

**VILLAGE OF RHINEBECK LOCAL LAW NO.                      OF THE YEAR 2024**

**A LOCAL LAW TO AMEND THE ZONING CODE OF THE VILLAGE OF RHINEBECK  
TO CREATE THE BULKELEY SCHOOLHOUSE OVERLAY DISTRICT**

BE IT ENACTED by the Board of Trustees of the Village of Rhinebeck as follows:

**Section 1. Legislative Intent**

The Bulkeley Schoolhouse is located within the Residential District, which limits residential uses to one- and two-family dwellings. The Village intends to support the adaptive reuse of the former Bulkeley Schoolhouse, which is listed on the State and National Registers of Historic Places and which has local significance as a former municipal school, through the creation of the Bulkeley Schoolhouse Overlay District. The intent of the local law is to provide flexibility in uses and dimensional regulations to facilitate and encourage the preservation and reuse of the historic structure. The law has the secondary benefit of providing for the creation of additional housing units to meet the increased demand for housing in the Village. Lastly, the adaptive reuse of an existing structure is consistent with the Village's sustainability goals. This local law is adopted pursuant to the powers conferred upon the Board of Trustees by Section 10 of the Municipal Home Rule Law.

**Section 2. An overlay districted entitled the "Bulkeley Schoolhouse Overlay District" is hereby created on the entirety of the 1.4 acre parcel known as 6 Mulberry Street, Dutchess County Tax Parcel Id 135001-6170-19-568209.**

**Section 3. Section 120-4 of the Code of the Village of Rhinebeck, entitled, "Establishment of Districts" is hereby amended to insert the Bulkeley Schoolhouse Overlay District (BSO) into the list of overlay districts in Subsection B.**

**Section 4. Section 120-8 of the Code of the Village of Rhinebeck, entitled, "Dimensional Table" is hereby amended to add a third footnote. Footnote signal "\*\*\*\*" shall be added next to the column heading "Residential." Footnote \*\*\* shall read: "Parcels in the Bulkeley Schoolhouse Overlay District (BSO) shall be subject to the dimensional standards in § 120-39.1(D) instead of the standards in this Dimensional Table.**

**Section 5. A new Article VIII.I, entitled "Bulkeley Schoolhouse Overlay District (BS-O)" is hereby created to read as follows:**

§ 120-39.1. Bulkeley Schoolhouse Overlay District.

- A. Purpose. The purpose of the Bulkeley Schoolhouse Overlay (BS-O) District is to provide flexibility in uses and dimensional regulations to facilitate and encourage the preservation and reuse of the historic structure and to provide for the creation of additional housing units to meet the increased demand for housing in the Village.
- B. Definitions.
1. “Bulkeley Schoolhouse” refers to the historic school building located at 6 Mulberry Street, identified in the Historic District listed on the Department of Interior’s Federal Register of Historic Places in 2021 as the “Father Edward P. Brogan Parish Center” located at “33 South Street (6 Mulberry Street).”
  2. “Bulkeley Schoolhouse Parcel” refers to a future subdivided portion of the BS-O that contains the Bulkeley Schoolhouse building, associated parking, and greenspace.
- C. Permitted Uses. All principal and accessory uses permitted in the Residential District shall be permitted. In addition, the Bulkeley Schoolhouse may be utilized as a multifamily dwelling through adaptive reuse subject to the provisions of this section.
- D. Site Plan approval shall be required for all uses in the BS-O and for all exterior enlargements, demolition, new construction, or alterations of existing structures in accordance with Article XI of this chapter, except for maintenance and like-kind replacement. In addition to requiring compliance with the standards for Site Plan approval in Article XI of this chapter, the Planning Board shall ensure that the site plan for each new structure complies with the design standards in sections 120-26, 120-27, 120-39 and all other applicable provisions of the Village of Rhinebeck Zoning Code. In addition, the Planning Board shall require that all site plans comply with the following standards:
1. Screening. The site plan shall require vegetative and other screening to improve privacy and reduce visual intrusion between lots. In particular, the Bulkeley Schoolhouse Parcel driveway and parking lot shall be screened from neighboring lots to the maximum extent practicable, including the use of a 10-foot wide privacy planting strip, vegetative buffer, or privacy fence. Where privacy fencing is utilized on the Bulkeley Schoolhouse Parcel, the Planning Board may at its discretion, permit such fencing, up to seven feet tall, notwithstanding the provisions of section 120-14 of this chapter. Landscaping and screening shall be consistent with the existing character of the neighborhood. The existing chain link fence along the frontage on South Street, Mulberry Street and E. Market Street shall be removed and the Planning Board may require such fence to be removed along the side and rear of the Bulkeley Schoolhouse where it finds that such removal and replacement with alternative fencing or vegetation would improve screening. The Planning Board may require a long-term maintenance plan for landscaping and vegetation for the Bulkeley Schoolhouse Parcel. The site plan shall also provide for screening of HVAC units on all parcels in the BS-O.
  2. Design. The site plans shall require that the design of all buildings, structures, and grounds, including architecture, layout, and landscaping, shall be consistent with the residential and historic character of the neighborhood.

