

Local Law No. 1 of 2026

RESOLUTION OF ADOPTION

**A LOCAL LAW AMENDING ZONING CODE ARTICLE XI §210-86, §210-56(E), AND
ATTACHMENT 210-3 RELATING TO THE ESTABLISHMENT OF A SPECIAL
PERMIT IN THE RD10 DISTRICT FOR CATERING FACILITIES WITH A
TEMPORARY LODGING COMPONENT AND THE ELIMINATION OF
CONFERENCE CENTERS AS A PERMITTED USE IN THE RD10 DISTRICT, AS
REVISED**

The following Resolution of Adoption was offered by _____ and seconded by _____, who moved its adoption:

WHEREAS, on October 2, 2024, Supervisor Frazier introduced a Local Law for the Town of Union Vale (the “Town”), initially to be known as Local Law #2 of 2024, entitled “A Local Law Amending Zoning Code Article XI, §210-86, §210-56(E), and Attachment 210-3 relating to the Establishment of a Special Permit in the RD10 District for Catering Facilities with a Temporary Lodging Component and the Elimination of Conference Centers as a Permitted Use in the RD10 District” (the “Original Proposed Local Law”), a copy of which proposed law, together with the Resolution of Introduction and meeting minutes dated October 2, 2024, are annexed at “Exhibit A”; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), the Town Board, which had before it a Full Environmental Assessment Form (“FEAF”), attached hereto as “Exhibit B”, determined that adopting the Original Proposed Local Law was a Type 1 Action for SEQRA purposes at its regular meeting on October 2, 2024, and also determined that it would be the SEQRA Lead Agency; and

WHEREAS, the Original Proposed Local Law was referred to the Dutchess County Department of Planning and Development on October 17, 2024 pursuant to General Municipal

Law §239-m, and to the Town of Union Vale Planning Board pursuant to Town Code §210-83(A); and

WHEREAS, a duly-noticed public hearing on the Original Proposed Local Law was held on October 16, 2024, the minutes of which are annexed hereto as “Exhibit C”, at which hearing there were no comments made by the public, the Town Board discussed the Original Proposed Local Law, voted to remove paragraph 13(B) relating to parking requirements, and then resolved to continue the public hearing at a later date; and

WHEREAS, the Dutchess County Department of Planning and Development responded to the Town’s GML §239-m referral on November 6, 2024, attached hereto as “Exhibit D”, and advised that the Action was a Matter of Local Concern with Comments; and

WHEREAS, the Board received comment from the Town of Union Vale Planning Board on November 14, 2024, attached hereto as “Exhibit E”, which proposed one revision to Section 17(b) of the Original Proposed Local Law and, with said revision, made a favorable recommendation of the Local Law; and

WHEREAS, the Original Proposed Local Law was modified after considering the comments of the Dutchess County Planning Department and following discussion of the Town Board at the October 16, 2024 meeting to provide Land Banked Parking in lieu of immediate construction, to require lodging facilities not be used by transient guests not associated with an event on site, to limit the maximum square footage of all lodging facilities to 5,000 square feet, to prohibit outdoor activity prior to 10 a.m., to prohibit indoor activity prior to 10 a.m. and after midnight, to require that no noise be heard on adjacent properties prior to 10 a.m. or after 10 p.m., and to allow the Planning Board to require a noise analysis and lighting plan prior to

issuance of the special use permit, all without diminishing the standard preexisting noise limitations under Town Code §210-24; and

WHEREAS, these modifications were incorporated into and reflected in a redrafted Local Law (the “First Revised Proposed Local Law”) which was reintroduced on November 20, 2024 for consideration at a public hearing to be held on December 4, 2024, which Resolution of Re-Introduction, redlined Proposed Local Law, and meeting minutes of November 20, 2024 are attached hereto as “Exhibit F”; and

WHEREAS, the First Revised Proposed Local Law was again referred to the Dutchess County Department of Planning and Development on November 22, 2024 pursuant to General Municipal Law §239-m, and to the Town of Union Vale Planning Board pursuant to Town Code §210-83(A); and

WHEREAS, a duly-noticed public hearing on the First Revised Proposed Local Law was held on December 4, 2024, the notice and minutes of which are attached hereto as “Exhibit G”, at which hearing all wishing to be heard were heard, including community members who voiced concerns regarding the proposed Local Law, at the conclusion of which the Board tabled the vote to await the Dutchess County Department of Planning and Development’s response, and to potentially extend the public hearing; and

WHEREAS, the Dutchess County Department of Planning and Development responded on December 18, 2024, this time deeming the Action a Matter of Local Concern with no comments, attached hereto as “Exhibit H”, and the Town of Union Vale Planning Board submitted no further comment to the Town Board on the First Revised Proposed Local Law; and

