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Village of New Paltz Planning Board  
Regular Meeting of Tuesday August 16, 2016  
VillageHall-7:00p.m.  
**APPROVED MINUTES**

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Present: Michael Zierler, Chair  
Denis McGee, Alternate  
William Murray  
Rich Steffens, leaves 8 p.m.

Absent: John Litton  
Rich Souto

Also Present: Tom Rocco, Village Board Liaison  
David Gilmour, AICP, Municipal Planner  
Rick Golden, Planning Board Attorney  
Christena Carp, Planning and Zoning Secretary

***Welcome***

7:03-7:05

Chair Zierler amends the Agenda to include a request to close a Trust and Agency Account, move the Public Comment section; delay the review of the new application PB16-17, 7 North Manheim, Hannes to the September 6, 2016 Meeting date due as submission materials need revision. Chair Zierler notes that Alternate Member McGee is serving as a voting Member in place of Mr. Souto.

***Public Hearings***

*Site Plan*

*Single family home, partial renovation, deck addition*

PB16-14: 48 Plattekill

Applicant: William Otis

Zoning District: R2

SBL: 86.42-1-9

7:06

Mr. Steffens makes a motion to open the Public Hearing for PB16-14, 48 Plattekill, Otis. Mr. McGee seconds. Messrs. Souto and Litton are absent. 4 ayes. Motion carried.

No comments from the public are forthcoming.

Mr. Steffens makes a motion to close the Public Hearing for PB16-14, 48 Plattekill, Otis. Mr. Murray seconds. Messrs. Souto and Litton are absent . 4 ayes. Motion carried.

*Pre-Application*

*Installation of an above-ground pool*

PB16-15: 44 Elting Avenue

Applicant: Gabrielle Cody, H. Sio

Zoning District: R-2

SBL: 86.42-5-15

7:07-7:08

Mr. Steffens makes a motion to open the Public Hearing for PB16-15, 44 Elting Avenue, Cody. Mr. McGee seconds. Messrs. Souto and Litton are absent. 4 ayes. Motion carried.

Two neighbors offer supportive comments.

Mr. Steffens makes a motion to close the Public Hearing for PB16-15, 44 Elting Avenue, Cody. Mr. Murray seconds. Messrs. Souto and Litton are absent. 4 ayes. Motion carried.

*Closing of Trust and Agency Account 67*

7:08-7:09

Mr. Steffens makes a motion to close the Trust and Agency account for PB16-10, 56 Plains Road, Denis and Paula McGee. Mr. Murray seconds. Messrs. Souto and Litton are absent. Mr. McGee abstains. 3 ayes. Motion carried.

***Ongoing Applications***

*Site Plan*

*Formalizing conversion of a single family home into an office building*

PB16-12: 122 Main Street

Applicant: Vandeaelyn Pine

Zoning District: B-2

SBL: 86.34-7-4

7:10-7:21

The Board does not have any issues of concerns. Chair Zierler reads the resolution for PB16-12, 122 Main Street, Pine.

**VILLAGE OF NEW PALTZ PLANNING BOARD**

**25 PLATTEKILL AVE.**

**NEW PALTZ, NY 12561**

**(845) 255-3055**

**(845) 255-5103 Fax**

**RESOLUTION OF SITE PLAN APPROVAL  
122 MAIN STREET, VILLAGE OF NEW PALTZ  
PLANNING BOARD APPLICATION # PB 16-12**

Date: August 16, 2016  
Resolution No. PB16-12

Moved by: Mr. Murray  
Seconded by: Mr. Steffens

**WHEREAS**, on June 21, 2016 the Planning Board, discussed a site plan application submittal and checklist review for PB16-12, 122 Main Street, which is Section, Block and Lot 86.34-7-4, Owner/ Applicant Vandealyn Pine (Vandealyn Pine Revocable Trust), which is a +/-0.53 acre parcel with two buildings located in the B-2 'Core Business' Zoning District;

**WHEREAS**, the applicant seeks to obtain a clear record of use of the property as there has until recently been residential use of the property, and more recently non-residential land use commended that the Applicant defines as office type uses;

**WHEREAS**, this property is a local Landmark, and the applicant has in 2016 consulted with and received a Certificate of Appropriateness, Historic Preservation Commission for signage development;

**WHEREAS**, on June 21, 2016 Planning Board by unanimous consent, based on discussion facilitated by the Chairman, identified that in order to proceed with registering a site plan for this use and property it was not necessary for the Applicant to provide architectural drawings/ specification of the main building/ or outbuilding, but rather the Applicant could generate and submit an inventory of photographs which would serve as a record of the existing characteristics of the land use;

**WHEREAS**, the Planning Board on July 5 proceeded with review of application materials supplied, including a Short Environmental Assessment Form, and an eight-page set of 15 photographs, as well as a one sheet 'Map of Survey for 122 Main Street', May 23, 2016 by Robert Campbell, Land Surveyor.

