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Village of New Paltz Planning Board  
Regular Meeting of Tuesday April 4, 2017  
Village Hall – 7:00 p.m.  
**APPROVED MINUTES**

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Present: Michael Zierler, Chair  
John Litton  
Will Murray, leaves at 7:46 p.m.  
Rich Steffens

Absent: Rich Souto

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

***Welcome***

7:03-7:05

Chair Zierler reviews and amends the Agenda to reverse the order of the last two applications so that PB17-07, 15 North Chestnut Street, Kniffen is the last application to be reviewed.

Chair Zierler notes that Rich Souto is absent and Mr. McGee will serve in his place.

***Public Hearing***

*Site Plan Application*

*Change Awning Color*

PB17-05, 154 Main Street

Applicant: Nhat Tran/iPHO Vietnamese Restaurant

Zoning District: B-1

SBL: 84.34-7-11

7:06-7:08

Mr. Litton motions to open the Public Hearing for PB17-05, 154 Main Street, Tran. Mr. Steffens seconds. Mr. Souto is absent. 5 ayes. Motion carried.

Mr. Lorusso of 144 Main Street notes that he wants to go on record regarding the broken-down dumpster shed at 154 Main Street that encroaches on his property by two feet according to his survey. Mr. Lorusso states that he has spoken with the owner of the property, and has received assurances that

the dumpster shed will be removed, but that this has not happened.

Mr. Steffens makes a motion to close the Public Hearing for PB17-05, 154 Main Street, Tran. Mr. Murray seconds. Mr. Souto is absent. 5 ayes. Motion carried.

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

7:09-7:23

Cara Lee, Ruth Molloy, Kathy Schwartz and Ellen James speak regarding PB16-02, 87-91 & 93 North Chestnut, Net-Zero.

***Ongoing Applications***

*Site Plan Application*

*Change Awning Color*

PB17-05, 154 Main Street

Applicant: Nhat Tran/iPHO Vietnamese Restaurant

Zoning District: B-1

SBL: 84.34-7-11

7:23-7:29

The Board has no further questions for Mr. Tran.

Chair Zierler explains that the B-1 District represents some significant historic buildings that have a protective code so that even something as simple as changing an exterior paint color requires a review. Chair Zierler recommends that Mr. Lorusso contact the Building Inspector as his comments indicate an enforcement issue. Mr. Lorusso states that he will talk with the Applicant in order to try and resolve the issue.

Mr. Murray moves to approve the application for PB17-05, 154 Main Street, Tran subject to payment of all fees and escrow. Mr. Steffens seconds. Mr. Souto is absent.

Discussion ensues.

Mr. Steffens notes that even before the Board is set to grant the resolution, the building trim was painted. Mr. Steffens remarks that the Board does not encourage the concept of begging forgiveness after the fact rather than asking for permission first.

5 ayes. Motion carried.

Chair Zierler reads the resolution into the record:

**RESOLUTION OF SITE PLAN AMENDMENT APPROVAL  
154 MAINSTREET, VILLAGE OF NEW PALTZ  
PLANNING BOARD APPLICATION # PB 17-05**

Date: April 4, 2017  
Resolution No. PB17-05

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

**WHEREAS**, on March 13, 2017, Nhat Tran applied for site plan amendment approval in order to change the color of the blue exterior trim and blue awnings to orange exterior trim and orange awnings at the restaurant building located at SBL 84.34-7-11 in the B-1 zoning district; and

**WHEREAS**, on March 21, 2017, 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 not required; and

**WHEREAS**, on March 21, 2017, the Planning Board classified the action as a Type II action under the State Environmental Quality Review Act; and

**WHEREAS**, on April 4, 2017, a duly noticed public hearing was held at Village Hall, 25 Plattekill Ave., 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 Nhat Tran for site plan approval for exterior changes to the color of the exterior trim and awnings at 154 Main Street, as shown on the above-referenced application materials, is hereby approved, subject to the following conditions: payment of all fees and escrow.

