plan which has been approved by the Town Board. In the event, during the course of the site plan review, the Planning Board takes the position that changes or modifications should

be made to the site plan which vary, or are inconsistent with, the approved Concept Plan which are objected to by the Applicant, the Applicant and/or the Planning Board may make application to the Town Board for resolution of the dispute and the determination of the Town Board shall be binding on both the Planning Board and the Applicant.

- i. The Planning Board, in its site plan review, shall not require any changes to the project which cause a variance or variances to be required from the Zoning Board of Appeals. In the event that during the course of the Planning Board's site plan review, it is determined by the Town Zoning Enforcement Officer that additional variances from the area and/or bulk regulations as set forth in Attachment 3 of the Zoning Code are required to accommodate this project, the Applicant shall have the right to make application to the Town of Rhinebeck Town Board for reasonable further amendments and/or modification of those regulations, by amendment to this Local Law. The Planning Board shall make no final determination with respect to site plan approval for the project until the Town Board has rendered its determination on the Applicant's request for amendment or modification of such regulations.

SECTION 6. ADDITIONAL CONDITIONS AND REQUIREMENTS FOR THE PROPOSED WORKFORCE HOUSING DEVELOPMENT

- a. Workforce Housing Plan. The Applicant, in consultation with the Town's Open Space and Affordable Housing Committee ("OSAHC"), shall develop an Affordable Workforce Housing Plan for the project to be approved and administered by the Town Board in conjunction with the OSAHC in accordance with Chapter 125, Article V, Section 125-63(U). The plan shall require compliance with the same in perpetuity. As the funding source for the development does not allow for the establishment of preferences or priorities, the Applicant shall not be required to incorporate the eligibility requirements and selection priorities, as set forth in Chapter 125, Article V, Section 125-63(I) and Chapter 125, Article V, Section 125-64.4(C).
- b. The Applicant shall be responsible for the maintenance and repair of the internal road for the project in perpetuity. The internal road shall be maintained in a manner that provides for the safe passage of emergency vehicles and all other motor vehicles in all weather conditions.
- c. Currently, the Applicant has proposed to provide sewer and water service to the development through an Agreement dated September 26, 2024 with the Village of Rhinebeck. Said Agreement requires the Applicant to petition the Town of Rhinebeck for the creation of sewer and water districts pursuant to the provisions of Article 12 of the New York State Town Law to serve the development. All costs for formation of this district shall be borne by the Applicant.

SECTION 7. AMENDMENT TO TOWN OF RHINEBECK DISTRICT SCHEDULE OF AREA AND BULK REGULATIONS, 125 ATTACHMENT 3 OF THE ZONING CODE

The Town of Rhinebeck District Schedule of Area and Bulk Regulations, 125 Attachment 3, of the Zoning Code, Zoning District WH Section is hereby deleted and amended to read as follows:

WH		Except as set forth within Article V, Supplementary Regulations, §125-64.4, all developments within the Workforce Housing (WH) District shall be subject to the Area and Bulk Regulations applicable within the Village Gateway (VG) District except as set forth in Article V, Supplementary Regulations, §125-64.4, the approved Concept Plan and Zoning Map Amendment Local Law enacted by the Town Board for the proposed Workforce Housing Development.
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SECTION 8. SEVERABILITY:

If any provision of this local law is held invalid for any reason by a court of competent jurisdiction, such decision shall not affect, impair or invalidate the validity of the remaining provisions of this local law.

SECTION 9. SUPERSESION:

This local law is intended to supersede any provisions of the Town Law, the Town of Rhinebeck Code and the General Municipal Law and Resolution 2024-341 of the Rhinebeck Town Board, which are inconsistent with the provisions of this local law.

SECTION 10. EFFECTIVE DATE.

This local law shall take effect immediately upon its filing in the office of the New York State Department of State.

Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto ascribed as local law number 1 of 2025 of the ~~(County)(City)(Town)(Village)~~ of Rhinebeck was duly passed by the Town Board on June 9 2025 in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____ and was _____ (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____ and was _____ (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative Body)

(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____ in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____ and was _____ (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Local Law Filing

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____ became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph 1 above.

Jean Blenne

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

July 1, 2025

(Date)

(Seal)