

Memorandum

Date: Wednesday, 20 March 2024

Via email to: Mayor Bassett and the Board of Trustees
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TrusteeSlaby@villageofrhinebeckny.gov
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Firm: Village of Rhinebeck

From: John F. Lyons

Re: 6 Mulberry Street : Proposed Dutchess Shepherd Rezoning & Project

Subject: Comment and proposal regarding fencing and vegetative screening

Copies to: David A. Gordon, Esq., Gordon & Svensen (david@gordonsvenson.com)
Brandee Nelson, PE, Tighe & Bond (bnelson@tighebond.com)

Dear Mayor Bassett and Members of the Board:

As you may recall, our firm represents Village residents concerned about the proposed Dutchess Shepherd zoning amendment and development project for 6 Mulberry Street. This memorandum follows up the last Village Board meeting on this matter, held on 27 February 2024, during which meeting the subjects of landscape screening and fencing were discussed. Some dialogue was had between the Village Board and members of our client group. This memo will supplement that discussion.

Having had the opportunity to reflect upon the fencing and screening discussion, our clients have discussed this matter amongst themselves and developed a proposal for the fencing and screening of the project property.

Attached you will find the NAVA Privacy Screening Plan, dated 19 January 2024, which was submitted to the Village Board by the Applicant. We have marked that Plan with the details of our proposal. On the attached proposal:

- The ten-foot-wide privacy planting strips proposed by the Applicant, indicated in green on the attached plan, should as part of the plan. These planting strips are an excellent buffer and will assist in providing some breathing space between the project and its neighbors.
- The entirety of the existing chain link fence which runs the perimeter of the entire project site should be removed by the Applicant. Figure 1 on next page shows an image of a portion of that fence as it currently exists. There seemed to be consensus among all parties about this at the last meeting.



Figure 1. A portion of the existing chain link fence which runs the perimeter of the project property.

- We propose that the seven-foot high wooden privacy fence currently running East/West along the southern boundary line of the Haak & Chumas property located at 88 East Market Street (Tax Map Parcel No. 135001-6170-19-562224) should remain in place. The location of this fence is shown by the dark blue line on the attached map. An image of a portion of that fence as it currently exists is shown in Figure 2 below.



Figure 2. A portion of the privacy fence running along the southern boundary of the Haak & Chumas property, the installation of which had been mandated by the Village ZBA.

It should be noted as a point of historical information that this seven-foot fence was mandated by the Village Zoning Board of Appeals [ZBA] when the Archdiocese purchased the property from the school.

- We propose that the Applicant should be required by the Zoning Amendment to install on its property a seven-foot high privacy fence that will also run north/south along the eastern boundary of the Haak & Chumas property located at 88 East Market Street (Tax Map Parcel No. 135001-6170-19-562224). The location of this fence is depicted by the pink line on the attached map. This fence will provide the Haak & Chumas property with some visual privacy from the houses to be developed between the schoolhouse and the corner.



Figure 3. The 7-foot privacy fence along the eastern boundary of the Haak & Chumas property would replace the existing chain link fence, shown above.

The Applicant and successor property owners should be required to be responsible to maintain, and when necessary, replace this fence. The Zoning Amendment should require this fence and allow it to exist in this location without the need for an area variance for its height from the ZBA.

- We proposed that the Applicant should be required to install a six-foot high privacy fence on western side of its property. This fence should be located in front of the rear yard privacy planting strip, and run north/south along a portion of the eastern boundary of the Miller property located at 27 South Street (Tax Map Parcel No. 135001-6170-19-553203), and thence continuing to run east/west along the southern side of the privacy planting strip to a point near the back of the apartment building. The proposed location of this fence is depicted by the light blue/turquoise line on the attached map.

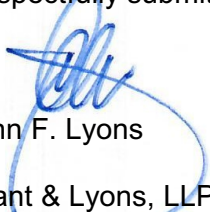
The purpose of this fence would be to provide some visual privacy to the Miller property, and also to shield their property at night from the headlights of vehicles entering and departing from the parking lot behind the apartment building.

This six-foot fence would comply with the present maximum height for fences in the Village of Rhinebeck Zoning Law. While a higher fence would provide more privacy and protection from light and glare, the six-foot fence is friendlier than a taller fence.

The proposed screening and fencing plan is a critical element to the neighborhood surrounding the project site. We ask that the fencing portion of the plan be incorporated into the Zoning Amendment so that these elements will become required elements of the site plan.

We thank you for your time, attention, and consideration.

Respectfully submitted,






John F. Lyons

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PRIVACY SCREEN SCHEMATIC



The Project proposes a 10' wide privacy planting strip as indicated in GREEN on the site plan above based on the current layout. Modifications may be made during the Planning Board review process.

Legend:		Install & maintain 7 ft. wooden privacy fence.
		Existing 7 ft. wooden privacy fence to remain.
		Install 6 ft privacy fence to surround parking lot.