



Village of New Paltz Planning Board
Regular Meeting of Tuesday September 6, 2016
VillageHall-7:00p.m.
APPROVED MINUTES

Present: Michael Zierler, Chair
John Litton
William Murray
Rich Souto
Rich Steffens

Also Present: Denis McGee, Alternate
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 reviews the Agenda and notes that Planner Gilmour and Village Board Liaison Rocco will speak regarding Records Submission and a status update for 212-13.

Public Comment (15 minutes)

7:05-7:20

Comments on PB16-02, 87-91 & 93 North Chestnut, Net-Zero are made by Village residents Jacob Lawrence, Bill Busby, Christine Marmo, Lee Reich, Deb Goldman, Neil Bettez and former Village resident, Mark Portier.

Ongoing Applications

Site Plan Amendment

Relocation of dumpster, addition of detached deck, stairway and new doorway to restaurant

PB16-11: 58 Main Street

Applicant: Interzone, Inc./Robert Downs

Zoning District: B-2

SBL: 86.143-1-12.100

7:20-7:46

Mr. Downs notes that the storm drain will collect water from the upper lot that will then go out into the street. The Board reviews the site plan and requests that Mr. Downs have his engineer confirm

whether or not he needs to speak with David Corrigan at the New York State Department of Transportation (NYSDOT) to obtain a permit due to a possible increase in stormwater flow.

Mr. Downs will move the dumpster, construct a deck with a surround fence that will be used by the commercial tenant at the business currently called The Cafeteria. A staircase will descend from the deck to the pavement and will be used by the tenant and for deliveries. The demolition of the bottle shed will also take place. Lastly, there will be the reconstruction of a sidewalk with bollard installation, lighting and a fenced structure. The sidewalk work will require an easement agreement with Mr. Downs' neighbor. The bollards will be embedded in the sidewalk even though the current site plan does not reflect this.

The Board agrees to indicate in the resolution considering approval of this project, that they are not condoning or approving encroachments as the site plan shows that a refuse container overlaps onto Downs' property.

The Board deliberates whether the three building sheds on the site plan, currently used to house vehicles, should be labeled as parking units. Attorney Golden explains that the Board is not approving a particular shed and its use, so there is no need to label the site plan with same.

The Board requests that Mr. Downs produce engineer or architect signed and stamped plans.

Mr. Gilmour requests that a spec for the bollards and the private agreement for improving, and changing the egress and ingress to, the sidewalk be forwarded to the Building Department along with a lighting analysis spec.

Mr. Downs states that he will provide the Board with the private agreement for the sidewalk and the specs on bollards and lighting.

Chair Zierler relates that he spoke with the Historic Preservation Commission (HPC) Chair Olsen who remarked that New York's State Historic Preservation Office's (SHPO) designation is largely honorific. However, as per Attorney Golden, it is common practice to inform SHPO so that they can comment.

Chair Zierler notes that the Board must refer the project to the Ulster County Planning Board and designate it as a Type II action.

Mr. Steffens makes a motion to determine application PB16-11, 58 Main Street, Interzone/Robert Downs complete pending submission of the following materials: lighting and bollard specs; private agreement to work on neighbor's sidewalk; labeling of existing lighting in the parking area on the site plan; and notification of the NYSDOT permit process. Mr. Litton seconds. 5 ayes. Motion carried.

Chair Zierler makes a motion to set a Public Hearing for October 18, 2016. Mr. Murray seconds. 5 ayes. Motion carried.

Special Use Permit/Site Plan Application

FEAF - Part 2 discussion

PB 16-02: 87-91 & 93 North Chestnut Street

Applicant: Net Zero Development LLC/David Shepler

Zoning District: B-3

SBL: 86.26-1-14.110, 86.26-1-14.210

7:47-9:32

Chair Zierler mentions the latest submission and begins the review of Part 2 of the FEAF. The Board will work through Part 2 in ascending order and, if all Board Members agree that there is no impact on a specific question, they will move onto the next question. The goal for Part 2 of the FEAF is to highlight what Members think are potentially significant environmental impacts.

Attorney Golden explains that the Board should respond reasonably to each question based upon what they know from their own experience and from the submitted materials.

Question 1: Impact on Land. The majority of the Board answers in the affirmative. Due to this, letters a-h must be reviewed.

