

Impact on Land

The proposed action may involve construction that continues for more than one year or in multiple phases. The project action includes the adoption of a local law to create an overlay district, Bulkeley Schoolhouse Overlay (BS-O), for the adaptive reuse and redevelopment of the existing schoolhouse into a 10-unit multi-family building including one income-restricted unit (described in the local law as an "affordable housing unit"), as well as a subdivision to create five parcels, including one parcel for the school and four additional parcels to be developed as (maximum) three-bedroom homes.

The project authorized by the draft BS-O zoning amendment will not have a significant adverse impact on land. The land in this area has no unusual sensitivity and neither the construction of the new homes nor the adaptation of the existing school building will cause any significant impact to the site of the project or to the land surface of the surrounding neighborhood.

A Phase I Environmental Site Assessment¹ has been conducted for the project site. The site assessment concluded that the project site contains no evidence of recognized environmental conditions that pose a hazard to human health or the environment. During construction, there is potential for urban fill to be encountered that will be subject to disposal requirements.

The block the property is within is characterized by single- and two-family homes and a civic building, the Town of Rhinebeck's Town Hall. Across the street from the school building, on Mulberry and South Streets, are more single- and two-family homes and Good Shepard Church. The proposed project will infill undeveloped land with housing of a similar character and will retain a historic building for adaptive reuse. Sediment and erosion controls will be put in place to mitigate the physical disturbance that will be made to the land for the structures, driveways, etc.

The BS-O will remain consistent with the current lot coverage maximum of 30% for lots within the Residential (R) District.

Impact on Groundwater

¹ PVE, LLC. *Phase I Environmental Site Assessment*. Poughkeepsie: PVC, LLC, 2019.

The proposed action will include wastewater discharged to groundwater. The project includes proposed primary and reserve septic systems/areas for the school building and the three-bedroom houses. The school building and three-bedroom houses are proposed to have sanitary facilities, including primary and reserve septic areas, which meet the regulatory requirements established by the State of New York and Dutchess County. Information provided by the Applicant's technical consultant demonstrates that the wastewater components proposed, including the primary and reserve septic areas and the septic tanks, will meet the separation distance requirements in accordance with the New York State Design Standards for Intermediate Sized Wastewater Treatment Systems and the Dutchess County Design and Construction Standards Plan Submission Guide for Residential and Commercial On-site Wastewater Treatment Systems and Sewer Mains for Less Than 1,000 Gallons per Day (GPD).

According to the field soil test conducted for the site, the soil is granular with no shallow groundwater or bedrock and is suitable to support the design for the wastewater systems. The Dutchess County Behavioral & Community Health (DCBCH) Department witnessed the percolation testing that was performed in March 2022. Deep soil testing was performed in March 2023.

The use of on-site septic systems is consistent with the wastewater disposal practice throughout the residential areas in this portion of the Village. Potential impacts to the groundwater are mitigated by the design and installation of a modern on-site septic system which provides treatment of wastewater.

The project will not have any significant adverse impact to groundwater.

Impact on Aesthetic Resources:

The proposed action will change the streetscape view of the project area, as the existing schoolhouse will be re-developed into a 10-unit multi-family housing building and new three-bedroom homes will be constructed. The redevelopment will be noticeable to residents who routinely pass through Mulberry Street as a means of traveling to and from work. The façade of the existing schoolhouse will remain, as the school building is undergoing adaptive reuse and retrofitting to modify its use to support ~~a 10~~ ten units of residential housing. The property on which the schoolhouse resides will be subdivided to create five parcels and an unsightly chain link fence will be removed. While the original brick structure of the building will be maintained, the cinderblock addition will be demolished. Additional information on the adaptive reuse of the structure is provided in the "Impact on Historic and Archeological Resources" section, the "Consistency with Community Plans" section, as well

as the "Consistency with Community Character" section provided herein. This infill development will blend in with the surrounding neighborhood, as most adjacent parcels contain single- and two-family homes and the existing building is part of the current aesthetic character of the neighborhood.

