



VILLAGE OF RHINEBECK

RESOLUTION #06282022-01

AUTHORIZING VILLAGE BOARD FOR PRELIMINARY REVIEW OF PROPOSED
BULKELEY SCHOOL REZONING

WHEREAS, Dutchess Shepherd, LLC (“Petitioner”), owns an approximately 1.43-acre lot on West Market Street in the Village of Rhinebeck, identified as tax parcel no. 6170-19-568209 (the “Property”); and

WHEREAS, a 15,554 sq. ft. structure (the “Bulkeley School”) is located on the Property; and

WHEREAS, the Bulkeley School was formerly operated as a school and is now vacant and unused; and

WHEREAS, the Bulkeley School has been identified on the State and National Register of Historic Places as a contributing Building to the Rhinebeck Village Historic District; and

WHEREAS, the Petitioner applied to the Building Department for a permit to demolish the Bulkeley School; and

WHEREAS, on May 25, 2022 the Code Enforcement Officer determined that the demolition permit was within the jurisdiction of the Planning Board rather than the Building Department pursuant to section 64-3 of the Village Code because the Bulkeley School is a contributing building to the Rhinebeck Village Historic District; and

WHEREAS, the Property is in the Village’s Residential District, which does not permit multifamily housing; and

WHEREAS, on June 10, 2022 the Petitioner submitted a petition to the Village Board to rezone the Property to allow for multifamily residential reuse of the Bulkeley School as well as construction of four homes on lots subdivided from the remainder the Property, and further requested the Village Board to begin the environmental review process set forth in the State Environmental Quality Review Act (“SEQRA”; ECL Art. 8), including establishment of an escrow account to retain consultants for such review; and

WHEREAS, under state law, any zoning amendment must be consistent with the Village’s plan for growth, particularly where the zoning amendment is for an individual parcel of land; and

WHEREAS, the Village’s Comprehensive Plan was last updated in 1993; and

WHEREAS, in October 2021 the Village Board authorized creation of the Village of Rhinebeck Comprehensive Plan Committee (“Comprehensive Plan Committee”) to review the Village’s existing Comprehensive Plan, zoning and other land use codes, plans and policies and recommend amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan Committee is authorized to convene subcommittees to consider individual aspects of the Village’s land use policy, planning and regulation, including without limitation the potential expansion of the Village Historic District Overlay, and housing needs for the Village population with particular attention to elderly, low-income, and physically disabled residents; and

WHEREAS, the Comprehensive Plan Committee and subcommittees are working on their tasks to recommend amendments to the Comprehensive Plan; and

WHEREAS, the Village Board believes that the redevelopment of the Bulkeley School multifamily housing may provide benefits to the Village including preservation of a building that contributes to the Historic District and expanding the Village’s stock of multifamily housing.

NOW, THEREFORE, BE IT RESOLVED, the Village Board of the Village of Rhinebeck hereby authorizes the following actions pursuant to sections 85-1, 85-2, 120-61 and 120-67 of the Village Code:

1. The Village Board will undertake a preliminary determination whether, in light of the age of the written comprehensive plan and the changes in applicable growth policies, including but not limited to the need for multifamily housing and a range of affordable and accessible housing, the benefits of the revitalization of the village center, adaptive reuse and preservation of the historic district, the Village Board may ascertain the current policies that should guide its planning determinations sufficiently to consider the proposed Bulkeley School zoning amendment, or whether it should subordinate its consideration of the zoning amendment to the review process being undertaken by the Comprehensive Plan Committee and subcommittees.
2. The Village Board will seek and retain a planning consultant to assist in this preliminary determination. The consultant will report to the Village Board on the pertinent policies under consideration by the Comprehensive Plan Committee and subcommittees, as well as any other policies the consultant may recommend for evaluation of the proposed rezoning.
3. The Village Board hereby establishes an escrow account for the purpose of funding expert consultation on its review of the proposed Bulkeley School zoning amendment. The initial funding shall be \$5,000.00 (and must be maintained at or above \$2,500) to

fund consultants to assist with the preliminary determination with a maximum expenditure of no more than \$10,000.

4. By October 31, the Village Board will either resolve to (a) continue reviewing the Bulkeley School rezoning proposal or (b) defer reviewing the Bulkeley School rezoning proposal until after the Comprehensive Plan Committee makes its recommendations to the Village Board.
5. If the Village Board resolves to continue reviewing the Bulkeley School rezoning proposal it will so inform the Petitioner and will proceed with the review process as set forth in SEQRA, its implementing regulations, NYS Village Law, and the Village Code.
6. If the Village Board resolves to defer reviewing the Bulkeley School rezoning proposal until after the Comprehensive Plan Committee makes its recommendations to the Village Board it shall return any unused funds in the escrow account to the Petitioner; and

BE IT FURTHER RESOLVED, that the Village Board reaffirms that zoning amendments are legislative acts in the discretion of the Village Board in applying the Village's development policies and state law, including SEQRA and its required review of potential adverse environmental impacts, and that regardless of any petition for rezoning there is no vested right or interest in any proposed zoning amendment or any specific provisions of any zoning amendment, including without limitation provisions for density of residential units.

DATED: June 28, 2022

MOTION: Mayor Gary Bassett

SECOND: Trustee Richard Lewit

Mayor Gary Bassett	Aye
Trustee Brant Neuneker	Aye
Trustee Vanessa Bertozzi	Aye
Trustee Richard Lewit	Aye
Trustee Lydia Slaby	Aye

I hereby certify that the foregoing resolution was duly adopted by the Village of Rhinebeck at a legal meeting on the 28th day of June 2022.



Martina McClinton
Village Clerk