

VILLAGE OF NEW PALTZ PLANNING BOARD  
REGULAR MEETING  
APPROVED MINUTES  
November 18, 2014

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

**Absent:** John Litton

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

**Call to Order:**

Chairman Weitman called the November 18, 2014 Regular Meeting of the Village Planning Board to order at 7:03PM

**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

**00:01:15-00:56:48**

The applicant, Mr. Caffrey, and his Consulting Engineer, Mr. Gillespie, summarized the project and addressed modifications that were made since their first Planning Board meeting with the Planning on October 21, 2014.

Modifications to the proposed project included:

- Reduction in parking area from 15 spaces to 11 spaces
- Dumpster enclosure
- Shed adjacent to the dumpster for maintenance purposes
- Landscaping detail
- Details outlining setback from on-site Stream

Mr. Zierler commented about his site visit to the property, discussing the practicability of collaborating with South Side to reduce traffic problems and the feasibility of placing the building closer to the front of the property.

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

This application is to build a two-family house as a student rental on parcel # 86.041-2-16.100.

From a planning perspective, it's unfortunate that the dumpster and parking area are proposed for the front of the parcel and the house is proposed to be set furthest back from the road. The applicant should consider swapping those elements out, putting the house at the front of the parcel, for both aesthetic and walkability purposes.

The landscaping plan shows trees and shrubs in front of the house as well as trees surrounding the outbuildings but no landscaping is shown in front of the proposed 11-spot parking area. Considering that the proposed parking area appears larger in surface area than the house itself, the Board may want to require landscaping to be located between Pencil Hill Road and the parking area.

This intersection is a challenging one, with problems with drainage causing running water in the summer and ice in the winter. The applicant has proposed silt fencing and stone lined swales to combat potential problems. The Board may request that the Village Engineer review the Site Plan to ensure that this is sufficient to not cause further problems.

Also pertinent to the intersection, the proposed driveway location seems a bad one. Considering the probability of multiple cars coming in and out of this driveway on a regular basis, placing it so close to the center of the intersection would in essence create a 5th street here. Instead, the driveway should be placed as far from the intersection as possible, which could work well if the parking area were pushed to the south side of the parcel as well.

Inside the home, bedrooms #3 and bedrooms #2, on the first and second floors, are very large with partitions and double closets that are unnecessary for individual bedrooms. The proposed partitions should be eliminated and each proposed double closet made into one.

In the basement, the additional kitchens and "rec room" seem to make this floor an additional unit, which is not what is proposed in this application. The applicant should adjust his application to reflect a multi-family unit if this additional unit is desired.

The Planning Board Engineer Consultant, Mr. Clouser, summarized the memo he provided regarding this application which reads:

A couple of these were that no site lighting is shown on the plans (a County favorite question), and the dumpster enclosure is located to disrupt traffic in a public right-of-way that is a nasty intersection to begin with. With regards to the EAF that needs to be sent as part of the referral to the County, it needs to be revised --- items 8.a. and b., and 14 have not been answered. The answer to Item 3c. doesn't make sense and Item 17 and 17 a. should be answered "Yes."

The show stopper, however, is the drainage. It's a feature that may cause a layout change. I didn't see any indication that a Drainage Analysis has been submitted. The plan diverts the existing drainage swale below the new parking lot and shows a 15" culvert being used. How was this sized? Of additional concern is whether this existing small stream on the site currently floods. In addition to the drainage in the property that is being put in a pipe beneath the parking lot, the plans show 2 existing 24" culverts discharging into the stream and the stream is incorporated into a storm sewer system downstream by flowing into a 24" culvert --- based on the terrain, I'd bet this might presently be over its conveyance capacity. This needs to be modeled and also referred to the DPW to find out if this needs attention.

More importantly, the site plan provides no stormwater management for the new improvements, with the Engineer's comment letter stating that the disturbance doesn't meet the threshold that detention is required by the NYSDEC. That does not invalidate the Village Code Section 212-23 D (2) which requires detention facilities to limit offsite discharge to drainage discharge rates present in the existing conditions, unless this requirement is waived when the Village Engineer or Village Planner provides evidence to support such a waiver. A review of the plan shows that most of the increased runoff generated by the development is directed down the proposed parking lot and new driveway like a funnel to directly discharge in the Mohonk Avenue / Pencil Hill / Plains Road intersection! If ever there were a case for stormwater management, this is it. As additional support for requiring a Drainage Analysis and Stormwater Management, the Village of New Paltz is now a designated MS4 community which requires higher standards be considered for stormwater discharges.

