



VILLAGE OF RHINEBECK

Village of Rhinebeck Board of Trustees
Wednesday, January 23, 2019
7:00 PM

Mayor Bassett opened the meeting at with the Pledge of Allegiance at 7:00 PM.

Mayor Gary Bassett:	Present
Deputy Mayor Richard Lewit:	Present
Trustee Howard Traudt:	Present
Trustee Brant Neuneker:	Present
Trustee John Rossi	Present

Also present was: Village Clerk Patricia Coon, Planning Board Chair David Miller, Planning Board Member John Clarke, Tim Massie, Todd Heavi, Denise George, David Keath and Larry Bell from Health Quest and Richard Frankel and Kirsten Waltz Health Quest Architects, J. Romano, Stephen Jensen and Joseph Phelan from Rhinebeck Central Schools, and members of the public.

Workshop to discuss the Dark Fiber Easement for RCSD

Stephen Jensen, Rhinebeck Central School Technology Director gave a presentation and summary as to the reasons for needing the alternatives to the band width they have, and the need for the easement below to place the fiber optic underground as an alternative. He stated Rhinebeck Central School needs to provide large enough band width for the students and staff and this alternative would save the district money. Trustee Rossi discussed the Request for Proposals that the school has presented, and the technology which is available at this time.

1 PERPETUAL EASEMENT

THIS INDENTURE, made this ____ day of _____, 2019, between the VILLAGE OF RHINEBECK, 76 East Market Street, Rhinebeck, New York, 12572 (hereinafter the "Village") whose mailing address is 76 East Market Street, Rhinebeck, New York, 12572 and the RHINEBECK CENTRAL SCHOOL DISTRICT, (hereinafter the "School District") whose mailing address is 45 North Park Road, Rhinebeck, New York 12572.

WHEREAS, Village maintains a certain roadway in the Village of Rhinebeck commonly known as Somers Drive.

76 East Market Street, Rhinebeck, NY 12572-1697 845-876-7015 845-
876-5583 Fax
www.rhinebecknyvillage.org

WITNESSETH, that the Village, in consideration of the sum of One Dollar (\$1.00) paid by the School District, receipt of which is hereby acknowledged, does hereby grant and release unto the School District, its successors and assigns forever, a Perpetual Easement and Right-of-Way to use a portion of the Property, hereinafter described, for the purpose of entry to perform activities including, but not limited to, the right to lay, construct, install, operate, clear and clean land for, maintain, repair, alter, expand, replace and/or inspect lines for the purpose of conveying and transporting fiber optic lines on, over, under, across and through a portion of the Property.

The Easement Area shall be described as that portion of Somers Drive

The Village shall reserve the right to use and enjoy the lands in a manner not inconsistent with the easement rights set forth herein, provided that the Village shall not make, construct or place or permit to be made, constructed or placed, any excavation, change of grade, water impoundment, tree, or other obstruction within the Easement Area, without prior written notification to the School District of the use, construction or placement so that the School District may make proper objections and other efforts to safeguard its property and improvements constructed in the Easement Area.

AND the Village hereby covenants that the Village: (1) is seized of the Easement Area in fee simple and has good right to convey these easements; (2) shall not erect any buildings, walls, fences, structures or other improvements, or plant any trees or shrubs on the Easement Area; (3) shall not interfere with or cause injury or damage to said lines, pipes, appurtenances and materials; (4) shall do nothing in the Easement Area which would prevent, impede or disturb the full use and intended purpose of this easement by the School District; and (5) shall execute and deliver any further documents necessary to assure the easement granted herein to the School District.

Right, title and interest in and to the subsurface utility lines installed or placed in the Easement Area shall remain with the School District.

All areas of Village's property disturbed by School District in the exercise of the rights conferred herein shall be restored by the School District as close to the condition that existed prior to the disturbance as is reasonably practicable.

The School District shall indemnify, defend and hold harmless the Village from any and all liability and expense, including attorneys' fees, in connection with any and all claims, demands, damages, causes of action, and suits in equity of whatever kind or nature, which may be asserted against the Village as a result of the party of the School District's actions pursuant to this Agreement unless caused by gross negligence or willful misconduct of any employee or officer of the Village.

That the School District shall name the Village as an additional insured on its liability insurance policy and provide a copy of said policy to the Village Mayor.

