



Village of New Paltz Planning Board Regular
Meeting of Tuesday October 4, 2016
Village Hall-7:00p.m.
APPROVED MINUTES

Present: Michael Zierler, Chair
Denis McGee, Alternate
William Murray
Rich Steffens

Absent: John Litton
Rich Souto

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

Mr. McGee is serving in place of Mr. Litton at tonight's Board Meeting.

Welcome

7:06-7:30

Chair Zierler reviews the Agenda and amends to include requests to close additional escrow accounts.

Public Comment (15 minutes)

Public comments regarding PB16-02, 87-91 & 93 North Chestnut, Net-Zero were given by Jacob Lawrence, Suzanne Busby, Tom Nyquist, Cara Lee, Brad Barclay, Mary Jo Johnson, Craig Shankles, Miriam Strouse, and Maresa Volante reading for Rob Leitner.

Ongoing Applications

Site Plan

Modifications to house - addition of dormer windows, small cover porch

PB 16-19: 44 Center Street

Applicant: Andrew Loyer

Zoning District: R-2

SBL: 86.42-3-3

7:31-7:46

Chair Zierler review that the Applicant plans to remove the center walkway and reconstruct the current walkway that connects the side of the porch to the driveway.

Mr. Gilmour relates that the project has been submitted to Ulster County Planning Department and is on their agenda.

The Board reviews parking. Chair Zierler observes that the driveway can accommodate four cars, reducing the need to park on the street. Chair Zierler further remarks that the Applicant's intention is to rent as a single family home. The applicant concurs.

Mr. Gilmour voices concern that cars will park in the setback.

Attorney Golden states that Building Inspector Bryant can review and answer that concern.

Mr. Loyer states that if an engineered parking lot was required, then an applicant must comply with the no setback and access aisles. Mr. Loyer explains that since he owns a single-family residence, the engineered parking lot standards were not applied.

Chair Zierler remarks that the community currently has smaller driveways and he would rather maintain consistency than require that the driveway be widened.

Mr. Steffens makes a motion to determine PB16-19, 44 Center Street, Loyer complete. Mr. Murray seconds. Messrs. Litton and Souto are absent. 4 ayes. Motion carried.

Mr. Steffens makes a motion to set a Public Hearing for PB16-19, 44 Center Street Loyer at 7 p.m. on October 18, 2016. Mr. Murray seconds. Messrs. Litton and Souto are absent. 4 ayes. Motion carried.

Chair Zierler notes that the Board has a referral request from the Zoning Board of Appeals (ZBA) as the house was a previously owner-occupied single-family home with an accessory apartment, whose kitchen will now be converted to a 4th bedroom.

Chair Zierler asks if the ZBA could prevent the house from, in the future, potentially renting to four unrelated individuals?

Attorney Golden remarks that, if done carefully, the ZBA can prevent the house from being rented as four separate rooms. Attorney Golden notes that variances traditionally run with the land, but that there's been an undercurrent of zoning decisions that have sunset provisions attached and a variance can be lost when a provision is not followed.

Attorney Golden notes that the Board should recognize this project as a Type 2 action under SEQRA and no further action needs to be taken.

Chair Zierler explains that the ZBA has asked the Board to comment on the area variance after completing a full site plan analysis, but that the Board will send comments in advance of the ZBA's 10/19/16 Meeting. Chair Zierler requests that Members comment on whether or not they recommend the area variance.

Mr. Steffens recommends the variance and states that it was originally a four bedroom house and was changed to a single-family home with an accessory apartment.

Mr. McGee agrees that the property worked well previously as a four-bedroom house. Mr. Murray agrees as does Chair Zierler.

Chair Zierler makes a motion for the Board to submit a recommendation to the Zoning Board of Appeals to approve the area variance and return it to a 4-bedroom house. Mr. Steffens seconds. Messrs. Litton and Souto are absent. 4 ayes. Motion carried.

Chair Zierler acknowledges that the project is a residential home under SEQRA law and is classified as a Type 2 action.

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: NBR

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

7:47-9:33

The Board proceeds to review the remaining questions on Part 2 of the FEAF.

Question 15: Impact on Noise, Odor, and Light. The majority of the Board answers in the affirmative. Due to this, letters a-f must be reviewed.

The majority of the Board agrees that questions 15(a), (b), (c), (d), (e) and (f) have no, or small impact.

Question 16: Impact on Human Health. The majority of the Board answers in the affirmative. Due to this, letters a-m must be reviewed.

The Board reviews the rationale for answering yes to Question 16 with Attorney Golden and the Applicant's Team (Mr. Shepler, Mr. Medenbach, Attorney Moriello).

