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Mayor Gary Bassett and Trustees of the Village Board

Village of Rhinebeck

76 East Market Street

Rhinebeck, NY 12572

**Re: Proposed Zoning Amendment**

# We understand that the Village Board of Trustees has received a revised draft amendment to the Village of Rhinebeck Zoning Code to create a “Bulkeley Schoolhouse Overlay District.” We are offering some comments regarding this proposal based on our review of the project and statements made at the January 23, 2024 Village Board meeting.

# We may have additional comments based on our further review of the draft amendment.

# General Comments

Make it clear that this overlay sits on top of the Historic District Overlay, which sets on top of the residential zoning requirements, and all zoning requirements apply except those that are expressly modified in this new law. As John Clark pointed out in the January 23, 2024 Village Board meeting, please make sure that all the homes, as well as the Bulkeley Schoolhouse are required to go through the full planning process, like any other building in the historic district overlay.

Make the law clear that it applies to the entire 1.4 acres, and any current or future use for any use on any portion of that current parcel, regardless of any future change or subdivision.

The undated Noise and Construction letter from the developer submitted on September 15, 2023 proposes that unlawful noise would include any excavation, alteration or repair of the building between 10pm and 7am - which is much too broad and unlawful noise should include excavation, alteration, or repair no later than 6pm (or earlier) solely on weekdays. Since this is a project that will last much longer than 1 year, please add specific information about construction hours, including tasks like demolition, interior work, exterior work etc. There was some discussion at the last Village Board meeting that the Village law that regulates noise may not be sufficient. We suggest that the noise ordinance be reviewed and appropriate changes or improvements be adopted in conjunction with any adoption of this Zoning Amendment.

# Amendment Section B

We are concerned about a lack of precision in the language of Section 4 part B. This section should be modified to say that "**a** multifamily **dwelling** is permitted ... through adaptive reuse of the former Bulkeley Schoolhouse," not multiple "dwellings". The schoolhouse should not be broken into multiple buildings. And if the phrase is meant to apply to new homes built on the subdivided property, it should say that they will be single-family homes which is what the developer has proposed. Please clarify the language of this section.

# Amendment Section C

The second sentence of the first paragraph of Section C should say "the Planning Board shall ensure the site plan for each new structure is consistent with the design standards in sections 120-26, 120-27 and 120-39 **and all other relevant sections** of the Zoning Code and that all site plans are consistent..."

Section C calls out design standards of three sections of the Zoning Law; does this mean other standards, like line of sight on corner lots, fence heights, etc., do not apply? Please make clear that the applicant must follow all guidelines and requirements applicable in the historic district overlay and in the residential zoning code EXCEPT those expressly modified by the law. Also, it should be made clear that Sections C-1 through C-10 in Section C apply to projects in the BSO District **in addition to** all other applicable provisions of the Village Zoning Law and Village Code.

Section C-1 should require "mature" landscaping in this section, so that some protection is provided immediately. It should be noted that the screening design submitted by the applicant on Jan.24 2024 calls for species that require much more width than the conditions will allow. The proposed subdivision may be too aggressive to allow for appropriate screening.

Section C-6 should clarify that receptacles for the storage of trash and solid waste must be kept inside the building  **except solely when such trash and/or solid waste is being removed from the property**.

# Amendment Section D

D-10. The building is 35 feet high in a residential neighborhood and there should not be any outdoor locations for use by the residents. While it was helpful to have the language about decks and recreation removed, the uniqueness of this building would make it tempting for future tenants or owners to use the roof area recreationally. We ask that language prohibiting recreational activity on the roof be added.

D-10. a) 2) Chimneys or flues: Height limitations on future chimneys need to be specified.

D-10. a) 3) :Should there be a need for future elevator or stair bulkheads, there should be limitations applied to height and visual impact.

Section D other items:

This section should address the current plan calls for HVAC equipment on a lower deck (2nd floor) or any other equipment located outside the building that could generate noise impacting the neighborhood by including a provision that any HVAC or other outdoor mechanical components must be located in places that will minimize the noise impact or other adverse effects on the adjacent properties and neighborhood including way to absorb such noise and reduce the visibility of such equipment.

Also in section D For Fencing, there is currently an 8 foot chain link fence that separates the Miller property, and the Chumas-Haak property from the school. This fence runs in both a north south direction, as well as east west. These neighbors would like to see it called out in the zoning law that the existing chain link fence must be removed, and that a wooden privacy fence, 8 feet in height, be installed to replace it. That 8-foot height would be a deviation from current law. Hence, adding a provision to the amendment that would allow an 8-foot privacy fence in that location would allow such a fence to be built. In addition, it may be advantageous to have a 6-foot wooden fencing around the entire parking area, to help shield headlights from neighbors, in addition to the mature landscaping. This would also block viewing the parking lot from South Street and Market Street.

# Amendment Section F

What is considered "security" lighting? Please restrict or add additional specifics about this lighting, including placement and brightness, as the way the law is written, this lighting is on for the entire evening and could have a serious impact. There should be very limited lighting that is continuously "on", with any security lighting that could infringe on adjacent properties activated by motion sensors.

Much more detail needs to be included in this Section. For example, the Applicant submitted a photometric lighting plan that showed that outdoor lighting would not extend beyond the property line of the apartment building parcel. That requirement should be specified as part of the amendment.

Finally, applicant recently submitted an argument about the impact of interior lighting in the SEQRA process. Regardless of this, we implore the Trustees to be aware that the proposal calls for great deal of loft style windows on the second floor of the school building. These windows appear to be over 29 feet above grade. These are much higher than windows of the nearby homes (especially in lot 4). Coupled with the inconsistencies in the applicant’s screening design, we again point out to the Trustees that the aggressive subdivision the proposed law allows would lead to negative impacts that should be considered and addressed in the legislation.

Thank you for your time and consideration.

John Bagwell

Diane and Victor Britton

Lynda Christensen

Spero Chumas and Vicki Haak

Brian Curran

Sarah and Steve Miller