This grant shall run with the land and shall be binding upon the Village and the School District and their respective successors and assigns.

TO HAVE AND TO HOLD the Easement Area herein granted unto the School District, its successors and assigns forever.

IN WITNESS WHEREOF, the Mayor of the Village has executed this instrument as of the date first set forth above.

Properties to be affected

#1

Parcel Number:135001-6170-20-786094-0000
Parcel Address -11 Somers Dr V. Rhinebeck 125720000
Owner Name:Lienau , Vicki B (*Primary*)
Primary (*P*) Owner Mailing Address19 Somers Dr Rhinebeck NY 125720000
Lot Size | Land Use (Land Use Code):0.714 ac (s) | 1 Family Res (210)
Assessment Information: Land = \$57500 | Total = \$378900
Market Value: \$411800
School District:Rhinebeck CSD

#2

Parcel Number:135001-6170-20-783071-0000
Parcel Address -9 Somers Dr V. Rhinebeck 125720000
Owner Name:Lent , Nansi (*Primary*) Lent , William T (*Additional*)
Primary (*P*) Owner Mailing Address9 Somers Dr Rhinebeck NY 125720000
Lot Size | Land Use (Land Use Code):1.26 Ac(d) | 1 Family Res (210)
Assessment Information: Land = \$111500 | Total = \$331700
Market Value:\$360500
School District:Rhinebeck CSD

#3

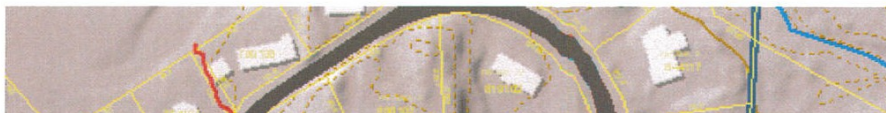
Parcel Number:135001-6170-20-780047-0000
Parcel Address -5 Somers Dr V. Rhinebeck 125720000
Owner Name:Watson , Duane A (*Primary*) Watson , Linda L (*Additional*)
Primary (*P*) Owner Mailing Address5 Somers Dr Rhinebeck NY 125720000
Lot Size | Land Use (Land Use Code):2.6 Ac | 1 Family Res (210)
Assessment Information: Land = \$145500 | Total = \$514800
Market Value:\$559600
School District:Rhinebeck CSD

#4

Parcel Number:
135001-6170-20-776021-0000
Parcel Address -1 Somers Dr V. Rhinebeck 125720000
Owner Name:Martynek , Ernesto J (*Primary*)
Primary (*P*) Owner Mailing Address1 Somers Dr Rhinebeck NY 125720000
Lot Size | Land Use (Land Use Code):1.1 Ac | 1 Family Res (210)
Assessment Information: Land = \$106000 | Total = \$333900
Market Value:\$362900
School District:Rhinebeck CSD

#5

Parcel Number:
135001-6170-20-793014-0000
Parcel Address -29 Knollwood Rd V. Rhinebeck 125720000
Owner Name:Fraleigh , Robert R (*Primary*)
Primary (*P*) Owner Mailing AddressPO Box 546 Rhinebeck NY 125720000
Lot Size | Land Use (Land Use Code):2.24 Ac (D) | 1 Family Res (210)
Assessment Information: Land = \$121500 | Total = \$461500
Market Value:\$501600
School District:Rhinebeck CSD



Motion: Mayor Bassett to allow RCSD to proceed with developing a design and obtain construction bids using the ROW. With final technology designs and implementation to be reviewed prior to obtaining final approval.

Second: Trustee Traudt

Mayor Bassett:	Yes
Deputy Mayor Lewit:	Yes
Trustee Traudt:	Yes
Trustee Neuneker:	Yes
Trustee Rossi	Yes

Northern Dutchess Hospital Zoning District

The board and members of the public were given the proposed amendments to the zoning law for the Village of Rhinebeck with John Clark's updated comments in red included below. Mayor Bassett stated they would be working on the last revision tonight and opened the floor to discussion.