WHEREAS, another duly-noticed public hearing on the First Revised Proposed Local Law, then referred to as Local Law #1 of 2025 (formerly Local Law #2 of 2024), was held on

February 5, 2025, the notice and minutes of which are attached hereto as “Exhibit I”, at which hearing community members voiced their comments and concerns, and the Board received written correspondences (included at “Exhibit I”). The public hearing was closed, and no vote was taken; and

WHEREAS, a Second Revised Proposed Local Law, again referred to as Local Law #1 of 2025, was prepared which incorporated changes in response to public comments received during the February 5, 2025 public hearing and recommendations of consultants contained in the March 14, 2025 memorandum attached at “Exhibit T” to increase the minimum lot size from 50 acres to 75 acres, to strengthen performance standards for lighting, to incorporate a reference to the noise limitations in Town Code §210-24(A), and to allow the Planning Board to require further noise studies, increased setbacks, or other noise attenuation measures to ensure that operations would remain in line with community character and minimize disturbance to neighboring properties, which Second Revised Proposed Local Law, the Resolution of Re-Introduction for it dated April 16, 2025, a new FEA Part 1, and meeting minutes of April 16, 2025 are attached hereto as “Exhibit J”; and

WHEREAS, the Town Board, when it reintroduced the Second Revised Proposed Local law directed that a public hearing be held on May 21, 2025, again directed referral to the Dutchess County Department of Planning and Development and the Union Vale Planning Board, and further directed that notices be sent to the Clerks of adjoining Towns; and

WHEREAS, in the April 16, 2025 Re-Introduction Resolution, this Board, having considered the new FEA which was attached to it, again determined that this was a Type 1 Action and declared itself Lead Agency; and

WHEREAS, the Second Revised Proposed Local Law was referred to the Dutchess County Department of Planning and Development and the Union Vale Planning Board on April 22, 2025, and notice of the hearing was given to contiguous Towns; and

WHEREAS, the Town Board received a response from the Dutchess County Department of Planning and Development on May 7, 2025, attached hereto as “Exhibit K”, stating that adopting the Proposed Law was a Matter of Local Concern with no comment. No additional comments were received from the Union Vale Planning Board; and

WHEREAS, the duly-noticed public hearing on the Second Revised Proposed Local Law was opened on May 21, 2025 (the minutes and notice for which are annexed hereto as “Exhibit L”), at which all of those who desired to be heard on the Second Revised Proposed Local Law were heard, and the hearing was held open to be continued at the June 4, 2025 Town Board meeting at 7:00 p.m. at Town Hall; and

WHEREAS, the public hearing was continued on June 4, 2025 (the minutes of which are annexed hereto as “Exhibit M”), at which all of those who desired to be heard on the Second Revised Proposed Local Law were heard, and the Board received a written comment (contained at “Exhibit M”) and the hearing was held open to be continued at the July 16, 2025 Town Board meeting at 7:00 p.m. at Town Hall; and

WHEREAS, the public hearing was continued on July 16, 2025 (the minutes of which are contained at “Exhibit M”), at which time all interested parties were heard, and the hearing was duly closed; and

WHEREAS, at its regular meeting held on August 27, 2025 (the minutes of which are contained at “Exhibit M”), the Board members discussed moving forward with the RD10

amendment and voted in favor of authorizing the Town Board consultants to prepare the necessary documentation to complete the environmental review of the action; and

WHEREAS, the text of the Second Revised Proposed Local Law was inconsequentially corrected to amend two clerical errors: the Schedule of Use Regulations at 210 Attachment 3 was revised to correctly refer to the “RA5,” “RA2,” and “R1” zoning districts, and the term “plant” at Section 210-56(E)(17)(c)(14)(a) was corrected to “catering facility building.” The corrected text is attached hereto as “Exhibit N”; and

WHEREAS, the correction of these typographical errors was a clerical rather than a substantive change to the Proposed Local Law, and therefore did not require re-referral to the Dutchess County Department of Planning and Development or the Town of Union Vale Planning Board; and

WHEREAS, in addition to the primary action described above, in early 2024, Joseph Fuscaldo expressed interest in developing an 80.52-acre parcel, presently owned by Elizabeth A. Gilleski and Hermann W. Freihofer, Jr. and identified as Tax Parcel No. 6660-00-780173 (the “Freihofer Parcel”), as a wedding venue with guest cottages; and

WHEREAS, on February 22, 2024, Union Vale Code Enforcement Officer George A. Kolb, Jr. issued a Notice of Zoning Determination, attached hereto as “Exhibit O”, saying that the development of the Freihofer Parcel as a wedding venue “would fall more clearly under the ‘Conference Center’ use;” and