Attorney Golden explains that Question 16 is not referring to the type of contaminants that would be found at the site and that the SEQRA workbook describes small impact as encompassing the storage of pesticides and hazardous waste.

The majority of the Board changes their previous answer to Question 16 and answers in the negative.

Chair Zierler reminds the public that the Board chose to answer in the negative based on the current information received from the Applicant. The Planning Board will also have an engineer evaluate health-related information about the project. If any questions arise, then the Planning Board will address those. Chair Zierler further explains that all issues associated with the removal of contaminated, but not legally hazardous site material, will be handled in an appropriate manner.

Question 17: Consistency with Community Plans. The majority of the Board answers in the affirmative - that the proposed action is not consistent with adopted land use plans. Due to this, letters a-h must be reviewed.

Attorney Golden states that it is important to note that simply because the Board answers with a moderate to large impact response, it does not mean that there will be a significantly adverse environmental impact.

The Board reviews question 17 (a) and the vote is split with 2 votes for moderate to large and 2 votes for no or small impact. Attorney Golden notes that it is helpful to choose one or the other. The Board votes again and the majority agrees that question (a) is of moderate to large impact.

The majority of the Board agrees that question 17(b) is of no or small impact.

Chair Zierler addresses question 17(c) and states that there are aspects of the project that are consistent with local land use plans and aspects that are inconsistent. The project is compliant with Village zoning regulations, but the 1994 Comprehensive Plan is completely silent with respect to Route 32 and only mentions it as a "relatively new B-3 District". Chair Zierler continues that there are nine points that lay out the values of the Comprehensive Plan and these issues were raised by the public, but are nuanced. The NBR District is recognized as a growth area to encourage higher density and encourage more pedestrian and bicycle traffic. The Village Board has the responsibility to add infrastructure that will increase the safety of pedestrian and bicycle traffic in a manner that is consistent with the B-3 District Zoning Recommendations (2007) and the New Paltz Transportation/Land Use

Project (2006). The project is inconsistent with the Studies when it recommends 35-36 feet as a maximum height.

The majority of the Board agrees that question 17(c) is of moderate to large impact.

The majority of the Board agrees that question 17(d), (e) and (f) are of no or small impact.

The Board reviews question 17 (g) and the vote is split with 2 votes for moderate to large and 2 votes for no or small impact.

The majority of the Board agrees that question 17(h) is of no or small impact.

Question 18: Consistency with Community Character. The majority of the Board answers in the affirmative. Due to this, letters a-g must be reviewed.

The majority of the Board agrees that questions 18(a), (b), (c) and (d) are of no or small impact.

The majority of the Board agrees that question 18(e) is of moderate to large impact.

The majority of the Board agrees that questions 18(f) and (g) are of no or small impact.

Part 2 Review is concluded at 9:09 p.m.

Attorney Golden summarizes the process for making a determination of significance in Part 3 of the FEAF. He explains the steps to analyze whether the SEQRA process results in a positive declaration (at least one significant environmental impact) or a negative declaration (no significant environmental impacts or the Applicant has mitigated the potential significant environmental impacts). Attorney Golden explains that the Board will typically review those questions in Part 2 of the SEQRA form that have been answered "yes" and will discuss the ones marked moderate to large impact. The Board will adhere to a "reasonableness standard" as explained in the SEQRA handbook when determining significance using the SEQRA tools of magnitude, duration and likelihood (probability).

Attorney Golden observes that if one or more significant adverse environmental impacts are found, then further review is required, either through an Environmental Impact Study (EIS) or an expanded EAF. The scoping document for an EIS lays out in detail what are the significant adverse environmental impacts that need further study. Attorney Golden notes that the SEQRA process is designed to require Boards to consider environmental issues, but is used as a focusing tool, and is not an end in and of itself.

Attorney Golden notes that when comparing an EIS and an expanded EAF, an EIS prepared from a narrowly-focused scope results in a review process that is much more manageable. Whatever process is used, Attorney Golden observes, the Board's review and "hard look" is the same.

Chair Zierler states that before the next Board meeting, Board Members will individually review the completed Part 2 of the FEAF, and consider which items identified as moderate to large impacts appear to them to be potential significant adverse environmental impacts. In doing this, Board Members will use the criteria of reasonableness, magnitude, duration and likelihood.

New Applications

Subdivision

Lot#8

PB 16-22: 56 South Manheim

Applicant: George Sifre

Zoning District: B-1

SBL: 86.42-7-17.1 & 16

9:34-10:11

Chair summarizes the project that was named "Victorian Square" seven years ago and consists of seven building with 12 units per building (rental apartments). The current project, now called "The Ridge", is requesting to expand the site to include an additional building. In order to add this building, the Applicant must remove a lot line and some existing structures that are on the new lot.