- Deputy Mayor Lewit discussed maintaining the historical character and houses in the area would not be protected.
- The Attorney for NDH stated would maintain the local character of the area.
- David Miller stated that that block of Montgomery Street will not be in the Historic District per determination of New York State.
- John Clarke reviewed the updated version of the proposed Zoning code. Mr. Clarke also addressed the Board as to maintaining the wood historic buildings and the possible moving of the buildings.
- David Keith from NDH discussed the regulations of the property behind the Thompson House.
- Jeff Romano, rhinebeck resident questioned NDH as to providing a rendering of what the Hospital would like to build.
- David Keith discussed the restrictions the hospital currently has with the zoning in place, and discussed the proposed zoning. Mr. Keith also discussed the location and type of parking garage being considered and the types of screening possible.
- Jeff Christensen Village resident, asked how would the planning Board handle issues and be able to challenge. He also discussed the height limits of what could be put on the roofs of buildings.
- John Clarke discussed the parking garage and the locations of parking lots.

- Deputy Mayor Lewit stated was very concerned as the look of the Village with the possible change and increase to the hospital.
- Jeff Romano asked for the hospital to create a plan so the public could see what NDH was thinking for expansion.
- John Clarke gave a history of coming up with a draft code for the hospital as to what would be allowed, as the hospital is currently in a residential district. Mr. Clarke discussed cleaning up the definitions.
- The Board discussed #5 and #6 below and the screening of a parking garage and the hospital and residential feel of the area.
- NDH CEO Denise George discussed the viability of the wood structures on Montgomery Street.
- Planning Board Chair David Miller agreed the village would need to have something from the hospital to show the public.
- All agreed this is a give and take and compromised will need to be done.

The Board discussed holding the next proposed hospital zoning code change workshop on Thursday Feb. 28, at 7:00pm

DRAFT 01/18/2019

[John Clarke comments in red 1.23.19]

Proposed Amendments To the Zoning Law For the Village of Rhinebeck

§ 120-4. Establishment of districts.

A. Land use districts. For the purpose of this chapter, the Village of Rhinebeck is hereby divided into the following districts:

Residential District (R)

Village Center District (VC)

Gateway Business District (GB)

Medical & Professional District (MP)

Hospital Medical District (HM)

Fairgrounds District (F)

B. Overlay districts. Overlay districts do not change the use and dimensional requirements of the underlying land use districts unless specifically so stated in this chapter. They are not intended to prohibit development, but rather to assure that the siting and design of development is sensitive to historic and environmental resources. On any given parcel of land, more than one overlay district may apply.

Historic District Overlay (HDO)

Special Sensitivity Overlay (SSO)

Land Conservation Overlay (LCO)

§ 120-8. Dimensional Table.

*** For Fairgrounds District see Article VII and for Hospital Medical District see Article _____.**

TABLE 2
Dimensional Table

Yard, Area, Setback and Height Requirements [Include in HM Article]

Note – All yard, area, setback and height requirements as existing for the pre-existing health care uses are permitted. Further construction or renovation within the existing footprint of the pre-existing health care use facility is permitted. Expansion beyond the footprint shall require the following:

Min Lot Area	8,000 SF
Spring Brook & Montgomery Street Setback	20'
Orchard Street Setback	50'
All other Setbacks	25'
Min Lot Frontage	75'
Min Lot Width	75'

Max Building Height	54’*
Max Lot coverage	60%

For purposes of the HM District, ~~area size of a lot and the set back of~~ a lot that borders another lot within the HM District shall not be subject to the area size and setback requirements of the Code with respect to ~~those~~ internal lot borders. However, the Planning Board shall take into account whether new construction ~~of a structure or improvement~~ will have an adverse ~~effect or~~ impact on the physical or environmental conditions in the neighborhood or district, ~~or will have an adverse effect or impact on the health, safety and welfare of the community;~~ in setting ~~conditions for~~ setbacks between existing structures ~~and improvement~~ and new structures and improvements, which setbacks shall be no greater than what would otherwise be required under the Code.

**For structures within 50’ of Montgomery Street and Springbrook Ave, ~~and Orchard Street~~ the maximum building height is 38’ with an additional allowed 16’ height if it is stepped back from the building façade facing the public street by a minimum of 15’*

Height is defined for the purposes of this HM District as the vertical distance measured from the average elevation of the finished or proposed finished grade across the street frontage ~~of at the building property line~~ to the highest point of a flat roof or to the mean height between the eaves and the ridge of a gable, hip or gambrel roof, and excluding from such measurement any penthouse, equipment and/or screening on the roof.