WHEREAS, on March 12, 2024, Mr. Fuscaldo submitted a “Sketch Site Plan” together with an application, attached hereto as “Exhibit P”, to the Town of Union Vale Planning Board (the “Planning Board”) requesting sketch review and the scheduling of a work session to review a potential wedding venue at the Freihofer Parcel which is in the RD-10 zoning district; and

WHEREAS, the application included a Short EAF (“SEAF”) Part 1 and a map entitled “Sketch Site Plan for Fuscaldio – Wedding Venue” prepared by M. Gillespie & Associates Consulting Engineering, PLLC, dated December 17, 2023, included at “Exhibit P”; and

WHEREAS, on April 11, 2024, at a regular meeting, Mr. Fuscaldio introduced and explained the project to the Planning Board, which minutes are included at “Exhibit P”; and

WHEREAS, on April 23, 2024, George A. Kolb, Jr. issued a revised Notice of Zoning Determination (attached at “Exhibit Q”) reiterating that a wedding venue use of the Freihofer Parcel was most similar to a Conference Center use, but stating that Conference Centers require a 100-acre minimum under Union Vale Code Section 210-56(E)(4) and that the existing 80.52-acre Freihofer Parcel would therefore require an area variance from the Union Vale Zoning Board of Appeals (the “ZBA”); and

WHEREAS, on June 11, 2024, Mr. Fuscaldio submitted an application for a 19.5-acre area variance to allow the use of the subject 80.52-acre Freihofer Parcel as a wedding venue which application is attached at “Exhibit R”; and

WHEREAS, on July 2, 2024, the ZBA determined that the application was not properly before it because the issue of whether the use was allowed in the zone was not yet settled. The meeting minutes of the July 2, 2024 meeting and the subsequent August 6, 2024 meeting, at which the application was also briefly discussed, along with correspondence from the ZBA Chair to the ZBA members, are included at “Exhibit R”; and

WHEREAS, because any potential development of the project depicted in the Sketch Site Plan at the Freihofer Parcel would require either variances or the adoption of the Second Revised Proposed Local Law, this Board has determined that it is appropriate to review the potential environmental impacts of the Second Revised Proposed Local Law with consideration to the

limited information provided in the Sketch Site Plan submitted by Mr. Fuscaldo and attached hereto at “Exhibit P”; and

WHEREAS, because Mr. Fuscaldo did not continue to pursue the application before the Planning Board of the Town of Union Vale within the statutory 6-month timeframe for review, on October 5, 2025, the Code Enforcement Officer alerted Mr. Fuscaldo that his application was considered abandoned, which correspondence is attached hereto as “Exhibit S”; and

WHEREAS, as further described in the FEAF Part 3 annexed at “Exhibit Z,” although the hypothetical Fuscaldo project described above was preliminary in nature, was not designed beyond a Sketch Site Plan, and is now abandoned according to the Union Vale Code Enforcement Officer, the Town Board considered the Sketch Site Plan in its SEQRA review of the Proposed Local Law to the extent possible and in accordance with 6 NYCRR §617.3(g); and

WHEREAS, the Town Board has reviewed a memorandum of KARC Planning Consultants (“KARC”), dated January 28, 2025, regarding the consistency of this Action with the Town’s Comprehensive Plan; a March 14, 2025 memorandum addressing multiple questions and concerns raised; an April 21, 2025 memorandum addressing modifications to the First Proposed Local Law following the February 5, 2025 public hearing, and a September 17, 2025 memorandum addressing Dutchess County Traffic Data, all annexed at “Exhibit T”; and

WHEREAS, the Town Engineer, Thomas Harvey, PE, has submitted an opinion regarding the traffic and noise aspects of this rezoning and the efficacy of their control by the terms of the Second Revised Proposed Local Law, dated January 9, 2025, and a memorandum regarding Engineering Site Distance Review dated October 24, 2025, both of which are annexed at “Exhibit U”; and

WHEREAS, this Town Board has reviewed the FEA Part 1 and, pursuant to further review by KARC, made inconsequential changes to sections B(e) and C(3)(c) as reflected at “Exhibit V” and authorized the Supervisor to execute the FEA Part 1 at its regular meeting on January 21, 2026; and

WHEREAS, at the January 21, 2026 meeting, the draft minutes of which are annexed hereto as “Exhibit W,” the Town Board received a draft FEA Part 2 prepared by KARC and reviewed and considered same; and

WHEREAS, the Board, having received additional information and documentation from its consultants and wishing to give the public an opportunity to respond to all relevant information, resolved to set an additional public hearing to be held on February 4, 2026 and authorized the Town Clerk to circulate a notice of the Public Hearing to adjacent municipalities in accordance with GML 239-*nn*, which resolution is included with the meeting minutes at “Exhibit W”; and