Visual impacts were assessed for the proposed solar panels and the mechanical equipment on the roof of the multi-family building. A Line-of-Sight Assessment² has been prepared to analyze the visibility of the solar arrays installed on the project site's rooftop and of the mechanical equipment (e.g., HVAC) installed on the lower roof from passing pedestrians on South Street, East Market Street, and Mulberry Street. As shown in the assessment, the solar panels and mechanical equipment will not be visible from these streets. The parapets proposed along the perimeter of both roof areas serve at the mitigating factor to screen the rooftop systems. As per the proposed BS-O law, parapet walls or railings shall not exceed four feet above the roof.

A ten-foot-wide privacy planting strip/vegetative buffer is proposed to screen the adjacent existing properties and the existing and proposed properties from the multi-family lot (Lot 3). While green/pervious space will be reduced overall for the five properties, it is important to note that the closest park, Lions Mini Park, is 0.3-miles from the schoolhouse building. The law also requires the schoolhouse adaptation to utilize open space on that lot, for example above the leach fields, for recreation and leisure amenities where feasible.

The proposed aesthetic impacts of the infill development authorized in the BS-O amendment will not have a significant adverse impact on the existing residences and surrounding neighborhood, or the historic district.

Impact on Historic and Archeological Resources

The proposed action will modify the existing school building, which has been listed on the State and National and State Register Registers of Historic Building since 1979 and 1980, respectively. The building was historically the Father Edward P. Brogan Parish Center and is now recognized as the Bulkeley Schoolhouse. The schoolhouse building has not been in use for many years and is in a deteriorating condition. The adaptive reuse and retrofitting of the schoolhouse would convert the building into a 10-unit multi-family building. The property on which the schoolhouse resides will be subdivided to create five parcels. While the original brick structure of the building will be adaptively reused, the cinderblock addition will be demolished. The façade will be refurbished to retain historic elements unique to the structure. The adaptive

² NAVA. "Solar Array Sight Lines." 6 December 2023.

reuse of the building will allow a structure listed as contributing to the Village's historic district to be preserved. The retention of the existing school building is consistent with the preservation of the historic district.

The development of four single- or two-family homes under the proposed zoning amendment is also consistent with the preservation of the historic district. Single- and two-family homes are the dominant land use along South Street, a majority use throughout the historic district and a common feature along the stretch of East Market Street where the project would result in the placement of one house.

The proposed zoning amendment will require the development of new homes to comply with the village code for construction in the Historic District Overlay (HDO) in section 120-39, and specifically require the Planning Board to review such development plans as part of its site plan approval.

A Phase 1A Literature Search and Sensitivity Assessment and Phase 1B Archaeological Field Reconnaissance Survey³ has been conducted. Hudson Cultural Services recommended that no further archaeological investigation is warranted. In a letter prepared by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) dated January 17, 2024, the OPRHP states that they reviewed the Phase I Archaeological Survey Report and that no archaeological sites were identified by the survey and therefore the OPRHP Archaeological Unit provided a letter stating there are no further archaeological concerns for this project.

For the foregoing reasons, neither the proposed project nor any development in compliance with the BS-O zoning amendment will have a significant adverse impact on the historic character of the Village or the neighborhood.

Impact on Transportation

A Traffic Impact Study⁴ for the project was completed and revised in September 2023. The level of service analysis indicates that the Build condition of the study intersections will operate at the same levels of service as the No-Build conditions. Parking will be provided off-street in driveways for the single- or two-family residences and in a 16-space parking area located

³ Hudson Cultural Services. "Phase 1A Literature Search and Sensitivity Assessment & Phase 1B Archeological Field Reconnaissance Survey - Dutchess Shepherd Bulkeley School Project." 2023.

⁴ Creighton Manning . "Traffic Impact Study for Residential Development, 6 Mulberry Street, Village of Rhinebeck, Dutchess ." 2023.

at the rear of the schoolhouse for the multifamily building. The R Zone requires two parking spaces per dwelling unit; however, the proposed BS-O only requires a minimum of 1.25 parking spaces per dwelling unit. The proposed project has no change to the existing sidewalk network.

The housing proposed at the project site will allow more residents to live within the Village Center. Bicycle infrastructure, including bike racks and storage areas, are provided by the Applicant to facilitate non-vehicular transportation. The accommodation for walking and cycling is a positive influence on the Village's transportation system that is supported in the Village's Climate Smart Communities Plan.