ARTICLE HOSPITAL MEDICAL (HM) DISTRICT

§ 120-____. Purpose of District.

The purpose of this district is to allow health-related land uses for the existing Northern Dutchess Hospital campus while ~~reasonably~~ maintaining the ~~viability character~~ of the adjacent residential neighborhoods, fairgrounds, and Medical & Professional District.

§ 120-____. Hospital Medical District General Provisions

- A. Site plan review. All building and zoning permit applications with respect to expansion or replacement of an existing facility or building that exists on the adoption date of the HM District shall be subject to site plan approval. Any site plan review process shall take the functional needs of the hospital into consideration, as well as the following district principles:
 1. The ~~federally-regulated~~ wetland area at the north end of the campus shall be preserved and can be included in the open space calculations for the lot.

2. The triangle shaped green space in the front of the main building entrance to the Springbrook Ave entrance drive shall be preserved as an open landscaped area.
3. The Planning Board may require vehicle driveway interconnections within the HM district or up to an applicant's property line with that of neighboring properties to protect the safety of the public and to reduce the congestion on Springbrook Ave. and Montgomery St.
4. For new buildings, the Planning Board may require sidewalk and crosswalk connections within the HM district or up to an applicant's property line with that of neighboring properties.
5. The house-type, wood frame buildings along the perimeter of the campus should be protected, whenever possible, as transitional and screening elements for the surrounding residential neighborhood.
6. Any Parking Garage shall be placed to the rear of a building to help screen direct views of the garage from a public street. is to be screened from direct views of the garage from a public street or visibility is to be minimized from a public street.

B. Permitted principal uses. No building or premises within the HM District shall be used, in whole or in part, for any purpose except those listed below:

1. Hospital
2. Health-related facility.
3. Medical offices.
4. Adult day care facility.
5. Hospital-related pharmacy, stores for sale of medical supplies, gift store, and/or thrift store.
6. Pre-existing health care uses.

C. Permitted accessory uses. Accessory buildings and structures that exist on the adoption date of this Article shall be deemed conforming for the purposes of this section. For purposes of the HM District, the following accessory uses as well as the accessory structure may be located on the same lot as the principal use or on a lot or lots within the HM District that are not the same lot or lots upon which the principal structure or principal use is situated. Any accessory use or structure within the HM District need not be, but may be on an adjacent lot within the HM District.

1. Those services and the uses related to, incidental to and accessory to the foregoing permitted principal uses;

~~Off street parking and parking garage~~

2. Hospital related pharmacy, stores for sale of medical supplies, gift shop, and/or thrift store.
 3. Parking garage servicing a permitted use in the HM district. The parking garage shall be designed in a manner to screen direct views from the street.
 4. Off-street parking, ~~as the principal use of a lot~~ servicing a permitted use in the HM district
 5. Child day care center
 6. Maintenance facility
 7. On-Call living accommodation for hospital staff or graduate medical education residents.
 8. Medical Education
- D. Parking. Adequate parking shall be provided to meet the needs of the HM District and to otherwise comply with 120-16. Off-street surface parking need not be located behind a building or in the interior of lots if existing surface lots exist. Parking shall be located behind buildings whenever ~~reasonably~~ possible. When located near a street, parking shall be screened from open public street views with a fence, wall, and/or landscaping whenever ~~reasonably~~ possible. On-street parking and off-site parking will be considered as alternatives for parking should the facility be unable to meet the requirements of 120-16, including the use of shuttles.
- E. Signs. Signs in the HM District shall be subject to those provisions contained in 120-19 except to the extent those signs are legally in existence as of the date of the enactment of this section or are regulated by applicable State and Federal laws. Additional signs may be permitted by the Planning board during site plan review.

§ 120-45. When required.

Site plan approval by the Planning Board is required prior to the issuance of all building and zoning permits in the Village Center, Gateway Business Districts, Hospital Medical Districts, Land Conservation, and Special Sensitivity Overlay districts, and for all special permit uses in all districts. Special permit approval is required for the uses specified in the Allowable Use Groups Chart in 120-6. The site plan approval process, when applied to a project that does not require a special permit, is focused primarily on whether a particular development site complies with the purposes, principles and performance criteria contained in this chapter. The site plan approval process, when used in conjunction with the special permit process, becomes a significant factor in whether the use in question is appropriate for a particular site.

