

**Town of Rhinebeck**  
**SPECIAL Town Board Meeting**  
**Agenda**  
**July 15, 2026 1:30 pm**

**DRAFT PRELIMINARY AGENDA 7/14/2026 5:12:56 PM**

**Call to Order**

**A. Pledge of Allegiance**

**B. Resolutions**

1. 2026-198 Introduce Local Law \_\_\_\_ of 2026 ‘Moratorium on hospitality-related uses in the Town Zoning Code’

**TOWN OF RHINEBECK**

**RESOLUTION 2026-198**

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW ESTABLISHING  
A TEMPORARY MORATORIUM ON CERTAIN APPLICATIONS FOR LAND USE  
APPROVALS FOR HOSPITALITY-RELATED LAND USES THAT ARE PENDING  
OR MAY BE SUBSEQUENTLY FILED WITH THE TOWN OF RHINEBECK,  
REFERRING THE LOCAL LAW TO THE TOWN PLANNING BOARD, TOWN  
CONSERVATION ADVISORY BOARD, AND DUTCHESS COUNTY DEPARTMENT  
OF PLANNING & DEVELOPMENT, AND SCHEDULING A PUBLIC HEARING**

**WHEREAS**, the Town Board of the Town of Rhinebeck has a proposed local law before it entitled: “A Local Law Establishing a Temporary Moratorium on Certain Applications for Land Use Approvals for Hospitality-Related Land Uses That Are Pending or May Be Subsequently Filed with the Town of Rhinebeck”; and

**WHEREAS**, in order to consider enacting the proposed local law, it must be formally introduced, referred to the Town Planning Board and Dutchess County Department of Planning and Development (“County Planning”), and a public hearing must be scheduled and held upon it;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. That the movant of this Resolution does hereby introduce the above proposed local law; and
2. That a public hearing on the proposed local law be set for August 18, 2026 at 6:00 p.m. at Town of Rhinebeck Town Hall and that due notice of the same is directed to be given by publication and posting in accordance with applicable law; and
3. That the aforementioned notice shall be mailed to the clerk of any municipality which shares a border with the Town of Rhinebeck at least 10 calendar days prior to the date of the public hearing; and
4. That the proposed local law shall be referred to County Planning for review and comment; and
5. That the proposed local law be referred to the Town of Rhinebeck Planning Board AND Town of Rhinebeck Conservation Advisory Board for review and a report; and
6. That the Supervisor and Town Board are authorized to take any and all actions necessary to engage a consultant or consultants to further the purposes and intent of the local law; and
7. That the proposed local law constitutes a Type II Action under the State Environmental Quality Review Act because it constitutes the adoption of a moratorium on land development or construction. As such this “action” is not subject to review under the New York State Environmental Quality Review Act.

TOWN OF RHINEBECK  
LOCAL LAW NO. \_\_ OF THE YEAR 2026

A Local Law Establishing a Temporary Moratorium on Certain Applications for Land Use Approvals for Hospitality-Related Land Uses That Are Pending or May Be Subsequently Filed with the Town of Rhinebeck

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

Section 1. Title:

This local law shall be entitled “A Local Law Establishing a Temporary Moratorium on Certain Applications for Land Use Approvals for Hospitality-Related Land Uses That Are Pending or May Be Subsequently Filed with the Town of Rhinebeck.”

Section 2. Purpose:

The Town of Rhinebeck desires to place a Moratorium on the review and approval of any new and pending land use applications for all hospitality-related land uses on land in the Town to maintain the status quo while the Town Board addresses long-range community planning and zoning objectives as they relate to the hospitality-related uses of land in the Town.

For the purposes of this Moratorium, “Hospitality-related uses” are defined to include the following uses:

- Bed-and-breakfast establishment
- Conference Center
- Country Inn
- Delicatessen
- Farm Alcohol Production Facilities & Related Agritourism (including farm wineries, breweries, cideries, distilleries, and customary, subordinate accessory uses to a farm alcohol production facility such as tasting rooms, on-farm retail sales of alcohol, agritourism events, and small-scale food service)
- Fast-food establishment
- Hotel
- Motel
- Restaurant (including bar or pub)
- Short-Term Rentals
- Special Event Venue

This action will include a thorough review of the zoning classifications most appropriate for each Hospitality-related use; a review of the environmental constraints to such development; a cumulative analysis of the recent and significant Hospitality-related use developments and applications throughout the Town; an evaluation of necessary conditions and restrictions for such use; an analysis of the potential Hospitality-related use build-out under the Town Zoning Law

and conformity with the underlying Town Comprehensive Plan; and an analysis of the permissible density of Hospitality-related use rooms per acre, hamlet, and area.

For this purpose, the Town will gather information, make recommendations, and further review the Town's Comprehensive Plan for new Hospitality-related uses in the Town. This interim measure is intended to be a pause in development of Hospitality-related uses to lead to a deliberative creation and adoption of necessary amendments to the Town's Zoning Law, Comprehensive Plan, and other applicable Town laws.