The study used standard and accepted analyses and concluded that the project will not have a significant adverse impact. As there are no countervailing data or analyses, there is no significant adverse impact on traffic.

Impact on Energy

The proposed action will have an increase in energy usage to support the new apartment use of the Bulkeley Schoolhouse building and the energy uses for each proposed three-bedroom home. As part of construction, energy efficiency upgrades for the schoolhouse building and for the new construction will be performed to meet the current New York State Building Code and Energy Conservation Code, which will mitigate the impact of energy use associated with the project.

The proposed energy increase will not have a significant adverse impact.

Impact on Noise, Odor, and Light

The proposed action will have an increase in noise, odor, and outdoor lighting. The noise generated will be typical construction noise and operational noise for a residential development. Regarding construction activity, hours of residential construction are anticipated to occur between 7am to 6pm Monday-Friday, and the proposed zoning amendment will require the Planning Board to impose further mitigation where necessary to prevent nuisances to neighbors during this period.

Trash and recyclable collection for the multi-family building and the three-bedroom homes will be consistent with the current trash collection procedure in the neighborhood. Trash and recyclable collection and storage will occur

within the multi-family building will be before placement outdoors on the curb on pick up days.

Due to the nature of the development, more light will be created at night, considering the building has not been in use for many years and emitting no light. However, there are existing lights in the parking lot. Light generated from the proposed three-bedroom homes will resemble the existing light created by the existing surrounding homes. The apartment building will include permanent parking lot lighting for nighttime activities. A lighting plan for the Bulkeley School has been prepared, with exterior lighting on the northern and southern walls of the building and in the proposed parking area.⁵ There are no proposed lights on the eastern side of the building, fronting on Mulberry Street.

The zoning amendment would require exterior lighting to be Dark Sky ~~compliant~~certified fixtures, directed away from adjacent structures, streets, and property lines and except for security lighting, to be placed on timers and motion activated. Dark Sky compliance requires the lighting to be 1) necessary, 2) targeted, 3) minimized, 4) controlled and limited, and 5) warm colored.⁶ It also requires the Planning Board to ensure that the impact of illumination on neighboring lots is minimized to approve such development and that screening is used to minimize visual intrusion. ~~Dark Sky compliance requires the lighting to be 1) necessary, 2) targeted, 3) minimized, 4) controlled and limited, and 5) warm colored.~~⁷It further requires the Planning Board to ensure that, except for security lighting, which generally requires no more than five footcandles, exterior light intensity should not average more than one footcandle. Exterior 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.

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The development will result in the generation of lighting in the interior of the residences. Such interior lighting, particularly in the upper floor of the Bulkeley Schoolhouse, may be visible to observers in the neighborhood, depending on the strength of the lighting, the shading on the windows, and

⁵ Creighton Manning . "10 Mulberry Street Lighting Plan - 10 Mulberry Street, Rhinebeck, NY - Village of Rhinebeck, Dutchess County." October 2023.

⁶ DarkSky International, Five Principles for Responsible Outdoor Lighting, available at <https://darksky.org/resources/guides-and-how-tos/lighting-principles/>, last accessed January 12, 2024)

⁷ DarkSky International, Five Principles for Responsible Outdoor Lighting, available at <https://darksky.org/resources/guides-and-how-tos/lighting-principles/>, last accessed January 12, 2024)

any screening between the source and the observer. There are no data indicating that such lighting will result in illumination of spaces outside the residence or would otherwise result in substantial adverse impacts on the quality of life or integrity of the neighborhood.

The proposed noise, odor, and outdoor lighting will not have a significant adverse impact on the surrounding neighborhood.

Consistency with Community Plans

The proposed zoning amendment would create a new Bulkeley Schoolhouse Overlay (BS-O) District. The proposed action would utilize the existing, unused schoolhouse building to develop 10 units of multi-family housing, including one income-restricted unit, but would otherwise generally comply with the requirements of the residential (R) district and the historic district overlay which govern the site. Current zoning regulations in the R district do not permit multi-family housing, only single- or two-family homes.

