



Village of New Paltz Planning Board
Regular Meeting of Tuesday April 18, 2017
Village Hall–7:00 p.m.
APPROVED MINUTES

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

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

Attorney-Client Meeting (20 minutes)

Welcome

7:07-7:09

Chair Zierler reviews the Agenda and amends the order.

Public Comment (34 minutes)

7:10-7:44

Beth Cramer, Brad Barclay, Cara Lee, Ann Quinn, Richard Heyl de Ortiz and Maresa Volante speak regarding PB16-02, 87-91 & 93 N Chestnut, Net Zero; Christine Marmo reads the Shade Tree Commission (STC) Letter wherein STC17-04/PB17-08, 16 North Manheim, Botros is denied; Mary Elizabeth Bannon speaks regarding PB17-08, 16 North Manheim, Botros; Robby Lynch, Greg Burton, Rich Gottlieb, Jo Salas, Teresa Fall, K. T. Tobin, Ellen Rocco, Cliff Rockmuller, Noah Lynch and Maresa Volante speak regarding PB17-06, 12 Water Street, W.L. Holdings/Theater.

Ongoing Application

7:44-7:49

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

Chair Zierler amends the resolution to read as follows:

**Resolution of Approval
Site Plan
for
Robert Downs
(Interzone, Inc.)
58 Main Street**

Application No. PB16-11

Application Summary

Robert Downs (hereinafter “the Applicant”) proposes to construct a 267 sq. ft. wooden detached deck, staircase and doorway to an existing coffee house (“Cafeteria Coffee House”), to remove a temporary bottle shed, and to relocate a refuse enclosure. The proposed deck will be used for daytime seating and deliveries.

Identification of the Property

The property that is the subject of this Resolution is located along Main Street and is shown on the Tax Map of the Village of New Paltz, New York, as Section 86.143, Block 1, Lot 12.100. The property is located in the B-2 (Core Business) District.

Identification of the Plans & Submittals

The following are the plans and other submittals that form the basis of the Planning Board’s action in this matter:

1. Application for Site Plan Review, dated 04/28/2016
2. Short Environmental Assessment Form Part 1, dated 04/28/2016
3. Three (3) Pages of Photographs of the Property
4. Site Plan for Interzone, Inc. prepared by Willingham Engineering, Sheet No. SP-1, last revised 02/28/2017
5. Proposed Deck Plan for Interzone, Inc. New Exterior Deck and Stairs prepared by Hoover Architecture, PLLC, Sheet No. A-1, dated 06/17/2016

Procedural History

The application was filed on or around April 28, 2016. The Planning Board determined that under the State Environmental Quality Review Act (“SEQRA”) the application was a Type II action, requiring

no further environmental review. 6 N.Y.C.R.R. § 617.5(c)(7).¹

On August 2, 2016, the Planning Board acknowledged that the brick building on the property is listed on the State Register for Historic Places.

On January 17, 2017, the Planning Board determined the application complete and referred it to the Ulster County Planning Board. The Planning Board received the General Municipal Law § 239-m Recommendation from the Ulster County Planning Board dated February 1, 2017. The Ulster County Planning Board required two modifications as follows: First, as to landscaping, “[t]he Village should consider requiring additional landscaping/green stormwater infrastructure internal to the paved parking area.” Second, as to lighting, “[l]ighting levels should be calculated for the plan and levels should not exceed the Illuminating Engineering Society (IES) Outdoor Site/Area Recommended Illuminance Levels... All luminaires should meet the ‘fully shielded’ definition adopted by the International Dark Sky Association (IDSA) or be an approved fixture of IDSA. LED lighting should be utilized.” As a result of the Ulster County Planning Board’s request for modifications not included within the plan as proposed by the Applicant, the Village of New Paltz Planning Board was required to achieve a vote of a majority plus one of the five person Planning Board to approve this application.

A duly noticed public hearing on the site plan application was convened on February 21, 2017 and closed on that same date.

Findings

The Planning Board has determined that approval of this site plan will protect and promote public health, safety, comfort, convenience, and economy, as well as the natural, agricultural and cultural resources, aesthetics, and the general welfare. Furthermore, the character of the land is such that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. The Planning Board has found that the site plan conforms to the Village’s adopted Comprehensive Master Plan and Village Code. There will be no unreasonable interference with traffic on surrounding streets and the site plan includes adequate stormwater-detention facilities. The Planning Board has reviewed conservation features, aesthetics, landscaping, and impact on surrounding development and the entire Village in making this determination of approval.