| Name                                  | Ayes | Nays | Abstain | Absent |
|---------------------------------------|------|------|---------|--------|
| Chairperson<br><i>Michael Zierler</i> | ✓    |      |         |        |
| Member<br><i>John Litton</i>          | ✓    |      |         |        |
| Member<br><i>William Murray</i>       | ✓    |      |         |        |
| Member<br><i>Rich Souto</i>           |      |      |         | ✓      |
| Member<br><i>Rich Steffens</i>        | ✓    |      |         |        |
| Alternate<br><i>Denis McGee</i>       | ✓    |      |         |        |
| Alternate<br><i>Liz Harschow</i>      | N/A  |      |         |        |
| Totals:                               | 5    |      |         |        |

Moved by: Mr. Murray

Seconded by: Mr. Steffens

Date of Approval: April 4, 2017

Date Filed in the Office of the Village Clerk: 4-5-17

Signed by: Alberta Shaw  
Village Clerk  
Village of New Paltz

The Planning & Zoning Secretary shall send a final endorsed copy of this Decision to the Applicant by mail, as well as by email, and place of copy of this decision on-file with the Village Clerk and the Chief Building Inspector/ Building Department Head within five (5) business days.

***Site Plan (formerly pre-application 17-04)***

*Expand Habitable Living Space*

PB17-08, 16 N Manheim Boulevard

Applicant: Nabil Botros

Zoning District: R-2

SBL: 86.35-1-6.100

7:29-7:35

Mr. Botros introduces revisions, inclusive of a pool, patio and car port, to the Board. The Board recommends that Mr. Botros speak with Building Inspector Bryant Arms regarding a possible modification to his building permit to extend the time required to complete the 3 added projects and to verify whether or not certain items may be exempted from requiring review by the Board.

The Board will wait for Mr. Botros to submit a revised site plan from Architect Kimberly Ryan. Chair Zierler notes that Mr. Botros has an application before the Shade Tree Commission (STC) slated for review at their 4/27/17 Meeting. Chair Zierler adds that Mr. Botros will be scheduled for the 4/18/17 Meeting when the Board will set a Public Hearing for the newly revised site plan.

***Special Use Permit/Site Plan Application***

*Visual and Aesthetic Impacts*

PB16-02: 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

7:36-8:37

Chair Zierler responds to a letter submitted to the Board by explaining that Agendas are posted on the bulletin boards at Village Hall and on the Village of New Paltz website and clarifies that materials submitted by Mr. Shepler at the 3/7/2017 Meeting were not previously reviewed by the Board, but were seen for the first time when Mr. Shepler handed out the materials following his presentation.

Chair Zierler further notes that the slide show presented on 3/7/2017 is on the Applicant's website ([www.zeroplacement.com](http://www.zeroplacement.com))

Attorney Golden observes that the letter in question stated that interested parties and the public did not have the opportunity to comment on the submitted materials. Attorney Golden explains that the Board is following the same process as when a Draft Environmental Impact Statement (DEIS) is submitted. Attorney Golden clarifies that when an applicant first submits a Final Environmental Assessment Form (FEAF) - Expanded Part 3, the Board, as Lead Agency, reviews the response internally and it is not made available to the public until the Board determines that it is ready. If the Board determines that issues have not been addressed, then they will send the response back to the applicant without

forwarding it to interested and involved agencies. Attorney Golden clarifies that, at the 3/21/17 Meeting, the Board decided that it was now time for consultants, the public and others to comment, and for the Board to continue with the EAF process by reviewing the expanded Part 3 submission and considering its potential significant impacts.

Mr. Litton mentions another letter, Mr. Barclay's letter, wherein it is stated that the applicant is not meeting the required setbacks. Chair Zierler clarifies that the issue was brought up early in the process and the Building Inspector gave an opinion that the parking spaces in the setback were acceptable.

Attorney Golden adds that the Board is bound by the Building Inspector's interpretation as he is given the authority to interpret the code. However, Attorney Golden states that if the applicant, or some other aggrieved party does not agree with the Building Inspector's interpretation, then they can challenge it before the Zoning Board of Appeals (ZBA).

