

**TOWN OF RHINEBECK****PROPOSED LOCAL LAW NO. \_\_\_\_\_ OF THE YEAR 2022**

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

**Section 1: Title**

This Local Law shall be entitled “A Local Law amending regulations for the Office Research Park (ORP) Zoning District in Town Code Chapter 125, Zoning by adding Communications facility and tower use as a Special Use Permit requiring Site Plan approval to Section 125 Attachment 2 – District Schedule of Use Regulations; and regulations to clarify vehicular access requirements to parcels in the ORP by adding language to Section 125-15 Zoning Districts, Section 125-90 and Section 125-91”

**Section 2: Revise Town Code Chapter 125, Zoning**

A. Purpose and intent: The Town of Rhinebeck Town Board has identified the northwestern portion of the Town as having poor cellular coverage which is viewed as both a safety and convenience issue for anyone located in, near or traveling through this part of the Town of Rhinebeck. To provide better cellular coverage in this area, cellular towers need to be permitted in a zoning district that does not currently permit cellular towers. Upon review of the area, the Office Research Park (ORP) existing permitted uses in the Zoning Law, existing and proposed/likely future land use, and general landscape character were deemed to be consistent with the current Communications facility and tower regulations found in 125-68.BBB and likely to provide land area both appropriate for and adequate for installation of cellular facilities. This proposed amendment to the Zoning Law has been identified as being in the best interests of the Town and its residents.

B. Amend Section 125 Attachment 2 – District Schedule of Use Regulations by adding as a Special Use Permit requiring Site Plan approval (S\*) to the Communications facility and tower used under the Office Research Park (ORP) Zoning District

**Section 3: Add the following to Section 125-90 by adding a letter “G” and to Section 125-91 by adding a letter “H” as follows:**

“A lot shall provide vehicular and non-vehicular access from the highest Functional Class road upon which a lot has frontage unless such access is deemed by the Planning Board or other governmental agency to not be feasible, reasonable, or safe. Access should be to Route 9G whenever feasible and possible, including through the use of feeder or service roads, unless deemed by the Planning Board to not be feasible, reasonable or safe to do so.”

**Section 4: Revise Section 125-15.T to repeal the existing paragraph and replace with the following:**

Office Research Park (ORP). The Office Research Park (ORP) District is intended to provide a place for orderly, attractive development of office, commercial and light manufacturing uses along NYS Route 9G to increase tax base and employment opportunities within the Town. Large setbacks and a minimum of curb cuts shall be maintained in order to conserve scenic views and the capacity of Route 9G. Access to parcels shall be taken from Route 9G and a shared entrance shall be utilized unless deemed not feasible or safe as required by this Code. The concept of a feeder or service road shall be encouraged to carry out this objective while providing linkages between business establishments on adjacent parcels. Site plan controls, large setbacks, and extensive landscape requirements are intended to buffer adjoining residential properties. Careful review of both site and architectural elements is intended in this and other commercial districts to enhance the overall quality of site development and promote architectural design that is compatible with the overall historic character of the Village and Town of Rhinebeck.

**Section 5: Supersession**

This Local Law is hereby adopted pursuant to the provisions of Section 10 of the New York State Municipal Home Rule Law and Section 10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Town Law to the extent they may be inconsistent with the provisions of this Local Law.

**Section 6: Severability**

If any section or part of this Local Law is declared invalid or unconstitutional by a court or competent jurisdiction, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this local law.

**Section 7: Effective Date**

This local law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.