3. Traffic. The site plan shall incorporate any practicable measures to avoid or minimize adverse impacts of traffic generated by new development on the safety of pedestrian, automobile, and bicycle transportation, if any.
4. Noise and other disturbances. The site plan shall require that noise associated with mechanicals located outside the structure comply with applicable standards in the Village Code and otherwise are minimized to avoid disturbance to neighboring properties to the maximum extent practicable. The Planning Board may require structures or measures to absorb, redirect or otherwise mitigate noise where necessary to achieve compliance with this standard.
5. Construction activities, the site plan shall incorporate any practicable measures, including but not limited to, hours during the day and days of the week when construction is permitted, for the purpose of avoiding or minimizing the adverse impacts of construction on the neighborhood. including without limitation noise, dust, and disruption and hazardous conditions for automobile, bicycle, and pedestrian travel, if any.
6. Bulkeley Schoolhouse Parcel Trash receptacles. Receptacles for the storage of trash and solid waste for disposal shall be kept inside the Bulkeley Schoolhouse building except solely when such trash and/or solid waste is being removed from the property.
7. Front entrances. Each single-family dwelling, two-family building, or multiple-family building in the district shall have a front entrance or porch facing the street where the home is located, to better connect such residences with the outside neighborhood and its historic characteristics. For the Bulkeley Schoolhouse Parcel the Planning Board may vary this requirement if a front entrance or porch is impractical, would lead to substantial adverse impacts, or is unnecessary for consistency with historic preservation. A direct walkway shall be provided from the street sidewalk to the Bulkeley Schoolhouse entrance to provide a welcome connection from the street to the building.
8. Building orientation. Any home on a lot located on South or E. Market Street shall be oriented so that its front shall face South or E. Market Street, respectively, for consistency with the building orientations elsewhere in the HDO district. The Planning Board may waive this requirement if such orientation is impractical, would lead to substantial adverse impacts, or is unnecessary for consistency with historic preservation.
9. Shared driveways. The Planning Board may permit shared driveways to serve two or more lots where it would minimize disruption to sidewalks and street parking or substantially reduce the amount of impervious surfaces and/or loss of vegetation, and where it would not cause any substantial detriment to public safety or to the goals of the R or HDO districts.
10. Bulkeley Schoolhouse Amenities. To the extent practicable and consistent with the goals of this section, including HDO design considerations, the site plan shall include amenities for recreational or leisure activities on otherwise unused open space on the Bulkeley Schoolhouse Parcel adapted for reuse as a multifamily residence.

11. Bulkeley Schoolhouse Roof. The roof of the Bulkeley Schoolhouse shall not be used by building residents or third parties for recreational purposes.
12. Sidewalks. Sidewalks along public streets shall be constructed of concrete, cement, or level-set bluestone and shall be at least four feet wide. The material used for interior walkways on the Bulkeley Schoolhouse Parcel shall be selected subject to Planning Board approval, provided that asphalt is not used for walkways.

E. Bulk Regulations.

1. Density. The maximum density within the BS-O shall be 31 bedrooms. The minimum density for any adaptive reuse of the Bulkeley School is 15 bedrooms.
2. Minimum Lot Area – 7,000 square feet
3. Minimum Front yard setback – 10 feet
4. Maximum Front yard setback – 25 feet
5. Minimum Side yard setback – 10 feet
6. Minimum Rear yard setback – 10 feet
7. Minimum Frontage – 50 feet
8. Minimum Depth and Width – 50 feet
9. Off-street Parking – 1.25 cars per dwelling unit minimum
  - a. For multi-family dwellings:
    - i. At least two of the spaces shall be equipped with EV charging stations.
    - ii. 1 bicycle parking space shall be provided per dwelling unit.
10. Maximum Lot Coverage Area – 30%
11. Maximum Building Height – 35 feet.
  - a. Permitted Obstructions. The following structures may penetrate the maximum building height of the Bulkeley Schoolhouse, as authorized by the Planning Board pursuant to site plan approval:
    - i. Parapet walls or railings around the perimeter of the roof, not to exceed four feet from the roof.
    - ii. Chimneys or flues.
    - iii. Stairway bulkheads, not larger than 60 square feet in area.
    - iv. Roof water tanks or other accessory mechanical equipment provided such equipment is located not less than 10 feet from the street wall of the building and all equipment is screened on all sides.
    - v. Additional roof thickness, up to eight inches, to accommodate additional insulation.
    - vi. Skylights, clerestories, or other daylighting devices not to exceed four feet in height from the roof and shall be located at least eight feet from the street wall edge.
    - vii. Solar energy systems, which should be invisible from the street due to blockage by the existing parapet and fully contained therein.
    - viii. Vegetated roofs, not to exceed 3 feet, 6 inches in height, excluding vegetation.