The Planning Board has considered the Ulster County Planning Board’s required modifications but has found (1) additional landscaping or green stormwater infrastructure would result in reduced maneuverability, snow plow obstruction, and trip hazards in an already small parking area; and (2) the Applicant has struck an appropriate balance of light pollution concerns and safety concerns by incorporating sufficient lighting into the site plan and replacing the existing floodlights. The Planning Board has thus decided to overrule the Ulster County Planning Board’s required modifications.

Resolution of Approval

Now, Therefore, the Planning Board of the Village of New Paltz, New York hereby resolves to issue Site Plan Approval to the application of Robert Downs, and his successors and assigns, but only as specifically set forth on the plans, reports and other documents identified above, and as further

¹ Under 6 N.Y.C.R.R. § 617.5(c)(7), the following is a Type II action not subject to review under SEQRA: “construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.”

conditioned as set forth below. The Chairperson is hereby authorized to sign such plans and other documents evidencing this Approval only in strict accordance with all of the terms and conditions of this Resolution of Approval.

Specific Conditions

1. This approval is limited to the site plan for the property located at 58 Main Street (SBL: 86.143-1-12.100) and in no way constitutes an approval of the site plan for, or any construction at, 54-56 Main Street or any other properties.
2. This approval is not approving any encroachments by the neighboring properties, regardless of whether such encroachments are shown on the site plan. Specific encroachments that are not being approved herein include, but are not limited to, the refuse container at 66-70 Main Street (SBL: 86.143-1-14) and the building and air conditioner at 60-62 Main Street (SBL: 86-143-1-13).
3. The deck shall be constructed as an “open deck”; no cover or roof is authorized by this approval.
4. The deck shall be constructed around an existing 12” tree as noted on the plans. This tree shall be protected during construction.

General Conditions

1. This Resolution of Approval is conditioned upon the Applicant submitting all necessary final copies of the plans, reports and documents to the Village of New Paltz Building Department.
2. This Resolution of Approval is further conditioned upon all other approvals that are needed by operation of federal, State or local laws and regulations, whether or not noted above in the Specific Conditions of this Resolution, including, but not limited to the United States Army Corps of Engineers, New York State Department of Environmental Conservation, New York State Department of Health, Ulster County Department of Health, the Village of New Paltz Board of Trustees, and compliance with the New York State Uniform Fire Prevention and Building Code.
3. The site plan as approved by the Planning Board shall be binding upon the Applicant. Any changes from the approved plan shall require resubmission and re-approval by the Planning Board. No deviation from the plans, reports or other documents that form the basis for this approval are effective unless and until an amendment to this Resolution is secured from the Planning Board in writing. The Village may stop work on this project, and/or revoke a building permit, and/or withhold a certificate of occupancy, and/or seek any other additional relief as authorized by law, if any term or condition of this Resolution is violated.
4. If no construction or other site improvements have been initiated at the site during the 12-month period following site plan approval, the approved plan shall require resubmission and re-approval by the Planning Board.
5. All fees regarding this Application must be paid in full, including all application fees, other fees required by the Village Code, and the fees of the Planning Board consultants, including all engineering, planning, and legal fees. All bonds or other security required by this Resolution shall be submitted in a timely manner as required by the Village Code or Building Inspector. No building permit may be issued by the Building Inspector unless and until such fees have been paid in full and such bonds or other security shall have been filed with the Village.
6. All bonds necessary for the performance of the work shall be in such form and in such amounts as required by the Village Board of Trustees, in consultation with the Village Engineer, the Superintendent of the Village Department of Public Works, and the Village Attorney.

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

Moved by: Mr. Steffens

Seconded by: Mr. Souto

Date of Approval: April 18, 2017

Date Filed in the Office of the Village Clerk: _____

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.

Mr. Steffens motions to approve the resolution for PB16-11, 58 Main Street, Interzone as amended.
Mr. Souto seconds. 5 ayes. Motion carried.

New Applications

Site Plan

For Existing Addition

PB17-09, 32 Prospect Street

Applicant: Ben and Ada Wood

Zoning District: R-2

SBL: 86.34-8-19

7:50-8:05

The applicant's architect, Ciro Interrante, reviews the history of the property and how it was not in compliance with the building permit and, therefore, a Certificate of Occupancy was never issued.

Chair Zierler states that, under SEQR, the application is a Type 2 action. In addition, the application does not need to be referred to the Ulster County Planning Board.

Before determining the application complete, Mr. Steffens would like the garage distance from the house, the garage distance from the property lines and the height of the garage noted on the site plan.

In addition, the Board requests that the Building Inspector send a Letter of Opinion stating that the house, garage and addition, porch and stair are all nonconforming pre-existing conditions.