**WHEREAS**, on July 5, 2016 Planning Board determined the application was with respect to SEQRA a Type 1 action because the property is a designated Landmark; however, based on guidance from the Board's Attorney this application was conditionally listed as Unlisted with respect to SEQRA and was determined a complete application;

**WHEREAS**, on July 5, 2016 Planning Board determined the application was administratively complete, and determined that a referral to Ulster County Planning pursuant to Section 239-m of the General Municipal Law was required, such referral was effected on July 22, 2016, and on August 3, 2016 the Ulster County Planning Board determined there is No County Impact;

**WHEREAS**, on July 5, 2016 Planning Board formally set a public hearing on Tuesday, July 19, 2016, and after duly noticing the public hearing at Village Hall, 25 Plattekill Ave., and providing opportunity for all those who wished to be heard through written or oral testimony regarding the application, there were no comments received on this Application;

**NOW, THEREFORE, IT IS HEREBY RESOLVED by the Village of New Paltz Planning Board makes a SEQRA Negative Declaration for this project;**

**NOW, THEREFORE, IT IS HEREBY ALSO RESOLVED by the Village of New Paltz Planning Board that the application submittal for PB16-12, 122 Main Street, which is Section, Block and Lot 86.34-7-4, Owner/ Applicant Vandealyn Pine (Vandealyn Pine Revocable Trust), which is a +/-0.53 acre parcel with two buildings located in the B-2 'Core Business' Zoning District, is hereby approved, subject to the following conditions:**

- 1. There must be submission of a final site plan containing required notation, including which clearly identifies that this is a 'Site Plan', which provides specifications (notation labeling the uses on the plan) for each of the two buildings, as well as provide specifications**

**(location(s)) for any signage approved by the Historic Preservation Commission, as well as identification through notation that this is a Local Landmark, with a clear reference provided for the date and case/ file number for the most recent Certificate of Appropriateness issued by the Commission for this property, along also with a signature block suitable for embossment by an authorized representative of the Planning Board.**

- 2. The applicant must present proof of easement to the property (or proof of other legal access) with accompanying notation on the plan.**
- 3. The applicant must present proof of easement of the sewer line to the property (this will ensure sewer service if adjacent lots come to have separate ownership) with accompanying notation on the plan.**
- 4. Payment of all fees and escrow.**
- 5. Any potential encroachments shown on the plan (and the survey) of the lot are not to be construed as being authorized/ approved by this resolution.**

Moved by: Mr. Murray

Seconded by: Mr. Steffens

John Litton	Absent
William Murray	✓
Richard Souto	Absent
Richard Steffens	✓
Michael Zierler	✓
Denis McGee	✓
(Alternate Member standing in for Mr. Souto)	

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Michael Zierler, Planning Board Chairman

Mr. Gilmour recommends labeling the buildings on the site plan - the main brick building is an office and then there's a major outbuilding currently used as storage - and stipulating same in the resolution. Additionally, Mr. Gilmour recommends that the Applicant provide proof of a sewer easement and provide an access easement and that this be stipulated in the resolution.

Attorney Golden notes that the sewer and access easements were originally noticed by Building Inspector Arms and that his original requests should be added to the resolution. Attorney Golden mentions that Applicant Pine has three lots and must get an easement because if/when he sells off his property, an easement will be required.

Attorney Golden explains that the SEQRA action must be changed to a Type 1 and listed as a negative declaration since the property is listed on the National Historic Register. Attorney Golden comments that it appears that one of the parking spaces encroaches onto the adjacent lot, so a condition must be placed in the resolution that states that any potential encroachments are not being authorized by this Board.

Mr. Murray makes a motion to approve the Resolution for PB16-12, 122 Main Street, Pine with the modifications as discussed. Mr. Steffens seconds. Messrs. Souto and Litton are absent. 4 ayes. Motion carried.

*Site Plan*

*Single family home, partial renovation, deck addition*

PB16-14: 48 Plattekill

Applicant: William Otis

Zoning District: R2

SBL: 86.42-1-9

7:22-7:26

Chair reads the resolution for PB16-14, 48 Plattekill, Otis.

