

Village of Rhinebeck Board of Trustees Regular Board Meeting  
Tuesday, February 25, 2014

**Present** – Mayor Heath Tortarella, Deputy Mayor Howard Traudt, Trustees Brant Neuneker, Heinz Sauer, Attorney Rich Olson, and Interim Clerk Patricia Coon.

**Others Present:**

Members of the press and public

**Mayor Tortarella** opened the meeting with the Pledge of Allegiance.

Trustee Sauer made a motion to open the public hearing on the Fairground District which was seconded by Trustee Neuneker. All the Board present was in favor. Mayor Tortarella asked the members of the public if any comments would like to be made.

Neil Wilson, President of LRC Planning Services discussed the process and the map of the Fairgrounds District that would be incorporated with the current zoning law.

Piper Woods, property owner, asked to clarify aspects of the Fairground District Law.

James Reardon, resident, discussed how the committee and the Village Board arrived with the proposed Fairgrounds District.

Steven Rosenberg, resident, had sent in comments which were read by Trustee Neuneker. With no other public comments made, Trustee Sauer made the motion to close the public hearing, which was seconded by Trustee Neuneker. All the board present was in favor.

Trustee Neuneker made a motion to open the public hearing on the Events code which was seconded by Trustee Sauer. All the board present was in favor. Mayor Tortarella asked Trustee Neuneker to give a brief synopsis on the proposed Village Code. Mayor Tortarella asked the members of the public if any comments would like to be made.

Piper Woods, property owner, asked about the application process, and asked for clarification on several aspects of the code.

John Wirth, resident and chair of the Events Code Steering committee commented on the changes in the code and the revisions made. He thanked all the committee members for the effort given.

Joe Ely, town resident, commented that the code should not be arbitrary.

James Reardon, resident, commented the code should be put to rest and adopted.

Piper Woods, resident, asked about the fees involved.

With no other public comments made, Trustee Neuneker made the motion to close the public hearing, which was seconded by Trustee Sauer. All the board present was in favor.

Trustee Neuneker made a motion to delete 121-6B and 121-6E from the Events Code and reletter appropriately which was seconded by Trustee Traudt. All the board present was in favor. Trustee Neuneker made a motion to approve the amended Events Code with the deletions of 121-6B and 121-6E and reletter appropriately which was seconded by Trustee Sauer. All the board present was in favor.

Trustee Neuneker made a motion to adopt the Fairgrounds District Code which was seconded by Trustee Sauer. Trustee Traudt recues himself from voting on the Fairgrounds Code. Vote Aye-3 No-0 Astain-1 Motion carried.

**RESOLUTION # - 2014 FAIRGROUNDS DISTRICT**

WHEREAS, the attached local law adopting the Fairgrounds District was

introduced by the Board of Trustees of the Village of Rhinebeck on January 14, 2014,

and

WHEREAS, a public hearing was held on February 25, 2014 at 7:00 p.m. at the

Village Hall, 76 East Market Street, Rhinebeck, New York, notice of said hearing having

been provided in accordance with law and at which time all interested parties had an

opportunity to be heard; and

WHEREAS, the Board of Trustees of the Village of Rhinebeck determined this action to be a Type I action based on the criteria found in 6 NYCRR, Section 617.4 and

has determined that there are no adverse environmental impacts associated with the

adoption of this Local Law, and the Village Board hereby issues a Negative Declaration in

connection with the adoption of this Local Law;

NOW THEREFORE BE IT ENACTED, by the Board of Trustees of the Village of Rhinebeck the following:

VILLAGE OF RHINEBECK

FAIRGROUNDS DISTRICT

Chapter 120 of the Village of Rhinebeck Code entitled "Zoning" is hereby amended to

add a new Article as follows:

Article IIA

Fairground District

I. Fairground District Purpose.

The Fairground District is created for the purpose of promoting agricultural, horticultural, mechanical, and domestic arts, fine arts, and allied sciences consistent with

the mission of the Dutchess County Agricultural Society which operates the Dutchess

County Fairground, including but not limited to temporary and seasonal educational,

exhibition and entertainment events, and to ensure that new construction and activities

on the Fairgrounds are undertaken in a manner that are harmonious with the residential

and commercial development patterns of adjacent and nearby property.

