

VILLAGE OF NEW PALTZ PLANNING BOARD  
REGULAR MEETING  
APPROVED MINUTES  
October 21, 2014

**Present:** Maurice Weitman  
Richard Steffens  
Michael Zierler  
John Litton  
Elizabeth Harschow

**Also Present:** Tom Rocco, Village Board Liaison  
George Rodenhausen, Village Planning Board Attorney  
Bren White, Village Planning Director  
Brogan O'Donnell, Planning and Zoning Secretary

**Call to Order:**

Chairman Weitman called the October 21, 2014 Regular Meeting of the Village Planning Board to order at 7:03PM

**PB14-09: Water Street Market Site Plan Approval**

Site Plan Review for Existing Project

Applicant: Water Street Market, LLC

Zoning District: G, Gateway

**00:01:27 - 00:16:28**

Bob James, the representative for this project, described the changes that were made to the existing site plan for Water Street Market. Some of these changes included:

- Relocation of dumpster,
- Parking striping changes,
- Oil/Water separator has been paved over,
- Evergreen trees are not existing along property line, but may have been planted in the past,

The Planning Board requested to review the original Water Street Market Site Plan.

The Building Inspector provided a letter of determination regarding this application, which reads:

After reviewing the proposed Amended Site Plan, I have determined that the submitted drawing, DWG. NO. 14G1788, does not completely reflect the existing conditions at the site. The design standards in Village Code Section 212-43 must be reviewed and compliance shown on the drawings. If there are conditions that vary from the design standards in VC 212-43 they must be clearly shown and delineated on the drawings. From my limited inspection and initial review I have determined that the submitted amended site plan drawing does not reflect the existing conditions nor does it include a Zoning Chart with a list of the several ZBA variances required.

Required parking spaces per VC 212-47 Schedule C must be calculated and shown on the site plan. The site has a mix of retail, office and restaurant space. Each requires a different parking calculation that must be completed by the applicant and shown on the plan.

**ZBA variances required:** The following may not be a comprehensive list of all variances required, as more information is required.

VC212-43 A. Width of several parking spaces does not meet the requirement.

VC212-43 B. (2) Two-way traffic aisle width not met.

VC 212-43 G. (4) Parking adjacent to Residential districts requires 10' buffer or more if determined by the Planning Board.

The Planning Board discussed the width of the driveway, which is currently 18' – 19' feet, and the necessary requirements to comply with New York State Fire Code.

The Village Planning Board Attorney stated that the Planning Board has discretion regarding the 15' landscape buffer, as stated in VC212-13 J.(8)(b) – Side yard: none required, except if abutting a residence or residential district, the Planning Board may require up to 15 feet of landscaped buffer to protect adjacent uses from nuisance characteristics.

The applicant will apply to the building department for the variances needed, and after this stage will return to the Planning Board for full Site Plan review.

**PB14-08: Proposed – Construction of Two-Family Building – Pencil Hill Road**

New Project including New Buildings and Site Improvements

Applicant: Caffrey Property Management

Zoning District: R-2, Residential

**00:16:35-00:33:14**

The Applicant, Mr. Caffrey, came to the table to discuss PB14-08, with consulting engineer Mr. Gillespie and legal counsel Mr. Strenger.

Mr. Gillespie provided a summary of the proposed PB14-08 project, detailing the following:

- The proposal is to construct a two family building, with a total of 8 bedrooms, in an R-2 District
- The footprint of the project is around 1,600 square feet. When both stories of this project are included, it totals to 3,000 square feet.
- They are proposing full access to the building from Pencil Hill Road, with 15 parking spaces.
- There is a stream located along the property, running parallel to Pencil Hill Road, which, as required, is not within 20 feet of the project.
- The lot is currently a gravel area, which has been used as a parking area even prior to Mr. Caffrey's ownership of it.

Mr. Strenger explained that the terms of stipulations mentioned in the settlement between Mr. Caffrey and the Village of New Paltz contain the requirements for a complete site plan. He also explained how their party agreed to surrender prior building permits for this lot, losing their grandfathered status to not require site plan review.

Mr. Strenger will prepare a memo regarding the easement areas detailed on the site plan and what affects it may have on the property. Mr. Strenger will also prepare an answer as to whether parking within the setback line is permissible under the Village of New Paltz Code.

The Planning Board stated that this project will require 8 parking spaces, since 3 parking spaces are needed per dwelling unit plus one parking space per additional bedroom. However, the applicant is proposing to construct a total of 15 parking spaces.

The applicant will amend the site plan to include the following, as per VC212-23(A)(1):

- (a) The location of all existing wooded areas.
- (c) The widths of proposed streets servicing the area.
- (d) The size of proposed off-street parking areas.
- (f) The treatment of proposed entrances and exits to public rights-of-way, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, additional width, and any other device necessary to traffic safety and/or convenience.
- (h) The general location of landscaping and other forestry features.
- (i) The location and design of stormwater detention facilities in accordance with § 212-23D(2).