The proposed project is consistent with the text and goals of the Local Comprehensive Plan (LCP), adopted in 1993. The LCP highlights the preservation and enhancement of the historic buildings and character of the Village, including "mak[ing] new development consistent with the existing Village".⁸ Historic preservation includes adapting existing buildings in the historic district to new uses to preserve their viability: "

The Village should encourage historically sensitive rehabilitation of historic properties that are being restored or adapted to new uses.

The Village should require new development to be compatible with the setting, scale, and design of surrounding architecture and landscape elements.⁹

The Village's 1993 LCP contributes an entire section to Historic Preservation, including specific details on the history of the Bulkeley Schoolhouse. At the time of the plan's publication, the schoolhouse was still being used to house a few classes for the Village's central school district. Today, the schoolhouse has not been in use for many years and is vacant and deteriorating.

⁸ LCP at 10.

⁹ LCP at 80, goals 2.4 and 2.5. See also LCP at 10 ("Eighty-five percent [of surveyed residents] thought that new construction should be required to be compatible with surrounding historic buildings").

The proposed zoning amendment and project would provide for adaptive reuse of the historic Bulkeley Schoolhouse, thus preserving both the building itself and its role in and relationship to the surrounding historic district. Absent such adaptive reuse, it is likely that the historic building would be removed to allow for single- or two-family (with or without accessory dwelling unit) residential redevelopment. The project also contemplates a subdivision to provide 4 single- or two-family homes, which is consistent with the surrounding uses, particularly on South Street. The adaptation of the school building to multi-family use implements the LCP policy of adaptive reuse to preserve historic structures and the contributing buildings to the historic district. The proposed zoning amendment contains a number of provisions to ensure that both the redevelopment of the schoolhouse and the development of the single- or two-family homes are consistent with the existing historic character of the neighborhood and district,¹⁰ and the project as proposed complies with these criteria. Site plan review by the Planning Board would further ensure compliance with historic and Village residential standards.¹¹

Second, the proposed zoning amendment and project would support a number of interrelated LCP goals to preserve and enhance Rhinebeck as a "concentrated village center"¹² in a more rural area. Despite the limitations of the site, it would enhance the Village center's economic and residential base, provide more dwelling units within a few blocks of the stores and restaurants in the Village's central commercial area and encourage walking and bicycling as an everyday means of transportation.¹³

Third, the LCP recognizes the central need for more housing and a diversity of housing types that extends well beyond Rhinebeck's borders, affecting the whole region and much of the nation. The LCP noted that opportunities to develop new housing "are limited by the mostly developed nature of the Village" and the need for new housing to "match the increasing trends toward one person households, single heads of household, and smaller overall families."¹⁴ The R district, in which the project is located, covers the vast majority of the Village's area. Accordingly, the LCP promoted flexibility in siting new housing, including in the "well-established residential neighborhoods with a high percentage of older, historic homes."¹⁵ "In

¹⁰ See e.g. proposed § 120-39.1F(b) (requiring the project to comply with, among other things, the standards of the Historic District Overlay [HDO] and the Residential district, where applicable).

¹¹ See e.g. proposed § 120-39.1C(a) (requiring the Planning Board to ensure the Site Plan's consistency with HDO and Residential standards, among other things).

¹² LCP at 35; see also LCP at 94 (recognizing piecemeal growth of the historic village and encouraging infill redevelopment).

¹³ See LCP at 86 (promoting Rhinebeck as a "pedestrian oriented place").

¹⁴ LCP at 52.

¹⁵ *Id.*

established neighborhoods strategies to accommodate additional small units include accessory apartments and conversions of large houses into two-family or multi-family use.”¹⁶

The proposed BS-O zoning amendment would require one income restricted unit to be developed in the Bulkeley Schoolhouse, in addition to 9 market rate units. While the final provisions of the revised comprehensive plan and any associated zoning amendments are currently unknown and under development, the requirement for one affordable unit among 10 in the schoolhouse is generally consistent with such requirements in the region. Additionally, the BS-O law requires the income restricted unit to be physically integrated into the building design, to be accessible through the same primary entrance as the other units, and that its exterior finish to be indistinguishable from the other units. The income restricted unit must be at least 70% of the average floor area of the other units which, in light of the expected 1,000 +/- sf size of the market rate units, makes the income restricted unit commensurate with and in general larger than an accessory dwelling unit, which the zoning requires to be between 400-750 sf. These provisions assure the dignity of the income restricted unit commensurate with the market rate units, although the developer may provide less expensive interior finishes and appliances than the other units.