The Board agrees that letters a-e are of no to small impact. The Board expresses concerns regarding erosion given the proximity of the stream next to the Rail Trail. Chair Zierler presumes that the Applicant will use Department of Environmental Conservation (DEC) approved procedures for protecting the stream. Mr. Medenbach, the Applicant's engineer, states that it is not considered a protected stream and that most of the disturbance involves removing pavement, not vegetation. The Board agrees that it is a small impact.

The Board agrees that letter g is of no impact.

The Board discusses the construction process as defined as letter "h. Other Impacts". The Board agrees that the impact would be small.

Question 2: Impact on Geological Features. The Board answers in the negative.

Questions 3: Impacts on Surface Water. The majority of the Board answers in the affirmative. Due to this, letters a-l must be reviewed.

The Board agrees that letters a-l are no to small impact.

Attorney Golden clarifies that Question 3 deals with potential adverse impact on surface water and does not address subsurface issues.

The Board notes that their Engineers raised concerns regarding the Applicant Team's use of the Stormtech system as an underground infiltration system due to the permeability rate of the soil.

Mr. Gilmour notes that the impact will not be large as the stormwater management program, submitted by the Applicant Team, gives the specs for the Stormtech units. Mr. Gilmour asks the Applicant Team if a policy regarding inspection and maintenance could be given to the Board.

Mr. Medenbach responds that the Board Engineers were making the assumption that the Applicant's Team was going to use the chambers as an infiltration system, but they are not. The chambers are being used as storage. The isolation chamber, where all water is dumped before it flows into other

chambers, collects sediment and debris. The policy is to clean out the chambers once a year. This policy can be submitted to the Planning Board and made part of the application.

Chair Zierler observes that the chambers will create a passive system where all of the water from the building and sidewalk will go into the chambers in order to slow the flow before the water then flows out.

Mr. Litton wonders where the water will be released.

Mr. Medenbach states it will be released into the channel alongside the western end of the property and that will flow into Tributary 13 and then into the Wallkill River. Mr. Medenbach notes that the proposed drainage will improve the quality of the water leaving the site.

Attorney Golden notes that, as it pertains to this question, the water quality is irrelevant. The question is whether the project creates additional water that adversely affects the site.

The Board discusses how the site was previously used and concerns regarding run off from the impervious surfaces that contain contaminants from vehicles.

Attorney Golden notes that the goal is to discuss the project at hand and not compare it with previous projects on the site. Attorney Golden remarks that there are parking areas that clearly do have contaminants such as those in any roadway or parking lot. The question is, considering that there's less than an acre of parking lot, whether the concerns rises to the level of moderate or large impact. If the Board accesses new information regarding a high level of contaminants for the area, then the Board can reverse their decision.

Question 4: Impact on groundwater. The Board answers in the affirmative. Due to this, letters a-h must be reviewed.

The Board agrees that letters a-d are of no to small impact.

The Board discusses letter "h. Other impacts". Mr. Murray asks what happens to the material that is cleaned out of the holding tanks after maintenance is performed.

Mr. Medenbach answers that the materials are hauled off site by a licensed company.

The Board agrees that letter h is of no to small impact.

Question 5: Impact on Flooding. The Board answers in the negative.

Chair Zierler notes that between the site and the stream to the north is an area of undeveloped land that serves as a flood barrier, reducing the chance that the parking lot would flood.

Mr. Souto wonders if there's any benefit to the Applicant changing their FEAF application to reflect a "no" answer.

Attorney Golden notes that the DEC has an auto-fill function for this question that answers "yes" for the 100 year flood plain, but "no" for the 500 year flood plain.

Question 6. Impacts on Air. The Board answers in the negative.

Chair Zierler observes that the project may improve regional air quality by reducing fossil fuel use.

Question 7. Impact on Plants and Animals.

Attorney Golden notes that the DEC has an auto-fill function for this question, so the Board must review letters a-j.

Mr. Litton states that there are water fowl using Tributary 13 as well as beavers. Chair Zierler wonders if the development will impact the beavers' habitat.

Mr. Litton thinks that the project will increase runoff which may be in the beavers' favor.

Chair Zierler notes that the portion of Tributary 13 along the Rail Trail is a seasonal stream and is currently dry.

Mr. Murray addresses concerns about the potential for solar panels to impact migratory birds due to the panels forming a reflective area that birds mistake for water.