I would suggest that at least these items be worked on by the Applicant's engineer before it is referred to the County. Let me know if these comments in this form are good enough to forward or if you would prefer that these be put in a more formal review Memo format.

I would also suggest that a copy of the easement on the property be provided for the Board's review. This easement was given for the benefit of the adjacent Caffrey property and there usually is a good reason behind these. It would also be useful to show the improvements on the adjacent Caffrey property (i.e., structures and utility locations). A final suggestion is to consider whether a right-of-way dedication request should be made for the Pencil Hill frontage.

Mr. Clouser discussed dedicating a Right of Way on Pencil Hill Road, enabling DPW to remediate any maintenance issues immediately. However, this would change the boundary line for the property causing the applicant to lose the needed square footage for the proposed density. There was uncertainty as to which section of Pencil Hill Road is already a dedicated Right of Way.

Mr. Clouser also discussed whether the basement is considered a separate story, and whether it is more above or below grade. If the basement is more below grade, then it is considered half of a story.

The Planning Board deduced that there are a total of 2.5 stories in the building, which has a height limit of 30 feet. Since the proposed building is 31 feet and 3 inches, the applicant would need a variance for 1 foot and 3 inches.

The Planning Board Attorney, Mr. Rodenhause, summarized the memo he provided regarding this application which reads:

This continues to be a proposed two-family residence, a permitted use in the R-2 District, with 8 bedrooms on a 3/4 acre lot. The initially proposed 15 parking spaces have been reduced to 11. The site plan dated 9/10/14 prepared by M. Gillespie & Associates has been replaced by a 4-sheet site plan set revised 11/3/14, a 4-sheet elevation set dated 11/1/14, a 3-sheet layout plan set dated 11/1/14 and two sheets of structural details dated 11/1/14.

**Parking.** Although 212-47 was amended to make Schedules C and D guidelines rather than mandated minimums, 212.47.1 was not so amended. Schedule E provides mandated minimum parking requirements, without a stated maximum. It is the applicant's desire "to provide for as many parking spaces as practically possible." The Board will have to rely on planning guidance found elsewhere in the Code to determine the acceptable maximum. Since additional parking requires additional paving, 212-23(D)(2) must be considered. Conservation features, aesthetics and landscaping may also be considered per 212-23(D)(1)

**Easement.** The easement burdening the northern half of the property has not been provided, although the applicant states he has "reached out to the surveyor of record to obtain a copy." It is described in Mr. Gillespie's letter as "an easement for utilities, drainage and access to benefit parcel 86.041-2-18 which is currently a developed site.... There are no restrictions." Since the access drive and two parking spaces are located in this easement area, the easement must be produced for review before the application can be considered complete. The County will need to see the easement in its GML 239-m referral.

**Lot Size and Setbacks.** The lot size is adequate--19,360 s.f. is required ( $7260 \times 2 = 14,520$  plus  $2420 \times 2 = 4,840$ ), 32,791 is provided. The lot width is more than adequate (50' required), and the required setbacks, although not shown in the site plan table, appear to be met. Impervious area coverage has been shown as 21.3% against the maximum allowed of 30%. The stream setback is more sensitive, in that impervious surface is proposed within a foot of the 20 foot setback required by 212-19(G). The accuracy of the determination of the mean high water mark could affect the location of the driveway, parking lot and other impervious areas.

**Stormwater.** The site plan is required to show the location and design of stormwater detention facilities in accordance with § 212-23(D)(2), but there is no drainage analysis or stormwater management plan. The site slopes steeply from east to west, with natural drainage reaching a stream running in a north/south direction. The existing conditions plan shows wooded area on the eastern half of the property and a pervious shale parking area between the wooded area and the stream. The wooded area, shale parking area and drainage ditch would be replaced with impervious surface, clearly causing significant increase in the stormwater loading of the stream. The wooded area east of the parking lot and residence would be removed by regarding. The applicant has supplied only an erosion control plan—essentially silt fencing, slope stability measures and redirection of the drainage ditch to a catch basin--on the theory that total disturbance is less than an acre and thus not subject to state or federal SWPPP requirements. I agree with David Clouser (email of 11/15/14) that 212-23(D)(2) is an independent local requirement, regardless of state or federal thresholds. If the Town engineer requires a SWPPP, this section provides the authority. If a SWPPP is required, it would be needed for a complete application.