- (j) The location and design of buffer areas and screening devices to be maintained.
- (l) General nature and location of public and private utilities, including maintenance facilities.
- (m) Specific location and size of signs.
- (n) Architectural drawings, including floor plans and elevations, and an indication of

The applicant will be before the Planning Board again on Tuesday, November 18, 2014 given all materials are submitted in a timely fashion.

**ZBA Referral**

**ZBA14-16: Application for Interpretation Regarding 2 Mohonk Ave**

Applicant: Theresa Fall, RS Julia LLC

**00:33:16-00:36:36**

Mr. Steffens stated that since this was an Article 78 application, not a ZBA or a Planning Board application, he is outside of this application as a planning board member.

Mr. Steffens to recommend to take no position on this application. Mr. Litton seconded. 5 Ayes. 0 Nays. 0 Absent. Motion Carries.

**ZBA Referral**

**ZBA14-15: Proposed – Variance for Additional Bedroom– 18 Mohonk Ave**

Area Variance

Applicant: Reginald Ollen

Zoning District: R-2, Residential

**00:36:53-00:40:28**

The Village Planner provided a memo regarding this application, which reads:

This application requests the allowance of six bedrooms in this *one-family* home at 18 Mohonk Street. Based on Building Department records, Mr. Ollen purchased the house in May of 2004. In September of that same year, a letter was written up (I'm assuming by a Building Inspector) discussing the number of bedrooms. It reads "The doors and partition have been removed to create a single bedroom upstairs and the room in the basement is now ok for the bedroom. OK to close this file and issue C/C. There was five bedrooms in this unit and Mr. Ollen wanted a sixth in the basement, so the two bedrooms upstairs has been change[d] to one and now the one in the basement is allowed. There is still a total of 5 bedrooms. One upstairs, three on the first floor, and one in the basement."

It appears from the upstairs plans that it is not one bedroom upstairs, but two and the doors have been replaced for privacy.

Based on the square footage of the parcel in question, this house is allowed only four (4) bedrooms. However depending on the Village Code that was in place when the fifth bedroom was put in, it may be considered legally nonconforming. It is unclear when the fifth bedroom was put in; in December of 1989, the building claimed two (2) bedrooms.

Mr. Steffens moved to negatively recommend ZBA14-15 based on the excessive density as supported by the memo from the Village Planner and the Village Code. Mr. Zierler seconded. 5 Ayes. 0 Nays. 0 Absent. Motion Carries.

**ZBA Referral**

**ZBA14-17: Proposed (A) 15' Front Yard Setback Variance (B) 7' Side Yard Setback Variance**

Area Variance

Applicant: Dave Todder

Zoning District: R-1, Residential

**00:40:33-00:43:05**

The Village Planner provided a memo regarding this application, which reads:

The applicant is requesting front yard and side yard Area Variances for 15' and 7' respectively to place a zero-net energy home closer to the lot lines than is allowed by Village Code in this, the R-1 Zone. It appears that the granting of the proposed variances would have no negative impact on the neighborhood.

It should be noted that I have discussed with the Village Board and Planning Board the appropriateness of the R-1 Zone. In my evaluation of the entire district, there are no homes that comply with the front yard setback of 50'. The Boards are now considering the impacts of amending the R-1 Zone to reflect more appropriate setbacks for a Village setting.

Mr. Steffens moved to positively recommend the variances requested in ZBA14-17. Mr. Zierler seconded. 5 Ayes. 0 Nays. 0 Absent. Motion Carries.

#### **Adoption of Draft Planning Board Minutes from October 7, 2014**

**00:43:11-00:43:51**

Mr. Steffens moved to approve the draft minutes from October 7, 2014. Mr. Zierler seconded. 3 Ayes. 0 Nays. 1 Abstain – Ms. Harschow. 0 Absent. Motion Carries.

#### **Refund of Application fee for PB14-06**

**00:43:58-00:52:35**

Mr. Steffens moved to refund the \$50.00 application fee for PB14-069 to the applicant. Mr. Litton seconded. 5 Ayes. 0 Nays. 0 Absent. Motion Carries.

#### **Training Credits**

**00:45:30-00:45:19**

The Planning Board discussed training credits needed by the end of the fiscal year, and various institutions, specifically on a county level, that offer courses.

#### **Adjournment**

Mr. Litton moved to adjourn the October 21, 2014 Village of New Paltz Planning Board Meeting. Ms. Harschow seconded. 5 Ayes. 0 Nays. 0 Absent. Motion Carries.

The Tuesday, October 21, 2014 meeting of the Planning Board was adjourned at 7:55pm.

Respectfully submitted by,

Brogan O'Donnell  
Planning and Zoning Secretary for the Village of New Paltz