The Board agrees that Willingham Engineering will be hired to serve as the Board's engineering consultant for the project. The principal of Willingham Engineering, Andrew Willingham, is familiar with the project as he had assisted with the Victorian Square application.

The Board briefly reviews landscaping, aesthetics of the layout, removing the existing driveway, curbs, sidewalks, impervious surface coverage, number of age restricted units, need for affordable housing units, and whether the Applicant is seeking variances.

Mr. Sifre asks the Board to give a recommendation so that he can appear before the Zoning Board of Appeals (ZBA) to request variances.

Attorney Golden states that an applicant must typically go through the Planning Board before appearing before the ZBA, however, as long as the Applicant has a pending Planning Board application, he/she has a right to go before the ZBA.

Mr. Medenbach mentions that the existing site has a variance for height of 33' instead of 30'.

Chair Zierler recommends that the Applicant request an access road width variance as that would be preferable to expanding the road.

Chair Zierler requests that the Applicant be given a copy of Planner Gilmour's project memo. Chair Zierler receives permission from the Applicant for Mr. Willingham to visit the site. Chair Zierler will request that Engineer Willingham prepare comments based on his site visit and to forward any issues to the Applicant and talk with the applicant's engineer if needed in order that issues might be resolved by the next Board meeting.

The applicant asks for a sense of the next steps in the process and a rough timeline. The response from Chair Zierler is, the Board will review the short environmental assessment form and type the action at the 10/18/16 Meeting. If additional escrow is required, the Applicant will receive a request for same. At that point the application should be able to be determined complete, referred to County and a public hearing set. Following the public hearing, the site plan will be reviewed in detail and any areas of concern will be discussed.

Attorney Golden observes that the Board can type the action tonight and declare their intent to be Lead Agency. Attorney Golden explains that, with a subdivision, a determination of significance under SEQRA must be made before holding a Public Hearing. Under New York State Law, subdivisions are classified in one of two ways: 1. An Applicant submits a subdivision and plan to develop at the same time; or 2. An Applicant submits a subdivision applications that happens to have site plan elements. Attorney Golden states that the ZBA would be an Involved Agency.

Chair Zierler makes a motion to type PB16-22, 56 S Manheim, Sifre as an Unlisted Action and declares the

Planning Board's intent to be Lead Agency and to circulate to all Interested and Involved Agencies. Mr. Steffens seconds. Messrs. Litton and Souto are absent. 4 ayes. Motion carried.

Administrative Business

Discussion of Public Comment procedures and establishment of a monthly workshop meeting
Chair will table this item due to the late hour.

Closing T/A Accounts

Mr. Steffens makes a motion to close the trust and agency (escrow) accounts for the following projects: PB16-03, 64 Plains Road, Discovery Institute; PB16-08, 5 Mulberry Street, Zuniga; and PB16-13, 21 Grove Street, Knobloch. Mr. Murray seconds. Messrs. Litton and Souto are absent. 4 ayes. Motion carried.

Approval of Minutes from September 20, 2016

Mr. Murray approves the 9/20/2016 Minutes. Mr. McGee seconds. Messrs. Litton and Souto are absent. Mr. Steffens abstains. 3 ayes. Motion carried.

212.23 Update

Planner Gilmour states that the Committee would like comments from the ZBA and Planning Board and are preparing to forward the site plan standards to the Village Board for review. Chair Zierler requests that updated information regarding 212.23 be forwarded to Members.

Meeting Overview for October 18, 2016

The 10-18-16 meeting is expected to include a Public Hearing for PB16-19, 44 Center Street, Loyer on 10/18/16 and will need a resolution; completion of SEQRA Part 3 for PB16-02, 87-91 & 93 N Chestnut, Net-Zero and possible review of PB16-21, 64 Plains Road, Crocitto.

Review/Approve the new Escrow form

Mr. Murray makes a motion to accept and adopt the revised escrow form. Mr. Steffens seconds. Messrs. Litton and Souto are absent. 4 ayes. Motion carried. 10:20 p.m.

An agenda setting meeting is scheduled for 3:30p.m. on 10/5/16.

Chair Zierler requests that applications PB16-22 and PB16-23 be merged into one number as PB16-22, 56 S Manheim, Sifre to include the revised site plan, special use permit and subdivision applications.

Adjournment

Mr. Murray makes a motion to adjourn. Mr. McGee seconds. Messrs. Litton and Souto are absent. 4 ayes. Motion carried.

The meeting adjourns at 10:21 p.m.

Respectfully submitted by,

Christena Carp
Planning and Zoning Secretary