### Section 3. Intent:

The Town Board finds and determines that the Town is under considerable pressure for the development of new Hospitality-related uses. The Town is an attractive location for new Hospitality-related uses, because of the variety of existing community attractions located within and close to the Town. Over the past several years the Town has had several Hospitality-related use applications that are presently at various stages of the approval process, and even more informal inquiries regarding such uses, including within sensitive and important agricultural lands in the Town.

The Town, including the Village, currently has ±375 rooms serving the tourism community. This includes inns, hotels, and short-term rental rooms (not all of which are legal or compliant with the Town's short-term rental provisions). In the Town, The Soho House at Grasmere is currently in construction and will offer 48 rooms with a maximum build out of 125 rooms. In addition, Rhinebeck Villas is before the Planning Board proposing 60 rooms, and Linwood, when sold, could contain up to 55 rooms. In close proximity, in the Town of Hyde Park, a One&Only resort and residential community (70 cabins; 110-160 leasehold villas) has been approved and is anticipated to open in 2028. In the Town of Clinton, and partially in the Town of Hyde Park, a Six Senses resort is proposed (65 rooms). Additionally, the Town is seeing a significant increase in inquiries regarding developing agritourism and Hospitality-related uses on agricultural lands. There are also a number of other large projects are proposed in the Town, which will also rely on the same resources and infrastructure as Hospitality-related uses.

The Town has been ranked as one of *Country Living Magazine's* Ten Most Charming Small Towns in America. It has also been ranked the #2 tourist destination in Dutchess County, behind only the City of Beacon (a city with more resources and infrastructure than the Town). The continuous growing popularity of the Town as a tourist destination has made the Town Board and the community aware that, although certain Hospitality-related uses are allowed in the Town, and others are being considered for addition to the Town Zoning Law, the Town Zoning Law needs improvement in the regulation of these uses. In addition, to the land use regulations related to Hospitality-related uses, the Town will also consider whether amendments to the Town's Comprehensive Plan relating to Hospitality-related are necessary. All these issues need to be considered holistically before additional Hospitality-related use development is permitted to go forward.

The Town Board further finds and determines that unless reasonable interim measures are implemented, significant new Hospitality-related uses are likely to occur, and that development

may undermine the implementation of appropriate planning measures needed to protect the public interest, welfare, and goals of the Town. It is the intent of the Town Board to pause consideration, approval, and development of Hospitality-related uses to protect public health, safety, and general welfare by enacting this local law for a reasonable period.

The Town intends to undertake a comprehensive study to develop solutions and to implement necessary amendments to the land use and zoning regulations to accomplish such goals. It is the further intention of the Town Board to protect the public interest by preventing a race of diligence between property owners, developers, and the Town which could prejudice the integrity and objectives of the proposed changes or result in a land use pattern that might be inconsistent with the intent of the recommendations resulting from such study.

The Town's existing procedures and laws should have the practical effect of ensuring that new development and redevelopment are in accordance with the Town's planning objectives. In practice, some of the land use regulations and procedures may not have this effect. This Moratorium is intended to ensure that no land use applications or permits specifically related to new Hospitality-related uses as defined above, subject to the exceptions expressly provided for herein, are considered or acted upon in the Town the Town of Rhinebeck Town Board prepares and considers revisions or amendments to the Town of Rhinebeck Zoning Law.

#### Section 4. Municipal Home Rule Law:

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law § 10(1)(ii)(a)(1), which grants local governments the authority to enact local laws regarding the public health, safety, and welfare. To the extent the provisions of this Local Law are in conflict with State law, the Town Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule Law and Section 9 of this local law.

#### Section 5. Affected Properties:

Except as noted in Section 7 herein entitled "Exceptions to this Moratorium," this local law shall be applicable to all real property located within the boundaries of the Town of Rhinebeck.

#### Section 6. Moratorium:

Pursuant to the statutory authority vested in the Town to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Rhinebeck hereby declares a moratorium on the review and approval of new as of yet unfiled and all pending applications for any and all land use approvals, including site plan approvals, expedited site plan approvals, subdivision plats, building permits, special use permits, and variances ("Land Use Approvals") for all Hospitality-related uses within the Town. During the period of this local law:

- The Planning Board shall not accept any application, grant any approval to, or continue the review of a subdivision plat, site plan, expedited site plan, special use permit or other

permit that includes the permitting, construction and/or development of a Hospitality-related use within the Town.

- The Zoning Board of Appeals shall not accept any application or grant any approval for a variance or other permit that would have as a result the permitting, construction and/or development of a Hospitality-related use within the Town.
- The Building Department shall not accept any building permit application or grant any Certificate of Occupancy or Certificate of Compliance for a Hospitality-related use within the Town.

