

April 2, 2024

Mayor Gary Bassett and Members of the Village Board of Trustees
Village of Rhinebeck
76 East Market Street
Rhinebeck, NY 12572

Re: Proposed Local Law to Amend the Zoning Code of the Village of Rhinebeck to
Create the Buckley Schoolhouse Overlay District

Dear Mayor Bassett and Members of the Village Board of Trustees,

As you know, Trustee Slaby asked the Village Planning Board to provide feedback on the draft Zoning Code amendment related to the 6 Mulberry Street parcel, noting these could be a group or individual responses at the Board members preference. This was the 'draft BSO Local Law' document posted on the 6 Mulberry Street page on the Village website on March 1, 2024.

You received feedback from four of the five Board members, dated March 22, 2024 and posted this at the 6 Mulberry Street page on the Village website. I agree with many though not all of those comments and I believe that additional important feedback is relevant.

Please see below my Planning Board member feedback for posting in the Village website.

For consistency with other Planning Board member feedback this is in reference to the same draft Zoning Code amendment document that the other Planning Board feedback is based on (the 'draft BSO Local Law' document posted on the 6 Mulberry Street page on the Village website on March 1, 2024.)

1. I agree with all other Board members that it is questionable zoning practice, and sets a bad precedent, to have an overlay district named for and exclusively designed around one parcel.
2. Section 4B 'Permitted Uses': It should be stated that the cinderblock addition on the former Bulkeley Schoolhouse will be demolished. This is noted in one of the EAF documents but since this is the operative Zoning Law that may be enacted it should be stated here.
3. Section 4.C.1 'Screening': In addition to the privacy fencing conditions noted, in order to avoid having fences coming right up to the side street sidewalks on the corner lots with private houses, the following additional statement should be added: "On corner lots, fencing will not be allowed closer to the side street on the side plane of the building facing the side street."

This should be required to ensure that these side yards contribute to the green or open space character of the parcel and to minimize obstructed views of vehicular traffic approaching the corner.

Note that current code already prohibits fencing forward of the front plane of the building facing the building street frontage.

4. Section 4.C.7 ‘Bulkeley Schoolhouse Trash Receptacles’: The statements regarding trash receptacles are vague, omit provision for recycling and might result in requiring the tenants of each apartment unit to contract for and manage their own garbage and recycling receptacles. This could result in up to twenty garbage and recycling containers sitting out on the street each week, which clearly should be unacceptable

This section should be updated to clearly require the landlord to provide on-site garbage and recycling services for all tenants in a way that does not impact the surrounding residential neighborhood.

5. Section 4.C.8 ‘Front Entrances’: The statement regarding front entrances that is related exclusively to the Bulkeley Schoolhouse building alone, though I assume not intentional, may easily be interpreted as having been fashioned to discourage the inclusion of a front entrance to the Bulkeley building.

To avoid possible misinterpretation and as this is a residential neighborhood, I suggest that the statement beginning with “For the Bulkeley Schoolhouse the Planning Board may...” should be changed to:

“For the Bulkeley Schoolhouse the Planning Board must ensure that the transformation of the building into residences is consistent with and sensitive to the residential nature of neighborhood that it exists in, as the adaptive re-use of any building must take all measures possible to complement the nature of the surrounding neighborhood.”

6. Section 4.C.9 ‘Building Orientation’: This addresses the streets that the front of the proposed new houses on East Market Street and South Street should face. But this still leaves the possibility that a dangerous vehicular design may be introduced.

Although there are houses on East Market Street whose driveways open directly onto East Market Street (no other option for those), this should not be allowed for the house proposed on the corner of Mulberry and East Market. Having cars back out of driveways directly onto the busy East Market Street would be hazardous.

However, since there is the option to have the driveway for that house open onto Mulberry Street there is no reason to allow the driveway for that house to open onto East Market Street regardless of the orientation of the front of the house. A statement should be added to the proposed code to ensure this.

7. Section 4.C.12 ‘Bulkeley Schoolhouse Façade’: I suggest that the content of this section be changed to:

“Bulkeley Schoolhouse Façade. Considering the residential character of the neighborhood that the Bulkeley School building exists in, and with proper respect to the surrounding residential neighbors, the Planning Board may require that the façade of the building, when converted into full time residences, is consistent with and complements the residential

character of the neighborhood.”