A. Activities, uses, and improvements in the Fairground District shall:

1. Serve and promote the public convenience of fairgrounds visitors and the general welfare of Village residents.

2. Result in development compatible with the historic settlement patterns of the

Village and that would not alter the essential character of the Village as expressed

in the Village of Rhinebeck Master Plan.

3. Not result in significant depreciation of residential or commercial property in the Village.

4. Be consistent with the goals and objectives of the Village of Rhinebeck Master Plan.

B. Site plan review. All building and zoning permit applications in the Fairground District shall be subject to site plan approval in accordance with Article VII of this chapter. Any improvements and structures developed or constructed after the effective date of this section shall be compatible with the agricultural and educational uses and architectural context of the Fairgrounds. Improvements, structures, uses, and lot lines as depicted on a map entitled "As-Built Survey and Fairgrounds District Map" prepared by Mark Graminski, P.E. & L.S. dated October 23, 2012 and bearing a latest revision date of November 13, 2013 shall be deemed conforming for purposes of this section. Upon the adoption of this section the Chairman of the Village Planning Board shall sign the said As-Built Survey which shall be deemed the approved site plan for the Fairground District.

C. Permitted principal uses.

1. Agricultural fairs and exhibits, including antique displays and agricultural production and tasting demonstrations.

2. Boarding, training, breeding and keeping of livestock, horses, and other animals.

3. Auctions, craft fairs, antique shows, car shows, boat shows, recreational vehicle

shows and gatherings, gem and mineral shows, swap meets, including but not

limited to other similar seasonal and temporary events.

4. Concerts, theatrical and religious events, dance and variety shows, and other

similar forms of live entertainment in conjunction with permitted activities and

events in the District. Such entertainment events shall be designed to direct noise

away from residences and to limit noise and other impacts on surrounding residential districts.

5. Temporary and seasonal day camps and supervised youth programs, community sponsored programs, reunions, weddings, and other public and private assembly and mass gathering events, which adhere to the purposes and

principals set forth in the Fairground District and section 120-1 of the Village Code.

6. 4H events and 4H dormitories, and 4H administration.

7. Passive and active recreational activities consistent with the Master Plan and of this Chapter.

8. Exhibit buildings and related structures for temporary and seasonal uses and events.

9. Winter storage of motor homes, campers, boats and other vehicles.

10. Restaurant and food services in conjunction with permitted activities and events in the district, including indoor and outdoor seating, and kiosk food vendors where no seating is provided.

D. Permitted accessory uses.

1. Administrative offices including first aid and emergency services.

2. Storage, maintenance, and repair; including outdoor storage of bulk materials

such as gravel, stone, mulch, sand and other similar materials used in the maintenance of roads and landscaping and general grounds maintenance.

3. Indoor and outdoor vehicle and equipment storage; maintenance and repair for

vehicles and equipment used as part of the Fairgrounds operation.

4. Greenhouses.

5. Up to three (3) caretaker residences.

6. Tents, canopies, amusement park rides, kiosks, and other temporary structures

in conjunction with permitted activities and events in the district.

7. Parking for permitted uses and events.

8. Temporary camping and overnight parking of campers provided that such uses

are for vendors, competitors, employees, and attendees of an approved event on

the grounds.

9. Roads and driveways to serve the principal and accessory uses permitted herein.

10. Communication transmission towers and their related facilities subject to the

provision of Section 120-18 of this chapter.