Attorney Golden remarks that the Board has to use their existing knowledge as to whether there's an endangered animal or plant life that will be impacted by this project. If the Board is not aware of any, then the answer is no. If, however, new information is submitted proving the existence of an endangered species, then the previous impact determination can be changed.

The Board agrees that there will be no to small impact on letter a -j.

Question 8: Impact on Agricultural Resources. The Board answers in the negative.

Question 9: Impact on Aesthetic Resources. The Board answers in the affirmative. Due to this, letters a-g must be reviewed.

The Board agrees that letter "a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource" is of moderate impact.

The Board agrees that letters b and c are of no or small impact.

The Board is split, with half stating small impact and half stating moderate impact for letter d.

The Board agrees that letter e is of small impact.

The Board discusses letter f as Chair Zierler observes that the project site is nearly the same elevation as the Wallkill River and within an urbanized area. Chair Zierler does not get the sense that the project building will rise dramatically above the existing forms. In contrast, the Woodland Pond site was leveled and cleared of trees and surprised many people with its visibility from various points along the Ridge.

Mr. Litton notes that the University and Woodland Pond can be seen from a distance, but Huguenot Street is not distinguishable.

Mr. Shepler adds that solar panels installations in New Paltz cannot be seen from Skytop Tower. Chair Zierler observes that there isn't much of anything else to compare the project to as it is a significantly different kind of proposal for New Paltz and for this specific area. Potentially, it has a more significant impact.

Attorney Golden remarks that the Board should employ reasonableness and place the project within the context of the Village. Scale is also of importance because there is nothing, currently existing, that is similar to the building. However, if one is 5 miles away, the project does not have a visual impact.

The Board is split, with half stating small impact and half stating moderate impact for letter f.

The Board agrees that letter g is of no to small impact.

The Board concludes their review for the evening and observes that they are halfway through Part 2 of the FEAF.

Discussion 212.13/212.23

9:33-9:37

Mr. Rocco updates the Board as to the proposed modification to 212-13 that was reviewed at the 8/24/16 Village Board Meeting. The Village Trustees voted to adopt the draft proposed changes to Local law 212-13 as amended and a Public Hearing was set for September 14, 2016. It has been forwarded to the Ulster County Planning Board for review as well. Following is the Proposed Modification:

Proposed Modification to New Paltz Zoning 212-13 –8/24/2016

Section I. Section 212-13 of the Zoning Law within the Village of New Paltz Code, within the preamble of this Section of code, prior to Subsection 212-13.A., is amended to read:

This section sets forth use and density regulations by zoning district. Notwithstanding anything contained in Village Code to the contrary, all uses, including principal permitted and accessory uses, are required to obtain an approved site plan in accordance with Section 212-23, with the following exceptions that would only require a building permit: in-kind repairs and/or replacements; minor deviations from an approved site plan; above ground pools under 325 square feet in size; fences; sheds with an area of less than 144 square feet, not exceeding 10 feet high, and without plumbing; porches/decks of less than 64 square feet.

Administrative Business

Planning Board Policy for Records Submission of an Approved Site Plan

9:37-9:40

Mr. Gilmour recommends that when a site plan is approved, the applicant should be required to provide an electronic, and paper, submission of the approved and signed stamped site plan.

PB16-17, 7 North Manheim, Hannes

9:41

Mr. Gilmour notes that Ms. Hannes was expected to appear at tonight's Meeting, as per the 8/16/16 Minutes, but that the required materials were not submitted.

Approval of Minutes from August 16, 2016

9:42-9:45

Mr. Murray makes a motion to approve the 8/16/16 Minutes. Mr. Steffens seconds. All ayes. Motion carried.

Meeting Overview for September 20, 2016

9:45-9:48

Chair Zierler notes that the Board will continue to review Part 2 of the FEAF for PB16-02, 87-91 & 93 North Chestnut, Net-Zero. In the near future, the 212-23 committee will be creating a cover letter to forward with their changes and then the Board will review same. An Agenda meeting is set for tomorrow at 3:30 for purposes of discussing applications and all are welcome to attend.

Adjournment

Mr. Litton makes a motion to adjourn. Mr. Steffens seconds. 5 ayes. Motion carried.

The meeting adjourns at 9:49 p.m.

Respectfully submitted by,

Christena Carp
Planning and Zoning Secretary