§ 120-49. Site plan approval.

A. In acting on any proposed site plan, the Planning Board shall take into consideration:

1. Consistency with the Village Master Plan.
2. Consistency with the Village Center, Medical & Professional, Gateway Business, Hospital Medical District, Fairgrounds, and Residential principles established in those respective sections.

§ 120-63. Definitions. [additional]

Add ADULT DAY CARE FACILITY

AMBULATORY HEALTH-CARE FACILITY:

A building or portion thereof used for medical services, including diagnosis and treatment of human ailments, where no overnight accommodations are provided.

HEALTH-RELATED FACILITY (HRF):

A structure or combination of structures whose purpose is to provide medical diagnosis and/or treatment either in a residential or nonresidential setting, including but not limited to:

1. A hospital as defined in Article 28, 2801 of the New York State Public Health Law.
2. A nursing home as defined in Article 28, 2801 of the New York State Public Health Law.
3. A clinical laboratory as defined in Article 5, 571 of the New York State Public Health Law.
4. A blood bank as defined in Article 5, §571 of the New York State Public Health Law.
5. Outpatient diagnostic and/or treatment and surgical facilities including an Ambulatory Health-Care Facility.
6. A hospice, respite care facility and other uses accessory to the Health-Related Facility.
7. A facility (in-patient and/or out-patient) that provide services for the treatment and recovery of persons who suffer from behavioral health related issues with an operating certificate (license) issued by the Office of Mental Health (OMH).

8. Those services and uses related to, incidental to and ancillary to the foregoing permitted uses.

MEDICAL OFFICE. A medical office is a structure where medical care is provided to persons on an out-patient basis by one or more members of the medical profession, dentists, chiropractors, osteopaths, therapists, or other licensed professionals.

PARKING GARAGE. A multi-level structure for the parking of vehicles conducted as a business or servicing a business or district

PRE-EXISTING HEALTH CARE USES. Pre-existing health care uses shall be those uses currently provided by a facility that is a permitted use under 120-~~37.7~~, and those ancillary uses as of the date of this amendment that have been a permitted use, permitted as a nonconforming use, or a permitted use granted pursuant to a special use permit, use variance or area variance.

Drinking Water Source Protection

Mayor Bassett discussed the Drinking water source protection Program, and that the Town of Esopus is taking the lead, with the Town and Village of Rhinebeck, Town and city of Poughkeepsie, Town of Hyde Park, Town of Esopus and Town of Lloyd participating as they are the Hudson 7 – the Hudson River Drinking Water Inter-municipal Council which includes 100,000 people getting their water from the Hudson River. The Board discussed on what the water treatment plant is testing for at this point.

New York State launched this initiative to provide municipalities with resource and tools to proactively protect drinking water sources. The goal is to get up to 30 municipalities develop and implement a drinking water source protection plan for the source(s) of their drinking water.

There is no out of pocket cost for the community

What is our responsibility

- Provide contact list (municipal engineer, water plant operator, elected official)
- Attend meeting with NYSDEC and NYSDOH
- Provide requested data (Scorecard)

- Share results with the community
- Provide meeting room

What will we have at the end of this program

- Updated source water assessment
- Drinking water source protection plan
- Assistance with initial a protection plan if implemented

Motion: Mayor Bassett: To join the other 6 municipalities in the application for the Drinking water source protection Program grant

Second: Deputy Mayor Lewit

Mayor Bassett:	Yes
Deputy Mayor Lewit:	Yes
Trustee Traudt:	Yes
Trustee Neuneker:	Yes
Trustee Rossi	Yes

Motion: Trustee Rossi: To enter executive session in regard to personnel matters.

Second: Trustee Traudt

Mayor Bassett:	Yes
Deputy Mayor Lewit:	Yes
Trustee Traudt:	Yes
Trustee Neuneker:	Yes
Trustee Rossi	Yes

Motion: Mayor Bassett: To exit executive session, return to regular session and to adjourn the regular meeting.

Second: Deputy Mayor Lewit

Mayor Bassett:	Yes
Deputy Mayor Lewit:	Yes
Trustee Traudt:	Yes
Trustee Neuneker:	Yes
Trustee Rossi	Yes

Respectfully Submitted,

Patricia D. Coon, CMC, RMC

Village Clerk