11. Christmas tree sales.

12. Seasonal outdoor displays.

E. Permitted temporary accessory uses.

1. Parking and directional signs.

2. Storage of equipment during the construction of roads or developments.

3. Temporary storage of structures or equipment (including boats or recreational vehicles).

F. Signage.

1. Within the Fairgrounds District the following signage shall be permitted:

- a. On-site vehicle and pedestrian directional signs.
- b. On-site vendor signs advertising on-site vendor locations and wares and not intended to be viewed from a public street.
- c. Off-site vehicle and pedestrian directional signs provided that any one directional sign shall not exceed 15 square feet nor shall be mounted at a height greater than six feet.

G. Fairground's District Dimensional Table.

1. The area and bulk regulations for the Parent Parcel within the Fairgrounds District shall be as follows:

- a. Minimum lot area (acres) 3 (a)
- b. Route 9 setback (feet) 25' (75' when adjacent to residential districts)
- c. Minimum side yard setback (feet) 25'
- d. Minimum rear yard setback (feet) 25'
- e. Minimum lot frontage (feet) 200'
- f. Minimum lot width (feet) 200'
- g. Maximum building height (feet) 35'
- h. Maximum building coverage (percent) 20%
- i. Maximum impervious coverage (percent) 40%

H. Buffer Zone. Within the Fairground District there is hereby established a Buffer Zone

as depicted on the Village Zoning Map. Within the Buffer Zone any new utility lines shall

be placed underground. Within the Buffer Zone, improvements may be erected, altered

or used, and the land may be used for any of the following purposes and for no other:

- 1. Temporary parking and temporary accessory uses permitted herein.
- 2. Roads and driveways to serve the principal and accessory uses permitted herein.

I. Screening. Screening of service yards, commercial vehicles, trailers, passenger vehicles, parking areas, refuse containers, and other features and places that tend to be unsightly

shall be accomplished by use of walls, fencing, planting, or combinations of these, with

all such enclosures being compatible in material, texture, and color with the principal

building or buildings on the site. Except as depicted on the approved Site Plan all

camping and overnight parking of campers shall be located no less than twenty-five (25)

feet from any residential district and such sites shall be screened from direct view to

adjoining residences by plantings or fencing as approved by the Planning Board.

BE IT ENACTED by the Village Board of the Village of Rhinebeck, New York: Chapter 120, Article XII, Section 120-63, entitled "Definitions" of the Village of

Rhinebeck Code is hereby amended to add new definitions as follows:

Building Coverage - The total of the areas taken on a horizontal plane at the main grade level of any permanent principal building and any accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between the exterior faces of walls.

Caretaker residence - shall mean a permanent on-site residential unit occupied only by an employee of the Dutchess County Fairground and his immediate family. The caretaker residence shall be occupied solely for single family use, and only so long as the site of the residence shall be owned by the Dutchess County Fairground. At no time shall it be rented or leased to any party other than someone directly employed by the Dutchess County Fairground. The caretaker residence shall provide a permanent kitchen, toilet facilities, sleeping, eating, and living facilities, and shall comply with all applicable state and local building and fire codes. The floor area of the caretaker residence shall not exceed one thousand five hundred (1,500) square feet.

Impervious Coverage - That percentage of the lot covered by permanent impervious surfaces, including buildings, pavement, concrete and metal surfaces.

Parent Parcel - For purposes of the Fairground District the Parent Parcel shall be deemed to be all of the lots, parcels, and tracts of land owned by the Dutchess County Agricultural, Inc., the Dutchess County Farm Bureau, and the 4H Club as shown on the records of the Town of Rhinebeck Assessor's Office as of the effective date of this local law, and which collectively comprise the Dutchess County Fairgrounds, and 4H Club properties located in the Village of Rhinebeck.

Directional Sign - A sign used to direct the public to specific uses, areas or places for their safety or convenience on the premises of the business or activity where the sign is located.

Trustee Neuneker made a motion to approve the amended Events Code which was seconded by Trustee Sauer. Trustee Traudt recuses himself from voting on the Events Code. Trustee Traudt cannot support the linking of the Events code with the Dutchess County Fairgrounds. Vote Aye-3 No-0 Astain-1 Motion carried.