**VILLAGE OF NEW PALTZ PLANNING BOARD  
25 PLATTEKILL AVE.  
NEW PALTZ, NY 12561  
(845) 255-3055  
(845) 255-5103 Fax**

**RESOLUTION OF SITE PLAN APPROVAL  
48 PLATTEKILL AVE., VILLAGE OF NEW PALTZ  
PLANNING BOARD APPLICATION # PB 16-14**

Date: August 16, 2016  
Resolution No. PB16-14

Moved by: Mr. Steffens  
Seconded by: Mr. Murray

**WHEREAS**, on July 5, 2016, Planning Board received a new Pre-Application involving a proposed single family home partial renovation and deck addition for 48 Plattekill Avenue, which property correlates with Section Block and Lot: 86.42-1-9, which is in the R-2 Zoning District, for property owners Amy and Jose DeLeon, and the applicant contractor William Otis, which was assigned Planning Board Application Number PB16-14;

**WHEREAS**,

materials supplied for review include: an Application, including a Short Environmental Assessment Form and Owner Affidavit; a 'Boundary & Topographic Survey, for Jose DeLeon, Jr./ Amy I. Uribe-DeLeon, Lot 4 FM 789, 0.126 Acre, 48 Plattekill Ave.', January 22, 2016, by Robert L. Campbell, Land Surveyor; and nine sheets of specifications by Ethan Timm, Architect (the Figure Ground Studio);

**WHEREAS**, work proposed encompasses modifications to a prior wood frame addition that constitutes a storage use (space) directly attached to the main dwelling on the northwest corner of the building and lot, with a proposal to now make that space habitable, including by providing a 2<sup>nd</sup> story addition on top of it;

**WHEREAS**, there is an existing Area Variance ZBA03-44, that originally provided for building that storage space addition on the side of the existing house, and there is a now a finding that work proposed will not make the existing building any more non-conforming, and Application Sheet A100 - Site - Proposed, by Architect Timm, was modified for the July 19, 2016 Planning Board meeting to provide for no new building mechanical systems or structural changes within the existing rear and side yard, and the Applicant also affirmed on July 5, 2016 that no trees in the northwest corner or rear of the property will be removed during proposed construction;

**WHEREAS**, on July 19, 2016 Planning Board determined the application was administratively complete, and determined that a referral to Ulster County Planning pursuant to Section 239-m of the General Municipal Law was required, such referral was effected on July 22, 2016, and on August 3, 2016 the Ulster County Planning Board determined that there is No County Impact;

**WHEREAS**, on July 19, 2016 Planning Board determined the application was classified a Type II action under the State Environmental Quality Review Act per 617.5(c)(9); and

**WHEREAS**, on August 16, 2016, a duly noticed public hearing was held at Village Hall, 25 Plattekill Ave., New Paltz, at which point all those who wished to be heard were permitted to provide written or oral testimony regarding the application;

**WHEREAS**, this is redevelopment of a pre-existing single family residential dwelling, the Planning Board has not acted affirmatively to invoke recreation considerations per 212-23.J;

**NOW, THEREFORE, IT IS HEREBY RESOLVED by the Village of New Paltz Planning Board that the application of 48 Plattekill Avenue, encompassing SBL 86.42-1-9, for property owners DeLeon/ Uribe-DeLeon, and applicant William Otis, PB16-14, in the R-2 Zone, is hereby approved, subject to the following conditions:**

- 1. There must be submission of a final site plan containing required notation, including which provides specifications for the existing area variance, along with a signature block suitable for embossment by an authorized representative of the Planning Board.**
  
- 2. Payment of all fees and escrow.**

Moved by: Mr. Steffens

Seconded by: Mr. Murray

John Litton	Absent
William Murray	✓
Richard Souto	Absent
Richard Steffens	✓
Michael Zierler	✓
Denis McGee	✓
(Alternate Member standing in for Mr. Souto)	

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Michael Zierler, Planning Board Chairman

Mr. Steffens makes a motion to approve the resolution for PB16-14, 48 Plattekill, Otis.

Mr. Gilmour states that, on the resolution, the July 12th dates should be changed to July 19th dates. Additionally, since the Board recognized, but did not formally determine, that the project was a Type II action, the word "recognized" will be used instead of "determined".

Mr. Gilmour adds a correction to the second paragraph to indicate "nine sheets of specifications by Ethan Timm" rather than "five sheets". Mr. Gilmour will add an annotation on the variance listed on page 2 of the resolution, third paragraph, number one.

Mr. Murray seconds. Messrs. Souto and Litton are absent. 4 ayes. Motion carried.

