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Village of New Paltz Planning Board  
Regular Meeting of Tuesday November 1, 2016  
Village Hall-7:00p.m.  
**APPROVED MINUTES**

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

Absent: John Litton

Also Present: David Gilmour, AICP, Municipal Planner  
Christena Carp, Planning and Zoning Secretary

**Welcome**  
7:14-7:15

Chair Zierler reviews the Agenda. It is noted that Alternate Member McGee is serving as a voting Member in place of Mr. Litton.

**Public Comment (15 minutes)**  
7:15-7:33

Jo Margaret Mano, Cara Lee and Mary Etta Schneider comment on PB16-02, 87-91 & 93 North Chestnut, Net-zero.

Chair Zierler responds to Public Comment questions by explaining the Board's next steps in the SEQRA process for PB16-02, 87-91 & 93 North Chestnut, Net-Zero. Chair Zierler relates that the Board will receive a draft scoping document from the Attorney's office. If the document is ready for review, the Board will discuss it at their 11/15/16 Meeting. Public input will be part of the process, but it has not yet been determined if that input will take the form of written and oral comments, a Public Hearing, or some combination. The Board has yet to make a determination of significance. If, however, the Board continues through the Expanded Part 3 EAF (Environmental Assessment Form) and determines that the Applicant has not mitigated issues to the Board's satisfaction, then the Board will issue a positive declaration. Chair Zierler explains that the draft scope will be available for public review.

Cara Lee notes that the developer has submitted a revised site plan and, if so, at what point will the modification process stop.

Chair Zierler states that input has stopped and that the Board is reviewing based on what we had at the point it

was decided to request an expanded EAF. The revised site plan that reflects reduced parking on Mulberry Street was received after that point.

***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

7:33-7:37

Mr. Loyer comments on his area variance application that was before the 10/19/16 Zoning Board of Appeals (ZBA) Meeting. Mr. Loyer relates that there was discussion regarding how to word the approval of the variance, and that it shall be restricted to use as a single family dwelling as described by the Department of State New York State's definition of family.

Chair Zierler notes that the Planning Board received the ZBA Decision today.

Chair Zierler reads the Resolution for PB16-19, 44 Center Street, Loyer.

**RESOLUTION OF SITE PLAN AMENDMENT APPROVAL 44 CENTER STREET, VILLAGE OF  
NEW PALTZ PLANNING BOARD APPLICATION #PB 16-19**

Date: November 1, 2016  
Resolution No. PB16-19

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

**WHEREAS**, on August 24, 2016 Andrew Loyer submitted a site plan application for the property at 44 Center Street (SBL# 86.42-3-3 in the R-2 district) requesting modifications to an existing building (convert a 3-bedroom house with an accessory apartment back into a 4-bedroom house without an accessory apartment; and add a front porch, new walkways, and dormers in the front and rear of the second floor); and

**WHEREAS**, on September 8, 2016, the application was forwarded to the Planning Board; and

**WHEREAS**, on September 20, 2016, the Planning Board reviewed the application and determined that a referral to Ulster County Planning pursuant to Section 239-m of the General Municipal Law was required; and

**WHEREAS**, on October 4, 2016, the Planning Board classified the action as a Type II action under the State Environmental Quality Review Act, determined that the application was administratively complete, and set a public hearing for October 18, 2016 at 7:00 PM; and

**WHEREAS**, on October 4, 2016, the Planning Board recommended to the Zoning Board of Appeals that they approve an area variance request to convert the house from three bedrooms to four bedrooms; and

**WHEREAS**, on October 18, 2016, Planning Board confirmed Ulster County Planning Board in an October 5, 2016 Review finds 'No County Impact' per documents received October 17, 2016 for Referral #2016205; and

**WHEREAS**, on October 18, 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;

**WHEREAS**, on October 19, 2016, the Zoning Board of Appeals held a duly noticed public hearing at Village Hall, 25 Plattekill Avenue, New Paltz for application ZB16-05, at which all those who wished to be heard were permitted to provide testimony regarding the application;

**WHEREAS**, on October 19, 2016, the Zoning Board of Appeals approved a request for an area variance for application ZB16-05 permitting four bedrooms in the house with the condition that it is used as a single family dwelling as described by the New York Department of State's definition of family;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Village of New Paltz Planning Board that the application of Andrew Loyer for site plan approval for modifications to an existing building at 44 Center Street, as shown on the above-referenced application and all supporting documents: LOI-Proposed Site Plan, Prepared by Scott Dutton, Registered Architect using data from the Survey prepared by John J. Post Jr., LLS, dated 8/17/16; Map of Survey, prepared by John Post Jr., LLS, dated 9/18/16; and the following prepared by Dutton Architecture, PLLC and dated 9/22/16: A01-Existing Plans; A02-Existing Elevations, A03-Proposed Floor Plans, A04-Proposed Elevations is hereby approved, subject to the following conditions:

1. Payment of all fees and escrow;
2. The Applicant may only proceed with this approval to the extent allowed by the variance(s) granted by the Village Zoning Board of Appeals decision on ZB16-05 dated October 19, 2016, and shall comply with any and all conditions of the ZBA decision;
3. Submission of a final site plan with a signature block suitable for signature by an authorized representative of the Planning Board.