## **RESOLUTION # - 2014 EVENTS CODE**

WHEREAS, the attached local law adopting the Events Code was introduced by

the Board of Trustees of the Village of Rhinebeck on January 14, 2014, and

WHEREAS, a public hearing was held on February 25, 2014 at 7:00 p.m. at the

Village Hall, 76 East Market Street, Rhinebeck, New York, notice of said hearing having

been provided in accordance with law and at which time all interested parties had an

opportunity to be heard; and

WHEREAS, the Board of Trustees of the Village of Rhinebeck determined this action to be an unlisted action based on the criteria found in 6 NYCRR, Section 617.4

and has determined that there are no adverse environmental impacts associated with the

adoption of this Local Law, and the Village Board hereby issues a Negative Declaration in

connection with the adoption of this Local Law;

NOW THEREFORE BE IT ENACTED, by the Board of Trustees of the Village of Rhinebeck the following:

### **VILLAGE OF RHINEBECK EVENTS CODE**

#### **§121-1 Purpose**

It is the purpose of this ordinance to preserve the public peace and maintain good order

within the Village of Rhinebeck thereby insuring the safety, health, welfare, and wellbeing

of persons or property by regulating assemblies and other gatherings of persons for

events held in public places within the Village consistent with the rights and privileges of

its residents.

#### **§121-2 Definitions**

(1) The word "person" shall mean any individual, group of individuals, firm, company, association, society, partnership, corporation, or any other legal entity.

(2) The words "public place" shall mean a place to which the public is invited or has access.

(3) The word "event" shall mean an arranged, non-routine activity within the village, that brings together an assemblage or gathering of a group of 250 or more people.

(4) The word "sponsor" describes any person as defined in this ordinance who initiates the process of applying for a permit to hold an event within the Village of

Rhinebeck.

§121-3 Permit Process

A. No person shall sponsor, conduct or hold an event of any kind in the public areas of the Village of Rhinebeck which will require additional planning or resources on the part of the Village or which could have an adverse impact on its ability to respond to an emergency or protect its residents without first receiving the approval of the Board of Trustees and obtaining a permit from the Village.

B. The sponsor of any event, as defined herein, is required to make application to the Board of Trustees for review by the village and/or any of its designated departments or agencies no less than 180 days prior to the date(s) of the planned event on an application form to be provided by the Village Clerk. The Board of Trustees will notify the sponsor of its decision in writing no later than 120 days prior to the scheduled event.

The Village reserves the right to require additional information after the submission of the application which it deems appropriate and necessary for its review. The Village further reserves the right to modify or waive the requirement for an event application or the number of days required herein for filing or notification when appropriate under the circumstances.

C. In making its determination, the Board of Trustees will consider among other criteria:

(1) the sponsor's successful experience in holding a prior event; (2) the sponsor's capacity to adequately manage the event it is seeking to hold; (3) the exceptional demands placed upon the Village's infrastructure by the event and the Village's ability to respond to an emergency or disaster; (4) the time of the year that the event will be held and whether more than one event is being applied for in the same time period; and (5) the additional planning, preparedness, and mitigation efforts required of the Village's emergency response and public safety agencies.

D. The Board of Trustees may, if it deems it necessary and appropriate, request more



information from an applicant, to require that a fee be paid by the sponsor in an amount to be determined by the Board of Trustees to reimburse the Village for any direct necessary review expenses, and impose conditions on its approval. The Board of Trustees may deny any application without recourse which, in its judgment, will in any way jeopardize the safety, health and well-being of the residents of the Village.

