

*Village of Rhinebeck, NY
Tuesday, December 10, 2019*

Chapter 120. Zoning

Article IX. Land Conservation Overlay

§ 120-40. Findings; purpose; standards.

- A. Natural resources contribute to the scenic value, quality of life and character of Rhinebeck. The protection of lakes, stream corridors, wetlands and floodplains is an important public purpose, and, to the extent practicable, future development in the Village shall minimize disturbances in these areas. Important environmental features in the Village, such as the Landsman Kill, Crystal Lake and areas of state or federally regulated wetlands, shall be protected from negative impacts related to development. Existing state and federal regulations shall be carefully enforced and incorporated into all project reviews.
- B. The Land Conservation Overlay (LCO) adds an additional layer of protection to those properties that are adjacent to and incorporate portions of lakes, stream corridors, wetlands and floodplains. Those properties covered by the LCO are still subject to all of the underlying provisions of the district, along with the following additional restrictions:
- (1) Site plan review. All building and zoning permit applications in the LCO District shall be subject to site plan approval.
 - (2) Excavation. If during site plan review the Board finds any construction, filling or excavation in excess of 300 square feet, or grading or other alteration of more than 3,000 square feet, on a lot within the proceeding three-year period, the Planning Board shall ensure that such construction, filling, excavation, grading or alteration meets the buffer requirements provided below and will not result in erosion or in wetland, stream or lake pollution from surface or subsurface runoff, before it shall grant approval.
 - (3) Buffers.
 - (a) Buffers shall be required adjacent to lakes, stream corridors and wetlands. Buffers shall serve as an ecological transition zone and as an integral portion of the ecosystem. Their boundaries may vary over time due to hydrologic or climatological effects. Buffers also serve as a sediment and stormwater control zone to reduce the impacts of development upon these areas.
 - (b) All buildings, roofed or covered areas, or impervious paved roadways or parking areas, shall be set back a minimum of 40 feet from the edge of lakes, stream corridors and wetlands. The buffer area shall at all times be vegetated with native trees, shrubs and grasses.
 - (c) All excavation undertaken for any reason must employ best management practices (BMPs) to prevent stormwater runoff. Guidance on current BMPs shall come from the New York State Department of Environmental Conservation and the U.S. Army Corps of Engineers.