#### Section 7. Exceptions to this Moratorium:

This local law shall only apply to applications for any Hospitality-related use listed in Section 2, above and shall not apply to the following situations:

- Applications for the renewal of valid, existing special use permits for any Hospitality-related use described in Section 2 of this Moratorium;
- Applications for the amendment of any site plan for any Hospitality-related use described in Section 2 of this Moratorium provided that the previous site plan was complete and final, including the final site plan map having been signed by the Chair of the Rhinebeck Planning Board, provided that the amendment does not propose the expansion, enlargement, or intensification of the existing Hospitality-related use; and
- Applications for a Hospitality-related use on land that has already been developed for such use(s), and which have been deemed by the Town Zoning Administrator, in writing, to be legal, preexisting nonconforming Hospitality-related uses.

#### Section 8. Duration of Moratorium:

The provisions of this local law and Moratorium shall be in effect for a period of nine (9) months from the effective date noted herein unless earlier repealed, modified, extended, or supplemented by a further local law of the Town of Rhinebeck.

This Moratorium may be extended by no more than three (3) additional periods of up to six (6) months by resolution of the Town Board upon a finding of the necessity for such extension.

#### Section 9. Hardship Waiver:

1. Should any owner of property affected by this local law or any applicant with an application currently pending before any Board of the Town suffer any unnecessary and extraordinary hardship due to the enactment and application of this local law, then the owner of said property may apply to the Town Board of the Town of Rhinebeck in writing for a variance from strict compliance with this local law upon submission of

proof of such unnecessary hardship. For the purposes of this local law, unnecessary or extraordinary hardship shall not be:

- a. the mere concern that any laws or regulations may be changed or adopted, or that the Town's Comprehensive Plan may be amended; or
  - b. the mere delay in being permitted to make or obtain a determination on an application for Land Use Approvals during the period of the Moratorium imposed by this local law.
2. An application for an exception based upon unnecessary or extraordinary hardship shall be filed with the Town Clerk no earlier than the effective date of this local law, including a fee of one thousand and five hundred 00/100 Dollars (\$1,500.00) for each tax map parcel claimed to be subject to unnecessary or extraordinary hardship, by the landowner or the applicant upon the consent of the landowner. The application shall provide a recitation of the specific facts that are alleged to support the claim of unnecessary or extraordinary hardship and shall contain such other information and/or documentation as the Town Board, shall prescribe as necessary for the Town Board to be fully informed with respect to the application.
  3. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a hardship waiver from the provisions of this local law, the Town Board shall, within forty-five (45) days of receipt of a completed application, schedule a Public Hearing on said application upon no less than five (5) days' written notice in the official newspaper of the Town of Rhinebeck. At said Public Hearing, the property owner and any other parties wishing to present evidence regarding the application shall have an opportunity to be heard, and the Town Board shall, within thirty (30) days of the close of said Public Hearing, render its decision either granting, denying, granting in part, or denying in part, the application for a hardship waiver from the strict requirements of this local law. If the Town Board determines that a property owner will suffer an unnecessary or extraordinary hardship if this local law is strictly applied to a particular property, then the Town Board shall vary the application to this local law to the minimum extent necessary to provide the property owner relief from strict compliance with this local law.
  4. Standard of Review. In reviewing an application for an exception based upon a claim of necessary or extraordinary hardship, the Town Board shall consider the following criteria:
    - a. The extent to which the proposed development activity would cause significant environmental harm, adversely impact surrounding natural resource areas, public health, comfort or safety concerns and/or have a negative impact upon the Town.
    - b. Whether the Moratorium will expose a property owner or applicant to substantial monetary liability to a third person or would leave the property owner or applicant completely unable, after a thorough review of alternative solutions, to have a reasonable alternative use of property.

#### Section 10. Supersession and Conflict of Laws:

1. Pursuant to the powers granted by the New York State Municipal Home Rule Law, this local law hereby supersedes all provisions of Article 16 of the New York State Town Law pertaining to zoning and planning, insofar as such statutes are inconsistent with this local law. This shall include all deadlines for making decisions, interpretations or determinations.
2. This supersession specifically includes, but is not limited to, the following provisions of the New York State Town Law:
  - Section 274-a entitled “Site Plan Review” and Section 274-b entitled “Special Use Permits.”
  - Section 267 entitled “Zoning Board of Appeals”; Section 267-a entitled “Board of Appeals Procedure”; Section 267-b entitled “Permitted Action by Board of Appeals”; and Section 267-c entitled “Article Seventy-Eight Proceeding.”
3. This local law also supersedes all other laws or regulations of the Town of Rhinebeck which are inconsistent with this local law.

#### Section 11. New York State Environmental Quality Review Act:

This local law constitutes a Type II Action under the State Environmental Quality Review Act because it constitutes the adoption of a moratorium on land development or construction. As such this “action” is not subject to review under the New York State Environmental Quality Review Act.

#### Section 12. Severability:

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

#### Section 13. Effective Date:

This local law will take effect upon filing in the Office of the Secretary of State in Albany.