

Dutchess County Department of Planning and Development

Fax Info Only	To	Date	#pgs
	Co./Dept.	From	
	Fax #	Phone #	

239 Planning/Zoning Referral - Exemption Communities

Municipality: **Village of Rhinebeck**

Referring Agency: **Municipal Board**

Tax Parcel Number(s):

Project Name: **BSO Zoning Amendment**

Applicant: **Board of Trustees**

Address of Property: **6 Mulberry St Rhinebeck, NY 12572**

Please Fill in this section

<p>Exempt Actions:* 239 Review is NOT Required</p> <ul style="list-style-type: none"> ● Administrative Amendments (fees, procedures, penalties, etc.) ● Special Permits for residential uses (accessory apts, home occupations, etc.) ● Use Variances for residential uses ● Area Variances for residential uses ● Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals <p>No Authority to review these Actions</p> <ul style="list-style-type: none"> ● Subdivisions / Lot Line Adjustments ● Interpretations <p><input type="checkbox"/> Exempt Action submitted for informal review</p>	<p>Actions Requiring 239 Review</p> <ul style="list-style-type: none"> <input type="checkbox"/> Comprehensive/Master Plans <input type="checkbox"/> Zoning Amendments (standards, uses, definitions, district regulations, etc.) <input type="checkbox"/> Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.) <input checked="" type="checkbox"/> Rezoning involving all map changes <input type="checkbox"/> Architectural Review <input type="checkbox"/> Site Plans (all) <input type="checkbox"/> Special Permits for all non-residential uses <input type="checkbox"/> Use Variances for all non-residential uses <input type="checkbox"/> Area Variances for all non-residential uses <input type="checkbox"/> Other (Describe): 	<p>Parcels within 500 feet of:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> State Road: East Market St <input type="checkbox"/> County Road: <input type="checkbox"/> State Property (with recreation area or public building) <input type="checkbox"/> County Property (with recreation area or public building) <input type="checkbox"/> Municipal Boundary <input type="checkbox"/> Farm operation in an Agricultural District
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Date Response Requested: **3/25/2024**

Entered By: **McClinton, Martina**

These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

For County Office Use Only

Response From Dutchess County Department of Planning and Development

<p>No Comments:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Matter of Local Concern <input type="checkbox"/> No Jurisdiction <input type="checkbox"/> No Authority <input type="checkbox"/> Withdrawn <input type="checkbox"/> Incomplete - municipality must resubmit to County <input type="checkbox"/> Exempt from 239 Review <input type="checkbox"/> None 	<p>Comments Attached:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Local Concern with Comments <input type="checkbox"/> Conditional <input type="checkbox"/> Denial <input type="checkbox"/> Incomplete with Comments- municipality must resubmit to County <input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)
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Date Submitted: 3/5/2024	Notes:	<input type="checkbox"/> Major Project
Date Received: 3/5/2024		Referral #: ZR24-071
Date Requested: 3/25/2024		
Date Required: 4/4/2024	<input type="checkbox"/> Also mailed hard copy	Reviewer: 
Date Transmitted: 3/21/2024		



DUTCHESS COUNTY GOVERNMENT
DEPARTMENT OF PLANNING & DEVELOPMENT

March 21, 2024

To: Village Board, Village of Rhinebeck
Re: Referral ZR24-071, Bulkeley Schoolhouse Overlay Zoning Amendment
Lot: 135001-6170-19-568209, 6 Mulberry Street

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-l/m).

ACTION

The Village seeks to adopt the subject local law which would establish a new overlay district. The Bulkeley Schoolhouse Overlay (BSO) District comprises the lot containing the former Bulkeley Schoolhouse and is proposed to create more flexible zoning requirements to promote the adaptive reuse of the historic schoolhouse structure and expand housing choices within the Village.

COMMENTS

We are pleased to see the redevelopment of this historic school for needed housing, and commend the Village for recognizing the opportunity inherent in the adaptive reuse of this property. Given that the schoolhouse had served its educational purpose for decades, its transformation into housing represents a unique chance to fulfill a recognized community need. This change will also bring about a quieter, less bustling environment compared to its former use, aligning with residential living while still having a positive and enriching impact on the broader community.

We offer the following comments for the Board's consideration:

Overlay District Boundaries

- To align with the proposed law's objective of enhancing housing variety and affordability in the Village through more adaptable use and dimensional criteria, the Board could consider the establishment of a floating Affordable Housing overlay district. Rather than focusing exclusively on the former schoolhouse property, this approach could broaden the applicability and flexibility of housing options across the Village.

Design Standards

- § 129-39.1.C.7 raises questions regarding the practical implementation of trash, solid waste, and recycling pickup from the Schoolhouse property as there does not appear to be an allowance for an outdoor dumpster area. If the aesthetics, noise, or odors from outdoor receptacles are primary concerns for their disallowance, screening requirements and careful siting could potentially provide adequate mitigation. Otherwise, provisions should be established to ensure sanitary indoor trash disposal for residents, and clarification should be provided about how that trash will be handled curbside; for example, will each unit have its own rolling bin that must be placed curbside on pickup day?
- § 129-39.1.C.2 and 129-39.1.F both concern lighting regulations while also referencing requirements found in §120-18. To eliminate confusion, consider directly referencing §120-18 in the amended rezoning and consolidate the remaining lighting requirements into one subsection of §129-39.1. In addition to Dark Sky compliance, we recommend lighting requirements include provisions that light be evenly distributed with a color temperature no greater than 3000K. Light intensity should not

average more than 1 footcandle (fc), except in high-security areas like those at outdoor ATMs which generally require no more than five footcandles. It is also advised that the BUG (Backlight, Uplight, and Glare) ratings of LED fixtures be minimized to the lowest practical levels, ideally approaching a rating of 0/0/0 on a scale of 0-5, to significantly reduce glare and light pollution and their associated effects.

Bulk Regulations

- Incorporate BSO Bulk Regulations from §129-39.1.D into §120-8 Dimensional Table or insert a note within the Table identifying that BSO bulk regulations exist in addition to Residential standards.
- The 60-foot minimum lot frontage requirement might be overly restrictive considering historical development patterns on East Market and South streets have favored long and narrow lots, many in the range of 40'-50' in frontage. Reducing the minimum permitted to no more than 50' could offer more flexibility for building orientation, aligning with the preferences stated in C.9.
- The minimum off-street parking requirement of 1.25 cars per dwelling in D.8 may be greater than necessary for multi-family dwellings. Consider decreasing the minimum to 1.0 parking space per dwelling unit which would decrease impervious surfaces on the site while providing additional space for resident amenities per C.11, or other improvements.
- It is unclear whether D.8.a.2 targets long-term or short-term bicycle parking. As residents generally favor secure, interior long-term options for enhanced safety, consider modifying this section to require indoor, long-term bicycle storage.

Affordable Housing

- Should the village decide to adopt a broader inclusionary zoning policy in the future, the BSO affordable housing provision may need to be revisited to ensure that it does not conflict (for example, that the income limits align).
- Given the specialized nature of affordable housing compliance, municipalities often find it more practical to partner with a nonprofit that specializes in the administration of these types of programs. As written, §129-39.1.E.5 requires the Building Department to monitor the affordable housing provisions of this section, which includes income certification of prospective households and long-term affordability compliance of the unit. We recommend rephrasing the law to make it clear that the Village may contract with a third party for compliance services. This approach could streamline the process and ensure the effectiveness of affordable housing measures.

RECOMMENDATION

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP,
Commissioner
By



Ian Wickstead
Planner