

January 19, 2024

Via email:

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

Re: 6 Mulberry Street: Proposed Dutchess Shepherd Rezoning & Project
Subj: January 23, 2024 Meeting; FEAF Part 3 Review/Preparation

Dear Mayor Bassett and Trustees of the Village Board:

The undersigned Village of Rhinebeck residents would like to provide certain information for your consideration in advance of the Special Board meeting of the Village trustees meeting scheduled for January 23, 2024 for discussion of Part 3 of the Full Environmental Assessment Form [FEAF] pursuant to the State Environmental Quality Review Act [SEQRA] regarding Dutchess Shepherd's proposal for the property located at 6 Mulberry Street.

While the Part 2 of the FEAF as considered by the Village trustees at the December 5, 2023 special Trustee Board meeting is not publicly available, we were encouraged by the discussion at that meeting, including clarifications offered by the Village attorney as to how certain items associated with the development should be categorized. While the Village website does include an earlier draft of Part 2 of the FEAF prepared by Tighe & Bond ("Draft FEAF Part 2"), it is unclear how the Board accepted or modified that draft at its December 5, 2023 meeting.

As you prepare for next Tuesday's meeting, we would like to offer the following comments for consideration based on items we understand may have been identified as having a potentially moderate or large impact.

Specifically, the undersigned would like to offer the following comments for consideration based on items we understand may have been identified as having a potentially moderate or large impact:

Consistency with Community Character (Question 18 on FEAF Part 2):

The Draft FEAF Part 2 recognized that the proposed project would be inconsistent with community character as a result of its density, multifamily use, and architectural style.

- The proposal would significantly increase density in a manner inconsistent with community character in a number of ways.
 - The proposed apartment building will add significant increased density within the neighborhood, including on a parcel of property that would essentially have no available greenspace for residents. The confined space on which this multi-family building would be located is compounded by the proposal to create four additional properties that are also notably smaller than most of the other traditional lots in the immediate neighborhood, which is located in the heart of the Rhinebeck Village Historic District.

The Board should carefully consider the implications of a design that would so fundamentally change the character of the Rhinebeck Village Historic District emphasizing density-heavy development at the expense of greenspaces that could be addressed by eliminating one or two of the additional homes, thereby better balancing new residential development with the existing character of the Village. This is particularly important for the Trustees to consider to the extent this project could establish precedent for additional development within the Village.

- The standalone residences reflected in the “Design Development Presentation 01” dated 15 September 2023 are notably of a modern farmhouse design in stark conflict with the largely cohesive nineteenth century residential architectural style that has been conscientiously maintained throughout the Village’s historical district. Moreover, this modern design is a notable change to the more appropriate housing style reflected in the developer’s September 2021 “Bulkeley Schoolhouse Proposal.” As this group has previously noted, the National Register of Historical Places Inventory Nomination Form for the Rhinebeck Village Historic District expressly recognized that “of great importance” to the historic district “is the density of its intact period streetscapes [which] has resulted in a unique community with a high level of historical and architectural consciousness” – and any approval of the developer’s proposal should be conditioned on its designs remaining as cohesive as possible with the existing neighborhood residences, which the developer itself has demonstrated is possible through its 2021 materials. . The matter of the architectural design of these proposed houses should not be delegated to the Planning Board by characterizing this issue as strictly a “site plan issue,” as was mentioned at the last meeting on this Project. The impact of this housing upon the existing character of the neighborhood is an environmental review under SEQRA because the design impacts community character. A condition that the architectural designs be changed to be more in harmony with the existing architectural character of the neighborhood squarely addresses the impact to community character, and thus, the condition must be a part of the FEAFF Part 3. Without that condition in the FEAFF Part 3, mitigation of the impact will not have been sufficient.
- The location of the apartment building’s parking lot, as well as the introduction of as many as four additional residences and four additional garages, creates significant concern regarding potential flooding from stormwater discharge and other impacts to adjacent properties. Several of the undersigned live on properties adjacent to the proposed development and already experience periodic standing water on their properties after heavy rainfall or as winter snows melt that would only be exacerbated as existing green areas are covered with new non-permeable buildings, driveways, and relocated parking lots. These impacts on adjacent properties (and the impact on the proposed new free standing residential properties) should be taken into account as this project is considered. We make this comment so that both the Applicant’s and Village Board’s engineers are aware of these problems so that they can be adequately addressed as part of any approved plan.
- The proposal would create residential lots that are notably inconsistent with existing residential lot sizes. Specifically, (i) the proposed apartment building and associated parking lot consume nearly all of the apartment building’s lot with essentially no green space and (ii) the proposed detached homes have significantly smaller lots than existing homes in the immediately surrounding vicinity.
- The negative impact resulting from introduction of a multi-unit apartment building and parking lot with no greenspace and undersized residential lots could be significantly mitigated by a single residential home, rather than two homes on either side of the