Chair Zierler reviews the Board's original comments regarding visual and aesthetic impacts in the Scoping document. Chair Zierler notes that the building is reduced in length and provides a larger landscaped area along Mulberry Street as well as a secondary place for pedestrians (the primary space is between Route 32 North and the eastern facade of the building). Chair Zierler adds that the changes improve aspects of mass and scale and that changes to the facade, done in consultation with the Historic Preservation Commission (HPC) have improved fenestration, brick, etc. Chair Zierler also notes that the expanded number of bicycle racks is a positive change.

Chair Zierler notes concerns with the submitted materials; (1) the comparison of the project to the existing Water Street Market has some problems; (2) the comparison to the reduced size of the building and a reduction of traffic flow is mentioned, but is really a traffic issue; (3) the parking issues mentioned are not germane to the visual and aesthetic impacts; (4) comments about being variance free are irrelevant to the Board; (5) the rooftop terrace was predicated on the fact that there was no common space, but now that Mulberry Plaza has been added, it is not needed. Chair Zierler suggests that, given residents' noise concerns, the Net-Zero Team might want to consider removing the rooftop terrace.

Mr. Steffens observes that the NBR District was viewed as the next frontier in terms of redevelopment with a greater and more intensive use of the land and the addition of height. Mr. Steffens recalls a project wherein he knocked down an old lumberyard to construct senior housing at 45 North Chestnut. Mr. Steffens recalls that there were initially many concerns about the mass and scale of his project, but that it is now an accepted part of the community.

Mr. Steffens notes that the use of the land was meant to change from gas stations, car lots and repair businesses to mixed use that encourages residential and commercial development. Mr. Steffens notes that if he accepts the NBR District corridor as high density, then he has to be willing to accept buildings that are taller and more massive in design. Due to this, Mr. Steffens notes that he has no problem with the 4-story height or the mass of the building and cautions that there is a point where the demand for a project to scale back no longer works economically and, as a result, projects do not get completed.

Mr. Litton comments that he appreciates the applicant moving the deck to a point further away from Huguenot Street residents and adds that there may be the potential for physical mitigation of light and sound.

Mr. McGee remarks that he reviewed the four areas of concern, made many site visits and observes that the Net-Zero Team made the building and site more appealing. Mr. McGee observes that the issue of an adverse impact, due to the lack of similarly-sized projects in the area, cannot truly be addressed. Mr. McGee notes that creating a smaller footprint and adding height is acceptable in the NBR District and feels that the applicant did their best possible job in mitigating the Scoping document issues.

Mr. Steffens states that the Board has gone through the EAF and public input, and notes that it has been a good process in terms of growth, but that there comes a point where decisions have to be made.

Chair Zierler notes that he and Mr. Souto are awaiting feedback from four transportation consultant firms and suggests that the Board may want to schedule a Special Meeting in the future in order to review materials received from the retained transportation consultant.

Mr. Litton suggests scheduling a site visit.

Attorney Golden notes that the Board can have a site visit, with or without a quorum, without having to announce it as a public meeting, provided that Members do not discuss the project while at the site. Instead, they must wait until they get back into an open meeting context before discussing the project. Attorney Golden explains that Members can, however, ask questions of the applicant or any consultants at the site.

Mr. Brod offers to stake the site to identify the principal site elements, such as the four corners of the building, in preparation for the site visit.

*Site Plan (formerly pre-application 17-01)*

PB17-07, 15 North Chestnut Street

Applicant: Floyd Kniffen

Zoning District: B-2

SBL: 86.34-2-7.100

8:37-9:09

Mr. Kniffen remarks that, at his meeting with the Historic Preservation Commission (HPC), the HPC agreed with Mr. Kniffen's suggestion to use square spindles for the porch in keeping with surrounding structures. Mr. Kniffen notes that the HPC did not comment on paint colors, but he thinks that he will use an olive color similar to the previous paint. Mr. Kniffen states that he has come to appreciate the roof brackets as an architectural element and will keep them paired, as requested by the HPC, but only install them on the gabled ends of the roof. Mr. Kniffen relates that the HPC was fine with the style of windows and did not feel that shutters were required.

The Board and Mr. Kniffen discuss maintenance and visual aesthetics regarding various types of siding. Mr. Kniffen has not yet made a final decision on whether he will use vinyl or treated wood siding. Chair Zierler recommends that if Mr. Kniffen decides to use vinyl siding, then he should send the HPC photos of the siding, along with photos of Mr. Kniffen's other building where vinyl siding was used, and ask for the HPC's comments.