WHEREAS, in accordance with the Open Meetings Law §103(e), more than 24 hours prior to the January 21, 2026 meeting, the Town caused to be posted to its website for public inspection the compiled record of the proceedings with an Index of Exhibits, a draft copy of the inconsequentially revised FEA Part 1, a draft of the FEA Part 2 prepared by the Town planning consultant, and a draft copy of the Resolution to set a public hearing; and

WHEREAS, similarly, more than 24 hours prior to the February 4, 2026 meeting, the Town caused to be posted to its website for public inspection a draft copy of the FEA Part 3 form and narrative, a draft of the SEQRA Negative Declaration, and a draft of the resolution adopting the FEA Part 2, Part 3, and Negative Declaration to be discussed by the Town Board at the February 4 meeting; and

WHEREAS, at its meeting on February 4, 2026, the draft meeting minutes of which are annexed at “Exhibit X,” the Town Board opened the duly-noticed Public Hearing, received comment from all those who wished to be heard at that time, heard from KARC regarding the Draft FEA Part 2 and Part 3 documents which had been prepared, and allowed the Town’s consultants to respond directly to the concerns posed by the public; and

WHEREAS, the Town Board reviewed the FEA Part 2 (annexed hereto as “Exhibit Y”) and FEA Part 3 form and narrative (annexed at “Exhibit Z,” exhibits thereto excluded as redundant of materials already annexed herein¹) prepared by its consultants, and further reviewed the Short EAF submitted to the Planning Board and ZBA for the potential Freihofer project at “Exhibit P” and “Exhibit R,” the memoranda prepared by KARC, the memoranda prepared by Rennia Engineering, and the limited information regarding the potential use of the Freihofer Parcel as a wedding venue as depicted in the Sketch Site Plan and other documents at “Exhibit P” and “R,” which review assumed said plans would be limited by the requirements of this Second Revised Proposed Local Law; and

WHEREAS, after considering all of the above, the Board reviewed and discussed the draft Negative Declaration prepared by its consultants (annexed at “Exhibit AA”), found that no significant environmental impact will result from the adoption of the Second Revised Proposed Local Law and, therefore, no further environmental review of this rezoning is required and no Environmental Impact Statement (“EIS”) must be prepared, and therefore resolved to adopt the FEA Part 2, the FEA Part 3, and the Negative Declaration (resolution annexed hereto at “Exhibit BB”); and

WHEREAS, on February 4, 2026, after having adopted the SEQRA documents as described above and annexed hereto, while the duly-noticed public hearing remained open, the

¹ See documents contained at Exhibits T, Y, U, P, S, and R.

Town Board gave the public the opportunity to comment further, which comments were received and acknowledged and which did not identify any new issues which the Board had not already identified, addressed, and considered, and the Board subsequently voted to close the public hearing; and

WHEREAS, a copy of the Second Revised Proposed Local Law, now referred to as Local Law #1 of 2026 (previously Local Law #1 of 2025 and formerly Local Law #2 of 2024), as attached hereto at “Exhibit N” is incorporated herein, and the Town Board does hereby waive a verbatim reading of said Local Law and directs that the Second Revised Proposed Local Law be spread across the record as if it, in fact, had been read verbatim; and

WHEREAS, said Local Law has been on the desks of the members of the Town Board of the Town of Union Vale for at least seven (7) days, exclusive of Sunday; and

WHEREAS, this Town Board has considered all of the foregoing documentation, proceedings, comments, and correspondence received regarding this Second Revised Proposed Local Law; now, therefore

BE IT RESOLVED that the proposed Local Law annexed at “Exhibit N” be and is hereby enacted: TOWN OF UNION VALE LOCAL LAW #1 OF 2026 entitled A LOCAL LAW AMENDING ZONING CODE ARTICLE XI §210-86, §210-56(E), AND ATTACHMENT 210-3 RELATING TO THE ESTABLISHMENT OF A SPECIAL PERMIT IN THE RD10 DISTRICT FOR CATERING FACILITIES WITH A TEMPORARY LODGING COMPONENT AND THE ELIMINATION OF CONFERENCE CENTERS AS A PERMITTED USE IN THE RD10 DISTRICT; and

BE IT FURTHER RESOLVED that this Local Law shall be referred to as §210-86, §210-56(E), and attachment 210-3 of the Town of Union Vale Town Code; and

BE IT FURTHER RESOLVED that this Local Law shall take effect upon adoption by the Town Board and filing with the New York State Secretary of State in accordance with applicable provisions of law, and specifically Article 3, §27 of the Municipal Home Rule Law.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Durland	_____
Councilman Harrington	_____
Councilman McGivney	_____
Councilman Redinger	_____
Supervisor Frazier	_____

I, Andrea Casey, Town Clerk of the Town of Union Vale do hereby certify that the foregoing is a true copy of a resolution offered by Councilman _____, seconded by Councilman _____, and adopted at meeting of the Town Board, held on February 18, 2026.

Andrea Casey, Town Clerk