**Short EAF.** A Short EAF was submitted with the original plan and is dated 9/10/14. In Part 1, Question 3(c) seems too small if the same owner owns the adjacent parcel. Question 8(a) could be changed to "yes", as 11 cars exiting onto Pencil Hill Road at that intersection could be seen as a significant increase. Questions 8(b) and (c) are unanswered. Question 14 is unanswered. The basis for the answer to Question 15 has not been supplied. Questions 17 and 17(a) should both be "yes", as the project will cause a change in stormwater flow and discharge. Question 18 may have to be changed if an impoundment is needed for compliance with 212-23(D)(2).

The Applicant will provide a complete application and an updated site plan to include lighting, drainage, grading, easement details and traffic details. The Planning Board also decided that the total parking count can be resolved once a stormwater management plan is completed.

**PB14-10: Pre-Application to subdivide 56 Elting Ave**

Applicant: Rich Steffens

Zoning District: R-2, Residential

00:57:30-01:29:23

The applicant, Mr. Steffens, summarized his proposal to subdivide 56 Elting Ave to create three single-family lots, restricting the lots from becoming two-family. No variances will be needed since each lot meets more than the minimum lot size requirements. There is currently a 4-bedroom residence on the lot, which will remain.

Mr. Steffens requested the Planning Board waive the contour/topographic overlay requirement for site plan review since he will not be re-grading the lot. In addition, the subdivision being proposed does not include a plan to construct buildings, only to subdivide. The applicant also specified that he will have a crawl space instead of a basement.

Members of the public that reside on Elting Ave addressed their comments regarding this application. Their primary concern was whether this proposed subdivision would disrupt the character and continuity of the neighborhood.

**Discussion with Dave Clouser**

01:30:26-01:37:13

Dave Clouser discussed a lot-line alteration application with the Planning Board for insights and recommendations.

**Recommendations to close out 7 planning board escrow accounts**

01:40:05-01:43:47

The Planning Board reviewed the following requests to refund and close completed escrow accounts:

**Regarding PB14-02: Woodland Pond**

A Trust and Agency account (T/A #69) has been established with an overall balance of \$565.50.

Invoice #70467 in the amount of \$58.50, invoice #71553 in the amount of \$78.00, invoice #72784 in the amount of \$195.00, and invoice #73124 in the amount of \$234.00 has been paid to Rapport Meyers.

I have spoken to Daniel Bonsall of Rapport and Meyers and he has assured me that there are no other outstanding invoices for this applicant with their firm.

I respectfully request that the Planning Board recommend to the Treasurer and Board of Trustees the closing of this Trust and Agency Account.

**Regarding PB14-03: Town and Country Condos**

A Trust and Agency account (T/A #53) has been established with an overall balance of \$629.70.

Invoice #71548 in the amount of \$195.00, invoice #71829 in the amount of \$195.00, invoice #73118 in the amount of \$214.50 has been paid to Rapport Meyers.

I have spoken to Daniel Bonsall of Rapport and Meyers and he has assured me that there are no other outstanding invoices for this applicant with their firm.

Invoice #6586 in the amount of \$25.20 has been paid to Ulster Publishing. There are no other outstanding invoices for this applicant from Ulster Publishing.

I respectfully request that the Planning Board recommend to the Treasurer and Board of Trustees the closing of this Trust and Agency Account.

**Regarding PB13-07: 46 Church Street, John Johnson**

A Trust and Agency account (T/A #68) has been established with an overall balance of \$1,200.00.

Invoice #72776 in the amount of \$195.00 has been paid to Rapport Meyers. There is one outstanding invoice (#72162) for the amount of \$877.50 that is currently being processed.

I have spoken to Daniel Bonsall of Rapport and Meyers and he has assured me that invoice #72162 is the only outstanding invoice for this applicant with their firm.

Invoice #205148 in the amount of \$31.95 has been paid to Daily Freeman There are no other outstanding invoices for this applicant from Daily Freeman.

Invoice #06586 in the amount of \$20.80 has been paid to Ulster Publishing. There are no other outstanding invoices for this applicant from Ulster Publishing.

I respectfully request that the Planning Board recommend to the Treasurer and Board of Trustees the closing of this Trust and Agency Account and cutting a check to the applicant for the amount of \$74.75.

**Regarding PB13-04: Kniffen Lot Line Alteration**

A Trust and Agency account (T/A #54) has been established with an overall balance of \$1,901.25.