Mr. Kniffen relates that the HPC did not feel that a discussion of parking was appropriate and notes that landscaping plans were not discussed either. Mr. Kniffen remarks that his neighbor does not want to do shared access with their parking areas as the neighbor feels that there is no benefit to him.

Chair Zierler asks Mr. Kniffen about signage and he responds that the zoning requires that the signage be 1 1/2 feet lower than the current existing signage. Chair Zierler asks Mr. Kniffen to note that on the site plan.

Chair Zierler observes that Mr. Kniffen is removing two trees and that, if they are in the jurisdiction of the Shade Tree Commission (STC), then a tree removal application must be submitted. Planner Gilmour recommends that Mr. Kniffen speak with the STC about landscaping as well. Mr. Kniffen notes that he wants to remove a tree due to sewer and water line issues.

Chair Zierler asks Mr. Kniffen to identify bicycle parking on the site plan.

Mr. Steffens moves that application PB17-07, 15 North Chestnut Street, Kniffen is complete; that it is a Type II action under SEQR and must be referred to Ulster County Planning Board; and that a Public Hearing is set for May 16, 2017 at 7 p.m. Mr. Litton seconds. Messrs. Murray and Souto are absent. 4 ayes. Motion carried.

Attorney Golden observes that a structure on the property is listed in the State Historic Register. Attorney Golden explains that although the Board is not obligated to do anything, most Boards forward project information to the State Historic Preservation Office (SHPO) and ask if they have any comments. Mr. Gilmour notes that an Applicant can submit the information to SHPO through the Cultural Resource Information System (CRIS). Attorney Golden adds that SHPO can be advised that there is going to be a Public Hearing on May 16, 2017.

Chair Zierler asks Mr. Kniffen about his lighting plans. Planner Gilmour asks if Mr. Kniffen could produce a lighting spec narrative rather than placing the notes on the site plan. Mr. Kniffen agrees to provide the requested lighting spec narrative independent of the site plan.

### ***Administrative Business***

9:10-9:16

- Ad-hoc NBR District Committee  
Mr. Kniffen, who is on the NBR District Committee, notes that the Committee is arranging to host a Public Meeting on April 27, 2017 and that this Meeting will be advertised.
- Summary of 3-29-17 Meeting with the Lalo Group  
Chair Zierler notes that a meeting was held at Village Hall on 3/29/17 with principals of LALO Group, Mayor Rogers, Mr. Litton, Mr. Zierler, Mr. Gilmour (who had to leave early), Attorney Golden, Village Attorney Frank, and Attorney Capelloba's attorney for LALO, Jason Anderson architect, and Justin Dates consultant from their engineering firm. Chair Zierler remarks that the Applicant, who has purchased "the pit", wants to get a sense as to whether the zoning change required for their type of project is something the Village would entertain. The Village responded by stating that the LALO project is not compliant with the B-2 District codes, but suggested that they contact an expert in facilitating land use discussion, who could hold a public meeting to get public input on possible projects for the site. The current iteration of the project shows a project similar in density to a previous proposal, but much lower in height changing from 8 stories to 3 or 4 stories and instead encompassing the entire acreage.

- *Ad-hoc Gateway District Committee Update*  
Planner Gilmour notes that the Committee met on 3/21/17 and forwarded a recommendation, to add a roughly one acre area with four parcels to the Gateway Zoning District, to the Village Board.
- *Approval of Minutes from March 21, 2017*  
Mr. Litton moves to approve the 3/21/17 Minutes. Mr. Steffens seconds. Messrs. Murray and Souto are absent. 4 ayes. Motion carried.
- Meeting Overview for April 18, 2017  
Agenda-setting meeting to review new and ongoing applications is set for 3 p.m. on Wednesday, April 5, 2017.

***Adjournment***

Mr. Steffens moves to adjourn. Mr. McGee seconds. Messrs. Murray and Souto are absent. 4 ayes. Motion carried.

The meeting adjourns at 9:17 p.m.

Respectfully submitted by,

Christena Carp  
Planning and Zoning Secretary