#### §121-4 Insurance

No permit shall be issued unless the applicant shall furnish the Village with a comprehensive liability insurance policy naming the village as an additional insured against liability for damage to person(s) or property with limits of not less than \$1,000,000 for each occurrence for bodily injury or death and for property damage sufficient in form to provide the village with a defense against any causes of action which might be alleged by reason of the granting of the permit or the conduct of the assembly or gathering. Such policy shall be non-cancellable without 10 days prior written notice to the Village. The applicant shall also furnish the Village with a written hold-harmless agreement for any loss or damage above and beyond the amount of the insurance coverage.

#### §121-5 Revocation of Permit

The Village reserves the right to revoke any permit after it is issued if it is determined that the sponsor misrepresented information provided in the application, omitted information in the application which would have resulted in a denial by the village, or where the sponsor failed to comply with conditions imposed in the approval of the permit by the Village. Upon revocation, the permit shall become null and void.

#### §121-6 Violations

The following shall be deemed to constitute a violation of this Chapter:

- A. Failure to obtain a permit for an event for which a permit is required.
- B. Failure to present a permit to an enforcement officer upon request of such officer.
- C. Refusal to permit inspection by an enforcement officer to inspect the premises covered by the permit during the event.

D. Failure to comply with permit conditions or to undertake actions for the control of

traffic, parking, noise, lighting, refuse and the like.

E. The use of one or more signs which are not authorized by the permit.

F. The failure to comply with any other requirement or restriction imposed by this

Chapter.

#### §121-7 Penalties

A. For each violation of a provision of this Chapter, the person violating the same shall

be subject to a fine of not more than \$1,000 for each separate violation.

B. Any person violating this chapter shall be subject to a civil penalty enforceable and

collectible by the village in the amount of \$100 each day for each offense.

C. In addition to the above provided penalties, the Village may also maintain an action or

proceeding in the name of the Village in a court of competent jurisdiction to compel

compliance with or to restrain by injunction the violation of any provision of this

chapter.

#### §121-8 Validity

The provisions of this local law are severable. If any provision of this local law or its

application to any person or circumstance is held invalid, said invalidity shall not affect

any other provision or application of this local law which can be given effect without the

invalid provision or application of the local law.

#### Other Business:

Trustee Sauer reported on the recommendations presented as a result of the NYS comptroller's audit. Trustee Sauer is going obtain bids on auditing all the cash receipts in the Village Hall-general fund, court, planning and zoning. Mayor Tortarella made a motion for the expenditure of funds for Village Attorney Rich Olson to defend the Article 78 regarding 47 West market Street. Trustee Traudt seconded and all the board present was in favor.

Mayor Tortarella made a motion to establish the rate of \$16.00 per hour for the interim treasurer retro active to Feb. 10, 2014. Seconded by Trustee Traudt and all the board present was in favor.

Mayor Tortarella reported that there has been no change in the urban boundaries adjustment report from NYS DOT and related for eligibility for grants.

Trustee Traudt opened the bids for the surplus equipment.

2001 Dodge 2500 pickup- Trustee Traudt made a motion to accept the bid of \$601 by George Wyant. Seconded by trustee Neuneker and all the board present was in favor.

1990 International Navistar Recycling Truck received a bid of \$407. Trustee Traudt made a motion to reject the bid, Seconded by Trustee Neuneker all the board present was in favor.

2000 Ford Crown Victoria received a bid of \$355 from Jason Wyant. Trustee Traudt made a motion to accept the bid, Seconded by Trustee Neuneker all the board present was in favor.

2002 Dodge Durango received a bid of \$150 Trustee Traudt made a motion to reject the bid, Seconded by Trustee Neuneker all the board present was in favor.

1983 Sullair Generator received a bid of \$1509.00 by Chris Simmoniti Trustee Neuneker made a motion to accept the bid, Seconded by Trustee Traudt and all the board present was in favor.

With no further business to be brought before the Board, Mayor Tortarella made a motion to adjourn, seconded by Trustee Sauer, and all the board present was in favor. Meeting adjourned 8:15pm.

Respectfully submitted,

Patricia D. Coon  
Interim Village Clerk