*Pre-Application*

*Installation of an above-ground pool*

PB16-15: 44 Elting Avenue

Applicant: Gabrielle Cody, H. Sio

Zoning District: R-2

SBL: 86.42-5-15

7:27-7:32

Chair Zierler reads resolution for PB16-15, 44 Elting Avenue, Cody.

**VILLAGE OF NEW PALTZ PLANNING BOARD  
25 PLATTEKILL AVE.  
NEW PALTZ, NY 12561  
(845) 255-3055**

**RESOLUTION OF SITE PLAN AMENDMENT APPROVAL  
44ELTING AVENUE, VILLAGE OF NEW PALTZ  
PLANNING BOARD APPLICATION # PB 16-15**

Date: August 16, 2016  
Resolution No. PB16-15

Moved by: Mr. Steffens  
Seconded by: Mr. Murray

**WHEREAS**, on July 7, 2016 Gabrielle Cody and Hilary Sio applied for site plan amendment approval in order to erect an above-ground swimming pool (12 feet in diameter and 4 feet in height) in their back yard, as shown on a drawing that was submitted with the application; and

**WHEREAS**, on July 19, 2016, the Planning Board determined that the application was administratively complete, and determined that a referral to Ulster County Planning pursuant to Section 239-m of the General Municipal Law was required; and

**WHEREAS**, on July 19, 2016, the Planning Board classified the action as a Type II action under the State Environmental Quality Review Act; and

**WHEREAS**, on July 19, 2016, the Planning Board waived any further requirements for site plan other than what currently was submitted with the application and is on file in the Building Department; and

**WHEREAS**, on August 16, 2016, a duly noticed public hearing was held at Village Hall, 25 Plattekill Avenue, New Paltz, at which all those who wished to be heard were permitted to provide testimony regarding the application;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Village of New Paltz Planning Board that the application of Gabrielle Cody and Hilary Sio for site plan approval for construction of an above-ground pool at 44 Elting Avenue, as shown on the above-referenced documentation, all of which was submitted with the application, is hereby approved, subject to the following conditions: payment of all fees and escrow and submission of a final site plan with a signature block suitable for signature by an authorized representative of the Planning Board.

- 1. Payment of all fees and escrow.**
- 2. The setback and fencing must be acceptable to Building Inspector**

Moved by: Mr. Steffens

Seconded by: Mr. Murray

John Litton	Absent
William Murray	✓
Richard Souto	Absent
Richard Steffens	✓
Michael Zierler	✓
Denis McGee	✓
(Alternate Member standing in for Mr. Souto)	

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Michael Zierler, Planning Board Chairman

Attorney Golden adds that, because a scaled plan was not required, the resolution should state that setback and fencing requirements must be acceptable to the Building Inspector with respect to Codes.

Mr. Gilmour states, for the record, that the Ulster County Planning Board made a determination of "No County Impact" and that he will submit a final action report to the County.

Mr. Steffens makes a motion to approve PB16-15, 44 Elting Avenue, Cody. Mr. Murrays seconds. Messrs. Souto and Litton are absent. 4 ayes. Motion carried.

***Public Comment (15 minutes)***

7:32

No one comes forward to speak at Public Comment. Chair Zierler notes that letters regarding PB16-02, 87-91 & 93 North Chestnut, Net-Zero were received from Brad Barclay, Cara Lee and Mary Etta Schneider in her capacity as Chair of Historic Huguenot Street.

***Discussion 212.13***

7:33-8:29

The Board reviews the proposed change to 212.13 that will allow review and approval of some applications by the Building Inspector and Village Planner instead of requiring that these applications be reviewed by the Planning Board.

The Board wants to expand on these proposed changes in order to further reduce the number of applications that must currently go before the Board but in order to do so, further research is required to integrate the intent behind the original changes to the code, the analysis of the 212.23 subcommittee and the needs of the Planning Board.

Attorney Golden reviews that many municipalities require a building permit to construct a house, but do not require a site plan. If enforcement issues are behind the original intent of the changes to the law, then making sure that Applicants go before the Board for site plan approval will not assist in enforcement. Attorney Golden notes that one could argue that it does quite the opposite. If a municipality requires that the Applicant get site plan approval for a 15'x15' shed, for example, it means



that he/she must put up escrow; possibly hire an engineer/planner/architect; enter into the Public Hearing process by having a sign printed, posting the sign, mailing the notice to the neighbors and going to the Public Hearing itself; and awaiting the response from a 239-m referral to County. This process may have the unintended consequence of the Applicant forgoing the site plan approval process, but still constructing the 15'x15' shed. Now, the Building Inspector's job is harder because he has to locate and evaluate these violations.