Invoice #63272 in the amount of \$29.25 and invoice #72780 in the amount of \$97.50 has been paid to Rapport Meyers. There are four outstanding invoices that are currently being processed, which are invoice #70886 in the amount of \$234.00, invoice #71550 in the amount of \$624.00, invoice #71831 in the amount of \$663.00, and invoice #72166 in the amount of \$253.50.

I have spoken to Daniel Bonsall of Rapport and Meyers and he has assured me that the four outstanding invoices listed above are the only outstanding invoices for this applicant with their firm.

I respectfully request that the Planning Board recommend to the Treasurer and Board of Trustees the closing of this Trust and Agency Account.

**Regarding PB14-03: 51 Main Street**

A Trust and Agency account (T/A #52) has been established with an overall balance of \$1,760.50.

Invoice #71907 in the amount of \$760.50, invoice #74354 in the amount of \$292.50, and invoice #74533 in the amount of \$136.50 has been paid to Rodenhausen Chale. There is one outstanding invoice that is currently being processed, which is invoice #74196 in the amount of \$331.50.

I have spoken to Daniel Bonsall of Rodenhausen Chale and he has assured me that the one outstanding invoice listed above is the only outstanding invoice for this applicant with their firm.

Invoice #74196 in the amount of \$25.60 has been paid to Ulster Publishing. There are no other outstanding invoices for this applicant from Ulster Publishing.

I respectfully request that the Planning Board recommend to the Treasurer and Board of Trustees the closing of this Trust and Agency Account and cutting a check to the applicant for a total of \$213.90.

**Regarding PB14-01: Rock and Snow**

A Trust and Agency account (T/A #61) has been established with an overall balance of \$1,682.50.

Invoice #74198 in the amount of \$682.50, invoice #74356 in the amount of \$117.00, and invoice #74536 in the amount of \$234.00 has been paid to Rodenhausen Chale.

I have spoken to Daniel Bonsall of Rodenhausen Chale and he has assured me that there are no outstanding invoices for this applicant with their firm.

Invoice #68411 in the amount of \$24.80 has been paid to Ulster Publishing. There are no other outstanding invoices for this applicant from Ulster Publishing.

I respectfully request that the Planning Board recommend to the Treasurer and Board of Trustees the closing of this Trust and Agency Account and cutting a check to the applicant for a total of \$624.20.

**Regarding PB14-05: Water Street Cinema**

A Trust and Agency account (T/A #51) has been established with an overall balance of \$2,500.00.

Invoice #74534 in the amount of \$682.50 has been paid to Rodenhausen Chale. There is one outstanding invoice that is currently being processed, which is invoice #74731 in the amount of \$97.50.

I have spoken to Daniel Bonsall of Rodenhausen Chale and he has assured me that the one outstanding invoice listed above is the only outstanding invoice for this applicant with their firm.

Invoice #103043 in the amount of \$685.70 has been paid to Dave Clouser and Associates. There are no outstanding invoices for this applicant with their firm.

Invoice #7001 in the amount of \$25.60 has been paid to Ulster Publishing. There are no other outstanding invoices for this applicant from Ulster Publishing.

I respectfully request that the Planning Board recommend to the Treasurer and Board of Trustees the closing of this Trust and Agency Account and cutting a check to the applicant for a total of \$1,008.70.

Mr. Zierler motioned to close the escrow accounts for PB14-02, PB14-03, PB13-07, PB13-04, PB14-03, PB14-01, and PB14-05. Ms. Harschow seconded. 3 Ayes. 0 Nays. 2 Absent – Mr. Steffens, Mr. Litton. Motion Carries.

**Adoption of Draft Planning Board Minutes from October 21, 2014**

01:44:31-01:45:35

Ms. Harschow moved to adopt the draft minutes from October 21, 2014. Mr. Zierler seconded. 3 Ayes. 0 Nays. 2 Absent – Mr. Steffens, Mr. Litton. Motion Carries.

**Adoption of Draft Planning Board Minutes from November 4, 2014**

01:45:36-00:01:09

Ms. Harschow moved to adopt the draft minutes from November 4, 2014. Mr. Zierler seconded. 3 Ayes. 0 Nays. 2 Absent – Mr. Steffens, Mr. Litton. Motion Carries.

**Adjournment**

Ms. Harschow moved to adjourn the Planning Board meeting. Mr. Zierler seconded. 3 Ayes. 0 Nays. 2 Absent – Mr. Steffens, Mr. Litton. Motion Carries.

The Tuesday, November 18, 2014 meeting of the Planning Board was adjourned at 8:49pm.

Respectfully submitted by,

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