proposed multi-unit apartment building allowing each to have more green space and making the residential lots on the Mulberry/South Street and Mulberry/Market Street corners more consistent with the larger building lots that are common for corner properties located along Mulberry street. A reduced number of standalone residential homes would also significantly help to mitigate the other moderate and large impacts of the proposed development discussed below by allowing for more opportunity to rely on more extensive green space, mature landscaping, and berming to minimize the noise, lighting and odor impact between the new residences and apartment building.

- It should also be noted that the proposed detached home located at the corner of E. Market and Mulberry is oriented to the east, facing Mulberry Street, which is inconsistent with and at odds with all of the other homes located along Market Street, which face that dominate street.
- The apartment building proposed by the developer is completely inconsistent with the dominant architectural features in the surrounding residential buildings (including multi-unit apartment buildings) in the immediate neighborhood and throughout the Village Historic District. Notably the building has no “front” or welcoming presence on Mulberry street, but instead residents would enter and exit the building on the “back” side of the building adjacent to an unwelcoming parking lot. Thus the Board should consider requiring revised design ideas that would create a formal front entrance better integrating the school building into the historical residential neighborhood so that it better aligns with nearly every other house on South, Livingston, Chestnut, and Platt. As noted above, these design impacts are part of the potential adverse impacts to community character which the Board must address in response to the answers to Question 18 of the FEAF Part 2. Conditions and changes required to address these impacts should be included on the Board’s FEAF Part 3.
- To the extent that the Board considers approving the proposed development of the Bulkeley School building into an apartment building without requiring specific and final development plans for all of the individual lots proposed to be created from the existing single property, that approval should condition future development of the remaining free standing residences be done consistent with zoning restrictions in place at the time the apartment building is approved rather than allowing for a piecemeal approval process. In addition, the Board should consider additional appropriate conditions – for example limiting development on any new parcels to a single family residence with no right for accessory dwelling units that would further increase the density and change the character of the heart of the Village of Rhinebeck Historical District.

Impact on Noise (Question 15 on FEAF Part 2)

- Noise Associated With Ongoing Operation:
 - The developer’s most recent revised plans have apparently relocated the HVAC and other mechanical units from the proposed apartment building’s rooftop where the noise impact could be somewhat mitigated by the surrounding walls to instead be located to a lower roof level closer to both the existing and proposed residences which raises concerns about the ongoing noise impact to the neighborhood. We suggest that these noise impacts could be mitigated by moving the HVAC structures back to the roof and requiring the Applicant to screen those rooftop structures visually, and also provide a mechanism or structure to absorb sound and/or redirect it away from neighboring residences.
- Noise Associated With Construction:
 - The developer’s Noise Construction letter proposes that “construction” would be allowed between 7A and 6P on weekdays, with drilling and other demolition work (including excavation) allowed until 10P with no specified limits on particular days and with the

operation of heavy equipment including pile drivers and pneumatic hammers that create “unreasonable noise” would be permitted 7A-6P on weekdays and 10A-6P on weekends. This proposal is simply unacceptable in a residential neighborhood – which was acknowledged in the Draft FEAF Part 2’s statement that the construction noise “may exceed standards (the lack of a publicly-available a final Part 2 makes it unclear how the Trustees are considering this issue). A completely new schedule of allowed working hours should be created for the FEAF Part 3, one which takes much more into consideration that this work will be done is a densely settled, residential neighborhood.