Moved by: Mr. Steffens

Seconded by: Mr. Murray

John Litton	Absent
Richard Souto	✓
Richard Steffens	✓
William Murray	✓
Michael Zierler	✓
Denis McGee, Alternate	✓

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Michael Zierler, Planning Board Chairman

Dated Signed: \_\_\_\_\_

Mr. Steffens makes a motion to approve the application for PB16-19, 44 Center Street, Loyer. Mr. Murray seconds. Mr. Litton is absent. 5 ayes. Motion carried.

*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

7:37-7:57

Chair Zierler reviews that the current application evolved out of the January 2016 application PB16-01, 58 Main Street, Interzone. The PB16-01 application requested roof installation over an area attached to the main building. This area, in part, is serving as a new bottle shed. For purposes of tonight's Meeting, Mr. Downs is requesting that the Board give authorization to the Building Department to grant a building permit to remove an old temporary bottle shed.

Chair Zierler notes that once the temporary bottle shed is removed, then Mr. Downs is requesting permission to build a deck and stairway as noted in the submission on 9/6/2016.

Mr. Downs comments that the temporary bottle shed is creating an erosion issue.

Mr. Souto recalls the removal of the temporary bottle shed was already assumed in advance of Mr. Downs submitting a site plan.

Mr. Downs affirms Mr. Souto's recollection and states that he was to return with a sidewalk easement agreement with 60 Main Street. However, it was discovered that the building at 60 Main Street is encroaching on Mr. Downs' property.

Mr. Gilmour suggests that lighting, aisle width and parking details be placed on an amended site plan.

Chair Zierler notes that an amended site plan will be discussed at a future Meeting.

Mr. Souto makes a motion to approve the removal of the temporary bottle shed only and without including any items that remain open for the Village Building Inspector or Village Planner to review. Mr. Steffens seconds. Mr. Litton is absent. 5 ayes. Motion carried.

Mr. Downs states that he will install area downlighting and will indicate this with a change to the legend on the site plan.

Mr. Gilmour notes that there currently exist about 9 lights along the southern property line that are not indicated on the current site plan.

Chair Zierler observes that the deck installation can take place once the temporary bottle shed is removed and that the stairway is to be installed on the eastern side of The Cafeteria building. However, as noted by Mr. Downs, the building to the east of 58 Main Street encroaches on Mr. Downs' property. Chair Zierler requests that Attorney Golden and Planner Gilmour review the 60 Main Street property and give their recommendations on the implications and difficulties in developing a site when an encroachment exists. Chair Zierler requests that they locate approvals given that resulted in the encroachment.

Mr. Downs comments that he will forward his survey so that the Board can review where the encroachment exists. Mr. Downs relates that the encroachment is over by 6 or 7 inches and that the 60 Main Building was built without the benefit of a site plan.

Chair Zierler notes that the 60 Main Street building has an air conditioner that extends over the property line as well.

### ***Zoning***

7:58-8:36

*Discuss request from Village Board to comment on a potential rezoning from Flood District to Gateway Zoning*

Kip Ruger comes forward to represent his property. Mr. Steffens states, for the record, that he is also one of the property owners in this portion of the Flood District.

Chair Zierler reviews that at the 10/26/2016 Village Board Meeting, there was a discussion to consider changing a part of the floodway district to gateway zoning – specifically that portion where Mohonk and Pencil Hill come into Water Street. Chair Zierler explains that there are four parcels under consideration for the rezoning and that the Village Board voted to refer this to the Planning Board and Village Planner for their consideration.

The Board reviews the packet provided by Mr. Ruger. Mr. Steffens notes that his email, dated 10/24/2016, is in the packet.

Chair Zierler states that were it to be changed from floodway to gateway, the gateway district is informed by another document called The Gateway District Development Standards that was prepared for the Village in 1999 and can be accessed through the Village website.

Chair Zierler notes that two property owners are present – Kip Ruger and Rich Steffens.

