

February 8, 2024

Via E-Mail: mmcclinton@villageofrhinebeckny.gov

Gary Bassett, Mayor
Village of Rhinebeck
76 E Market Street
Rhinebeck, New York, 12572

Re: Petition for Rezoning
Dutchess Shepherd, LLC
Tax Parcel 6170-19-568209

Dear Mayor Bassett and Members of the Village Board of Trustees:

As you are aware this firm represents Dutchess Shepherd, LLC (“Applicant”), which is seeking approval of an overlay district to permit the adaptive reuse of the Bulkeley Schoolhouse, an approximately 15,554 sq. ft. structure located on a 1.43-acre lot (the “Project”), identified as 6 Mulberry Street, in the Village of Rhinebeck, tax parcel no. 6170-19-568209 (the “Property”).

During the January 23, 2024 public hearing on Part 3 of the Project’s Full Environmental Assessment Form (“FEAF”), a question was raised about the need to evaluate potential impacts from the visibility of indoor lighting as part of the Board’s review under the State Environmental Quality Review Act (“SEQRA”).

Ambient light from interior sources is generally not considered an impact under SEQRA. This is evidenced by SEQRA’s own procedural forms and guidance documents. For example, Question 15 of the FEAF refers solely to the impacts of “outdoor lighting” and does not have any boxes addressing indoor lighting. DEC’s SEQR FEAF Workbook, a comprehensive guide to SEQRA produced by the Department of Environmental Conservation (“DEC”), only discusses the impacts of “outdoor lighting.” Likewise, the SEQRA Handbook section on analyzing light impacts concludes under the heading “Will there be an impact,” that “If no outdoor lighting will be used, then there will be no related impact.” (emphasis added)¹. We also reviewed caselaw on SEQRA and could not locate any cases involving indoor lighting. Thus, the absence of any mention of interior lighting in the SEQRA procedural and guidance documents and the lack of any caselaw on the subject indicates that interior lighting is not considered an impact for purposes of SEQRA review.

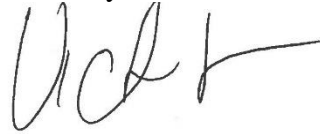
Even assuming, *arguendo*, that interior lighting could be considered an impact, we assert

¹ See FEAF Workbook, Part 2, Question 15, available at <https://dec.ny.gov/regulatory/permits-licenses/seqr/eaf-workbooks/part-2-identification-of-potential-project-impacts/q15-impact-on-noise-odor-light>

that interior light visible in a window in a residential Village does not rise to the level of a significant impact which would warrant the preparation of an Environmental Impact Statement. Interior lights would be seen whether the Bulkeley Schoolhouse was rehabilitated for a multi-family use, the action under review, or whether single-family homes were constructed in its place, which are permitted under the existing Zoning Law. The maximum building height in the Residential District is 35 feet, and the Bulkeley Schoolhouse is consistent with this dimensional regulation.² See Zoning Law § 120-8. Therefore, any indoor lights visible through windows would be consistent with the character of the Residential District.

Thank you for your continued consideration of the Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria L. Polidoro", with a long horizontal flourish extending to the right.

Victoria L. Polidoro

CC: David Gordon, Esq.
Brandee Nelson, PE
John Lyons, Esq.

² There are minor encroachments from the roof parapet and proposed solar equipment, neither of which are lit.