For the foregoing reasons, the proposed adaptive reuse of the historic Bulkeley schoolhouse with 10 multi-family units, including one income-restricted unit, and 4 single- or two-family homes on the adjacent grounds are consistent with the 1993 LCP’s vision of preservation and development of the Village. However, the Village Board is aware that the LCP plan is three decades old and in the process of being updated. The Comprehensive Plan revisions are under development by a special Comprehensive Plan Committee (CPC) appointed for that purpose pursuant to Village Law 7-722.

Accordingly, the Village Board also reviewed whether the project and proposed BS-O district would contravene any of the policies and plans being proposed by the CPC. That review indicates that the project and proposed zoning amendment are as consistent with the policies currently under consideration by the CPC as with the 1993 LCP.

The comprehensive plan updates are being drafted after extensive community outreach in the Village. This vision includes the actions being proposed herein for the Bulkeley Schoolhouse adaptive reuse and retrofit.

¹⁶ *Id.* at 53.

The LCP policies noted above that are applicable to the proposed project and BS-O district, historic preservation, and enhancement of the housing stock and Village center are also consistent with the proposals under consideration for the revisions to the comprehensive plan. As noted above, one of the most important development policies facing the Village in 2024, as well as the entire region, is the availability of housing, and in particular a diversity of housing to accommodate rapidly increasing public demand. As a result, the CPC created Housing and Historic Preservation Subcommittees to assist in the preparation of the Village of Rhinebeck Plan, historic resources, character preservation, and housing in the Village. The Subcommittee is expected to propose the reuse and retrofitting of historic, vacant buildings, specifically for the Village to permit multifamily dwellings through adaptive reuse and new construction in residential districts (assuming septic requirements can be met). It will seek to permit an increase in building potential in areas within walking distance to the Village Center. The creation of the BS-O District is directly in alignment with the current deliberations of the Subcommittee and is expected to be consistent with the upcoming Plan to the extent knowable at the present. The Plan update is likely to emphasize the need for more varied housing types in the Village, such as is being proposed for this project (e.g., cottage sized single- or two-family homes and a multifamily apartment building).

The current deliberations of the CPC and its Subcommittee are an appropriate and expected consequence of the housing shortage confronting Rhinebeck and other municipalities in the region, as detailed in the March 2022 Dutchess County Housing Needs Assessment (HNA). This document identifies the housing needs/interventions the County's communities should be striving to include in the next two decades. Among other things, Dutchess County, and the Village of Rhinebeck in particular, have an aging resident base. This calls for more varied housing types to be provided, including senior restricted houses, multifamily apartments, townhomes/two-family homes, and cottage-style single-family homes. These housing types allow for the aging population to consider downsizing, instead of staying in place in their larger single-family homes. This project will comply with the CPC's expected approach by providing a multifamily development, including 1 income-restricted unit among the 10 proposed in the schoolhouse adaptation, as well as cottage-style single-family homes. Providing more modest housing than is typical in the Village today will improve Village and County wide competition for housing. The BS-O states that the proposed income-restricted housing unit shall remain income-restricted for a minimum of 50 years from the issuance of the initial certificate of occupancy.

Notably, the overall project is generally consistent with the density allowed in this area of the Village. The R zone allows development of a single- or two-family home on a lot with a minimum area of 8,000 sf. This would allow 6 or

7 duplexes or 12-14 residential units on the site's 1.43 acres. In comparison, the project would comprise a maximum of 31 bedrooms, including 19 bedrooms in the schoolhouse and 3 bedrooms on each of the four single- or two-family lots. It is expected the project will result in 14 dwelling units (10 apartments in the schoolhouse, including one income-restricted unit, plus ~~4 single-family, four~~ 3--bedroom homes). The zoning law allows each new lot outside of the Bulkeley Schoolhouse to be developed as a duplex instead of a single-family home or an accessory dwelling unit attached to such single--family home, either of which would result in a maximum of 18 dwelling units for the district, but the BS-O zoning amendment would still require a maximum of 31 bedrooms in the district. The project will also be in conformance with the subdivision policy of the Village of Rhinebeck Planning Board in accordance with Section A126-3.