Mr. Steffens comments that in order to protect land from development, the Flood Plain District zoning allows for a limited number of uses such as conference centers, golf courses and equestrian centers. Mr. Steffens observes that the properties are too small for any of the listed uses, but are also fully developed already so are not in danger of being further developed. Mr. Steffens notes that the limited uses create limited value to the Village. Mr. Steffens hopes to use the property similarly to the Water Street Market property with arts galleries, shops and offices - and to the uses allowed by the NBR District.

The Board and Mr. Ruger discuss line of sight issues on the approach to the Water Street, Mohonk and Pencil Hill intersection. Mr. Ruger states that his proposal would remove a portion of the building and install pocket parking to improve the lines of sight. Mr. Ruger would also like to partner with the Village to improve stormwater flow at the intersection culvert.

Chair Zierler notes that a key to expanding retail is to have decentralized parking, as is the case on Main Street, so that parking onsite is not necessarily required. Chair Zierler notes that economically and aesthetically, the potential to expand the Gateway District into this area is attractive, but that concerns remain regarding traffic and parking.

Mr. Murray asks whether any of the structures have historic value.

Mr. Steffens relates that his house dates to 1848, but has been renovated many times, but without thought to maintaining its historic integrity, that he doubts if there are any original features remaining.

The Board discusses the historical manufacturing and housing uses surrounding the collective properties including a cooperage, wooden crate-making factory, and housing for railroad staff. Mr. Steffens notes that a water-powered sawmill operated across from the area and utilized the stream. The Board is interested in learning what the area was used for in the early 1800s as well.

Mr. McGee observes that, with a nice plan, the Applicants can potentially create the same type of interaction that exists between the Rail Trail users and Water Street Market and serve to create a continuous flow from Water Street Market, to this area and on to Sojourner Truth Park.

Mr. Souto observes that, from a safety perspective, an opportunity exists to relieve some driving and

walking safety issues. Mr. Souto adds that although the economic benefits to Village are obvious, this is not a motivating factor to approving a plan unless it is the right thing to do. Mr. Souto clarifies that the Board will require a site plan, special use permit and all parking requirements fulfilled.

The Board and Planner Gilmour discuss the elevations relative to the flood plain level and will review the FEMA online maps.

Ms. Manno comments at 8:29 p.m. on the stormwater drainage issues at the intersection of Mohonk and Water Street and that the issues continue upstream to South Chestnut. Ms. Manno relates that new culverts were installed between St. Joseph's Church and property on the corner of Mohonk and South Chestnut, but flooding continues to occur. Ms. Manno maintains that the issue remains as to what is going on underground.

Chair Zierler remarks that the area Ms. Manno mentioned is one of the spots identified by Riverkeeper years ago and that whether the flooding is due to hydrology or flow, it is a factor in considering the re-zoning of the area and that the Board can either do nothing or change the zoning and provide an opportunity to mitigate the flooding issue.

Mr. Gilmour comments on culvert system grants, capital projects to alleviate flooding and other capital plans that deal with storm resiliency. Mr. Gilmour suggests that if the Board enhances the zoning district footprint, they may want to consider enhancing the 1999 design guideline for the Gateway District.

Chair Zierler requests that Members review the Gateway District design guidelines and have a look at the area; that the issue be addressed further at the 11/15/16 Board Meeting; and notes that at that time the Board will work with Mr. Gilmour to prepare a response for the Village Board.

The Board and Applicant note that the Applicant has currently only presented one proposal for discussion and can present other concepts to the Board.

#### ***Administrative Business***

##### *Proposal to modify UCPB Referral Exception Agreement*

8:37

Mr. Gilmour relates that the proposal is a request to upgrade the MOU (Memorandum of Understanding) with UCPB (Ulster County Planning Board) so that it is not necessary to make a referral for actions involving one and two-family residential development.

Chair makes a motion that once the following recommendation is approved by Planning Board Attorney Golden, then the Board recommends that rehabilitated and new one and two-family properties be exempted from review and comment by the Ulster County Planning Board. Mr. Steffens seconds. Mr. Litton is absent. 5 ayes. Motion carried.

##### *Approval of Minutes from October 18, 2016*

Mr. Murray makes a motion to approve the 10/18/16 Minutes. Mr. Steffens seconds. Mr. Litton is absent. 5 ayes. Motion carried.

Mr. Souto reflects on concerns regarding the content of the Minutes.

Chair Zierler notes that the Board can have a discussion on procedure for review and approval of Minutes and adds that the Board is not required to approve the Minutes.

Mr. Murray asks about the status of 212.23 and Mr. Gilmour responds that the Village Board has referred the updated zoning to their Attorney for review.

***Adjournment***

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

The meeting adjourns at 8:52 p.m.

Respectfully submitted by,

Christena Carp  
Planning and Zoning Secretary