Impact on Light (Question 15 on FEAF Part 2)

- Vague assurances that the project lighting associated with the apartment building and accompanying parking lot will be “dark skies compliant” are insufficient, and the lighting plan submitted by Creighton Manning on behalf of the Applicant is insufficient. More study of this impact is required – as reflected in the Draft FEAF Part 2’s finding that the proposed action may result in sky-glow brighter than existing area conditions.
- The Applicant should be required to create and present a photometric plan, as well as night-time photo simulations and those should be subject to review by the Board and the public before the lighting plan is approved. Accurate night-time photo simulations will provide the Board and neighborhood residents with a view of exactly what the lighting plan will look like if implemented. With those simulations in hand, necessary mitigation and changes based on the impacts depicted in those simulations can be required.
- At a minimum, the Applicant should be required to utilize sufficient mature landscaping and privacy fencing to mitigate the light and noise impacts of placement of the proposed apartment building and free standing homes on comparatively small lots immediately adjacent to other residences.

Impact on Odor (Question 15 on FEAF Part 2):

- The proposed design of the apartment building and parking lot, may present moderate odor impacts, though determining the exact impact is impossible to the extent the developer has not clearly indicated how residential trash or recycling will be stored and removed. The developer should be required to clearly state:
 - Trash and recycling will be maintained within the building until the point at which they are removed from the premises or instead maintained in external bins potentially located near adjacent residential properties that may create odor issues, attract vermin and other wildlife, and create other negative impacts.
 - Whether the trash and recycling will be collected from behind the building adjacent to other residential properties (and if so how often) or whether it will be collected from in front of the building (as reflected in some renderings), which would create a separate set of odor, noise, and visual impact concerns. (The developer’s renderings dated 2023-09-08 identified a “garbage can area” located in front of the building between the sidewalk and curb of Mulberry Street.)
 - These representations by the developer should be memorialized as conditions in the FEAF Part 3.

Consistency With Community Plans: (Question 17 on FEAF Part 2)

The Draft FEAF Part 2 recognized that the proposal project would result in land use that is in sharp contrast to surrounding land use patterns and that is inconsistent with current land use plans and zoning restrictions.

- The undersigned have worked to responsibly identify concerns with the developer's proposal that could negatively impact the Village of Rhinebeck, particularly to the extent that the proposed development is in the heart of the Rhinebeck Historical District surrounded by existing residences. As proposed above, to avoid a piecemeal approach that could lead to even more disruptive development than what is currently contemplated, the Board should either require the developer to submit full development plans for all of the various parcels that will result from this development to avoid a piecemeal approach or should condition any subsequent development of the remaining lots for freestanding residences to comply with the relevant codes in place as of the approval of the apartment building.
- To reiterate once more, these issues are clearly environmental impact issues under the State Environmental Quality Review Act (SEQRA), as is manifest from the fact that the issues are raised by Question 17 of the FEAFF Part 2. Hence, the mitigation of these impacts must be addressed in the Board's FEAFF Part 3, and not be postponed and delegated to the Planning Board under site plan review. The Planning Board will be confining its review to site plan review issues. Environmental impact issues will be deemed at that time to have been addressed already by the Village Board as lead agency. Thus, it is imperative that the mitigation of these impacts be baked into the FEAFF Part 3 so that they become required elements of this Project before the site plan process even begins.

It seems noncontroversial to say that the Village of Rhinebeck is truly a special place, in no small part due to the thoughtful, responsible and conscientious decisions that have been made with regard to development, particularly in the truly unique Village Historic District. And everyone recognizes that redevelopment of the largely empty Bulkeley school building into a multi-unit residential building could provide additional residential units that are in high demand within the Village. But we also believe that any development should be done in a considered manner that does not significantly disrupt the unique nature of the Village, particularly in a way that would be irreversible. And the impact on all Village residents, including the precedential value that this development will have going forward, needs to be fully taken into account – including through opportunity for Village residents to be able to participate in this process with regard to the developer's revised plans before meaningful decisions are made.

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