The proposed project will not have a significant adverse impact on the surrounding neighborhood and will be consistent with current plan recommendation for historic preservation and the future direction of the Village's Comprehensive Plan update for historic preservation and providing diversity of housing.

Consistency with Community Character

The proposed action is generally consistent with the character of the surrounding neighborhood and community. To the south, the South Street neighborhood is single- and two-family residential (with at least two multifamily buildings inside large single-family-style building envelopes). To the north, east, and west, East Market Street and Mulberry Street include a number of residences and institutional uses including religious and municipal facilities.

The new single- or two-family homes developed in the proposed action are consistent with the surrounding residential uses, which are single- and two-family houses. They will be located on lots that are all more than 8,000 sf and thus comply with the existing R zoning. The proposed lots are consistent with the residential lots on East Market Street and are somewhat smaller than those on South Street. The easternmost proposed detached single- or two-family home will be oriented north to face East Market Street and, given the development requirements in the proposed zoning, will be consistent with the existing homes along the street on the block as well.

It is important to note that the Village, especially in and near the historic district, has a varied development type. Lots within blocks that are surrounding the block where the project is proposed (herein referred to as the "site block") range in size from approximately ~~700~~7,000 sf to over an acre.

The average square footage of the site block (11,752.9 sf) is larger than the average square footage of the five surrounding blocks combined (11,404 sf), this average excludes the block south of the project site, as the block is not comparable due to its inconsistent layout. The corner lot sizes for the blocks surrounding the site block are on average larger than the proposed site block's corner lot average; however, due to the varied development type, more than half of these blocks surrounding the site block have corner lots that are under 8,000 sf. For the blocks with lots within the Village's R District, half have corner lots that are under 8,000 sf. Additionally, one of the site block's existing corner lots is under 8,000 sf. Based on this analysis, the proposed single family lots with an average square footage of 8,325 sf are not out of place for the surrounding character of the community.

The redevelopment of the Bulkeley Schoolhouse will not have any impact on community character through its physical presence because the school building already exists and is part of the community. The development will maintain the character of the historic building as the schoolhouse building was constructed in 1931. Additionally, the proposed zoning amendment requires Village historic design standards, set forth in the Historic District Overlay code, to be followed where practical to enhance the school's conversion to a multifamily apartment building. Moreover, the existence of other institutional uses nearby, including the church across Mulberry Street and the municipal facilities on East Market Street further indicate the consistency of the school building in its context.

The multi-family use ~~is new~~ was allowed prior to the neighborhood, but a zoning update of 2001. As it is a residential use, it is only marginally different from the single-family and two-family (duplex) residential uses already existing in the neighborhood. Additionally, there are at least three multi-family buildings, albeit with different architecture, within a couple blocks. The density of the multi-family use is somewhat greater than the surrounding mix of single-family residences and duplexes. However, since the project will consist of a single existing schoolhouse building and four new single- or two-family homes, and because it is limited in scope (the schoolhouse proposed on an approximate 2/3-acre lot and the single- or two-family homes on lots ~~> 87,000 sf as required in existing zoning~~), there is no expected significant impact on community character.

The Village is aiming to provide for varied housing types, including offering smaller and more modest homes and multi-family units that can be utilized by smaller family units.¹⁷ Considering this is one of the few vacant properties in the Village, especially within a short walk to the central commercial area,

¹⁷ See e.g. CP at 52-53 ("New housing must match the increasing trends toward one person households, single heads of household, and smaller overall families . . .")

the project is consistent with the Village's residential needs, and the Comprehensive Plan update is expected to take more steps to implement these policies.

The project will create a demand for additional community services including schools and emergency services; however, such demand will be minor, as there will only be four proposed single- or two-family homes and 19 bedrooms in the retrofitted schoolhouse.

The proposed project will not have a significant adverse impact on community character and will be consistent with Village housing types.

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