8. Section 4.D.1 ‘Bulk Regulations - Density’: My apologies for mistakenly stating in the Trustee meeting of March 26, 2024 that the arithmetic leading to the allowance of thirty one (31) bedrooms total across all dwellings on all lots in this development was incorrect. It is not incorrect according to the wording of the proposal. I missed the word ‘minimum’ included in this statement, assuming that it must have meant ‘maximum’.

It seems odd that the law would specify a minimum number of bedrooms in the converted Bulkeley building when it’s in the financial interest of the applicant to put as many bedrooms as possible in the building in order to maximize their rental profit. I suggest that the word ‘minimum’ here be changed to ‘maximum’ to lessen the excessive dwelling density resulting from thirty one (31) bedrooms across the 1.4 acres of this parcel.

9. Sections D.4 and D.5 ‘Bulk Regulations – Setbacks’: These statements relating to setbacks are the ones currently required for single family houses in the Historic district and are sensible considering the scale of neighboring single family houses.

But the Bulkeley building is of a massive scale in relation to the surrounding residential neighborhood. As such the side and rear setbacks for the Bulkeley building to should be larger, I suggest at least twenty five (25) feet, to provide additional visual separation from neighboring houses.

10. Section 4.D.8 ‘Bulk Regulations – Off Street Parking’ This item states 1.25 cars per dwelling unit minimum and then goes on to specify additional requirements that are only “For multi-family dwellings”. Since the ‘1.25 cars per dwelling’ statement may then be easily misinterpreted to imply that the private houses on the four other lots outside of the Bulkeley building lot will also only require 1.25 parking spaces each, this should be clarified.

The off street parking requirement for the private house lots should be consistent with the current residential code, that is, two (2) off street parking spaces behind the front plane of the building.

Additionally, if nineteen (19) bedrooms are allowed in the apartment building then the 1.25 car spaces per dwelling in the apartment building is probably insufficient. In this case 1.5 car spaces per dwelling should be required and porous asphalt should be required for the parking spaces to ensure appropriate stormwater management.

11. Section 4.D.8.a.1 ‘Bulk Regulations – EV charging stations for multi-family dwellings’: If nineteen (19) bedrooms are allowed across the ten (10) apartment dwellings then two charging stations would be insufficient for what should be expected as a rapid increase in the use of electric vehicles.

Residents should be able to charge their electric vehicles where they live. This statement should require one (1) EV charging station minimum for each two (2) apartment dwellings.

12. Section 4.E ‘Affordable Housing’: The proposal specifies that one (1) of the ten (10) apartment units shall be an affordable housing unit.

Although the other Planning Board members have suggested that 10% of the apartment units should be affordable housing units and I would suggest there should be 30%, these are our personal opinions.

As it is the responsibility of the mayor and Trustees, not the Planning Board to ensure that the desires of the community related to affordable housing are met, it is for them to decide if affordable housing in the Village should be dealt with seriously.

13. Section 4.E.5 Affordable Housing Compliance Monitoring: The thoughts I shared with the other Planning Board members on this topic were that we should not require Building Department employees to be responsible for monitoring affordable housing compliance.

The candidate selection and management of affordable housing unit rentals and the compliance reporting to the required agencies on these activities is not a simple matter and requires the knowledge of people that have significant experience and competence in these activities.

The apartment building landlord should be required to engage an agency with proven experience in these areas to manage the process. The landlord should be required to provide documented evidence at intervals that are common practice and legal requirements of all compliance documentation that is required by mandated agencies and confirmation documentation from these agencies that the compliance reporting is approved and up to date.

14. Section 4.F – Lighting: I suggest that the following statements be added to this section:

“The windows in the second and third floors of the existing Bulkeley building are very large. The top portions of those windows have an opaque light blocking surface which minimizes the amount of light that will flood the street and surrounding neighborhood at night. This measure should be maintained for the second and third floor windows in the renovated building.

Respectfully Submitted,

Please have this letter uploaded to the 6 Mulberry Street page on the Village website to join the other feedback that you have requested and received from the other Village Planning Board members.

Thank You and Regards,

Jeff Christensen