Attorney Golden notes that if the purpose behind the changes to the Code is enforcement, then deal with enforcement. The Board may want to break down the applications by having major site plans and minor site plans. Public Hearings are not required, or are discretionary, for minor site plans. If the Board feels a minor site plan is perhaps controversial or the public might have valuable information to contribute, then they can decide to hold a Public Hearing. Alternatively, the Board can decide to waive the site plan review for a minor site plan.

Attorney Golden comments that the proposed changes to 212-13 represent a very limited number of exemptions. However, whether the decision is made to expand or contract this list of exemptions, the Board can still have a distinction between major and minor site plans. A minor site plan requires much less information while a major site plan requires a lot of detail in order for the Board to make an informed decision.

Chair Zierler recalls that the original changes to the Code were precipitated by well-intentioned former Building Inspectors who made decisions that converted owner-occupied, single-family homes into multi-family housing and did so using portions of the Code that were open to interpretation. These decisions ultimately created cracks in the Code that impacted neighborhoods adversely.

Attorney Golden notes that, although unusual, a Village Board can create the type of ministerial review by the Building Inspector and Village Planner as noted in the proposed change to 212-13. Attorney Golden recommends that some kind of standard be created and utilized by the Building Inspector and Village Planner so that a rationale exists as to why they decide to place the project in the site plan review route or the building permit route.

Attorney Golden does not think that the current proposal reflects a standard because most of the items listed are objective. For instance, if an Applicant simply fills out a checklist and, based on that checklist, he/she either goes to the Building Inspector to get a permit or fills out an application for a site plan review, then a committee of the Building Inspector and Village Planner are not needed to make a decision. If however, a review is warranted because the application presents some nettlesome issues such as traffic concerns, then some kind of standard should be in place.

The Board continues to discuss how to reasonably avoid catching so many applications in the site plan review route.

Mr. Steffens leaves at 8 p.m.

Village Board Liaison Rocco states that, from a Village Board point of view, they would like to see a set of recommendations that work for the long run and truly unburden the Planning Board for what he believes is an unwarranted burden for site plan review.

Chair Zierler asks Attorney Golden if the Village Board can, without changing the Code by resolution, authorize the Building Inspector to tell Applicants that any in-kind repairs/replacements to properties throughout the Village require only a Building permit, with the exception of the Historic District.

Attorney Golden answers in the negative.

Since the change can only be made by statute, Chair Zierler proceeds to make a motion to recommend that the Village Board consider changes to 212-13, and any other parts of code necessary, to exempt all in-kind repairs/replacements from site plan review that can then be handled by a building permit with the exception of historic district or locally landmarked properties which will need a certificate of appropriateness from the Village Historic Preservation Commission before a building permit can be issued. Mr. Murray seconds. Messrs. Litton, Steffens and Souto are absent. 3 ayes. Motion carried.

### ***New Application***

#### *Site Plan Amendment*

#### *Changes to Approved Second Story Addition*

PB16-17: 7 North Manheim

Applicant: Amy Hannes

Zoning District: R-2

SBL: 86.144-2-9

Board review delayed until September 6, 2016

### ***Administrative Business***

#### *Approval of Minutes from August 2, 2016*

Mr. Murray makes a motion to approve the August 2, 2016 Minutes. Mr. McGee seconds. Messrs. Litton, Souto and Steffens are absent. 3 ayes. Motion carried.

#### *Meeting Overview for September 6, 2016*

Chair reviews the upcoming Agenda and reminds Members that the next Meeting is in 3 weeks, and not the typical 2 weeks. Most of the Meeting will be spent working on Part 2 of the FEAF for PB16-02, 87-91 & 93 North Chestnut, Net-Zero. Members should come having reviewed the SEQRA tutorial, read all materials from Applicant, responses from consultants, comments from the public, related Minutes and Meeting videos. The objective is for Member to review Part 2 and to consider, whether you answer yes or no, if you think there's potential environmental impact. Additionally, there are sub-questions and the Board will go through each of those with the intent to discuss. The Board is also awaiting comments from the Ulster County Planning Board for this project.

### ***Adjournment***

Mr. Murray makes a motion to adjourn. Mr. McGee seconds. Messrs. Litton, Souto and Steffens are absent. 3 ayes. Motion carried.

The meeting adjourns at 8:34 p.m.

Respectfully submitted by,

Christena Carp

Planning and Zoning Secretary