- ix. Weirs, check dams, gutters, or other stormwater management equipment.
  - x. Rooftop structures to block, absorb, redirect, or otherwise mitigate the noise of mechanicals located on the roof or other outdoor location, or to visually screen rooftop structures or mechanicals.
- F. Affordable Housing. Within the Bulkeley Schoolhouse, one affordable housing unit shall be provided.
1. An affordable housing unit is defined as a unit whose rental rate is affordable for households with an income at or below 60% of the Dutchess County area median income as defined annually by the U.S. Department of Housing and Urban Development (HUD). A rental unit is affordable when the annual housing cost of the unit, defined as rent plus any tenant paid utilities, does not exceed 30% of 60% of Dutchess County area median income, adjusted for family size.
    - a. The affordable unit may only be rented during the period of affordability to qualifying income-eligible households.
    - b. The affordable unit shall be marketed in accordance with the requirements, policies, and protocols established by local law or resolution of the Village Board.
  2. The affordable housing unit shall be physically integrated into the building design and be accessible through the same primary entrance as the other units. The exterior finish of the affordable unit shall be indistinguishable from the other units, but the developer may provide less expensive interior finishes and appliances than the other units.
  3. The minimum gross floor area of the affordable unit shall not be less than 70% of the average floor area of the other units.
  4. The affordable housing unit shall remain affordable for a minimum of 50 years from the issuance of the initial certificate of occupancy.
    - a. The property shall be restricted using a mechanism such as a declaration of restrictive covenants in recordable form acceptable to the Village Attorney, which shall ensure that the affordable unit remain subject to affordable regulations for the minimum 50-year period of affordability. Among other provisions, the covenant shall require that unit be the primary residence of the household selected to occupy the unit. Such declaration shall be recorded with the Dutchess County Clerk prior to issuance of a certificate of occupancy for the building.
    - b. Each lease for the affordable housing unit shall extend for no more than two years, and the landlord shall verify the tenant household's continued income eligibility before lease renewal.
  5. The Building Department shall monitor the compliance of the affordable housing unit with the provisions of this section. Alternatively, the Village may choose to contract with a third party for compliance services.

G. Lighting

1. The site plan shall avoid or minimize adverse impacts of illumination on neighboring lots to the maximum extent practicable and shall comply with all other applicable lighting standards in this chapter.
2. All exterior lighting shall be directed to aim away from adjacent structures, streets, and property lines and shall be Dark Sky certified fixtures.
3. Except for security lighting, all exterior lighting shall be placed on timers and motion activated. Security lighting shall be limited to areas associated with physical access to the residence.
4. Except for security lighting, which generally requires no more than five footcandles, light intensity should not average more than one footcandle. Light shall be evenly distributed with a color temperature no greater than 3,000K. BUG (backlight, uplight, and glare) ratings of LED fixtures shall be minimized to the lowest practical levels, ideally approaching a rating of 0/0/0 on a scale of 0-5, to reduce glare and light pollution.
5. Planning Board review of exterior lighting shall be required for site plan approval including the compliance of lighting fixtures with neighborhood character and HDO standards.

#### H. Additional Regulations

1. All provisions of Articles IV and VIII of this Chapter shall apply to the Bulkeley Schoolhouse Overlay District, except for any provisions of those Articles which are inconsistent with the provisions of this section.
2. In the event of conflict between the provisions of this section and any other section of the Zoning Law, the provisions in this Section shall prevail.

### **Section 6. Severability**

The invalidity of any word, section, clause, paragraph, sentence, part of provision of this Local Law shall not affect the validity of any other part of this local law, which can be given effect without such part or parts.

### **Section 7. Effective Date**

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.