Mr. Souto moves to determine application PB17-09, 32 Prospect Street, Wood complete while acknowledging that additional notations identifying height of garage, distance between garage and house and sideline setbacks on the garage must be placed on the site plan and a letter of opinion from the Building Inspector included that states that the conditions are pre-existing and non-conforming. Mr. Litton seconds. 5 ayes. Motion carried.

Mr. Litton moves to set a Public Hearing for PB17-09, 32 Prospect Street, Wood for 5/4/17 at 7 p.m. Mr. Steffens seconds. 5 ayes. Motion carried.

Ongoing Applications

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

8:06-8:31

Ms. Torre notes that, due to the Shade Tree Commission's (STC) denial of Mr. Botros' STC application, the Board would be unable to approve Mr. Botros' Planning Board current site plan proposal, which includes removal of a Sugar Maple tree on his property in order to accommodate a wider driveway.

The Board advises Mr. Botros that he can appeal the STC's decision before the Village Board. Mr. Botros notes that he will keep the tree and present a different site plan proposal.

The Board agrees that Mr. Botros can sketch on top of the existing site plan in order to present his revised plans to keep the tree, but still accommodate the need for more parking spaces to match the

expansion of the home from 2 bedrooms to 5 bedrooms. The Board advises Mr. Botros that they will review these sketched-in plans and, once the marked-up draft is acceptable to the Board, a Public Hearing can be set. Mr. Botros will then need to submit to the Board an architect's stamped and signed plan in advance of the public hearing.

Mr. Steffens notes that if Mr. Botros develops a driveway on the south side, he will need a variance from the Zoning Board of Appeals as the code does not allow for parking in a sideline setback when other options are available.

New Applications

Pre-Application

Construction - Live Theater

PB17-06, 12 Main Street

Applicant: W.L. Holdings LLC/Richard Miller

Zoning District: Gateway

SBL: 86.033-5-5

8:31-9:01

Mr. Miller summarizes the theater project at Water Street Market.

The Board and Mr. Miller discuss the project and concerns regarding parking, visual impact, emergency service access and fire hydrant locations.

Chair Zierler notes that a traffic study was done for Water Street Market several years ago and probably included a parking review.

The Board considers a site visit and Mr. Miller offers to stake the four corners.

Chair Zierler observes that the proposal intends to use parking at Water Street Market. Thus, the Board will ultimately need a letter in writing stating that there is a parking agreement between the two properties, that runs with the properties. Chair Zierler states that impacts of the proposed theater include displacing Water Street Market employees and some WSM customers, who currently park in the gravel lot where the building is proposed; lighting, visual, aesthetic and noise issues; and drainage and excavation.

Mr. Litton notes concerns on the impact of construction on nearby homeowner basements and foundations.

Chair Zierler observes that a green roof was noted on the plans, which could be a benefit by reducing stormwater runoff while mitigating the visual impacts of the building for neighbors located near the theater. In addition, there might be an opportunity to add solar panels to the building.

Chair Zierler requests that a full review of parking, taking into consideration weekend matinees, parking for actors and shared use with Water Street Market hours be prepared.

Ongoing Applications

Special Use Permit/Site Plan Application

Impacts on Community Character and Community Plans

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

9:01-9:50

Chair Zierler reviews parameters for site visit on Sunday, April 23rd at 12 noon.

Chair Zierler notes that Mr. Souto and himself received proposals from four traffic consultants and will be choosing one shortly.

Chair Zierler clarifies that none of the four areas of moderate to large impacts in Part 2 of the FEAF have been resolved by the Board yet.

The Board begins discussion on the impact of "Consistency with Community Character and Community Plans".

Mr. Litton notes that a reasonable job was done positioning the building and reducing the final footprint.

Chair Zierler remarks that the comparison analyses with other area Main Streets are appreciated and that the decision to reduce the scale of the building and the subsequent improvements made to the site resulted in a significantly different site plan. Chair Zierler observes that the planned site visit will enhance understanding of potential impacts of the project to the Rail Trail and Mulberry Street.

Mr. Shepler agrees to put together a schematic demonstrating street-level perspective of the rooftop deck in response to Member questions.

Chair Zierler notes that any concerns regarding the rooftop deck can also be addressed during site plan review.

The Board requests that for the site visit that the Net Zero Team mark the corners of the building, the four places where the building indents, location of loading dock, dumpster enclosure, generator, southern edge of parking lot, bicycle lane, crosswalks, sidewalks and principal entrances as well as adding height balloons.

Administrative Business

- *Training - FY2016*

The Board reviews the number of hours needed by each Member to fulfill training requirements by the 5/31/17 deadline.

- *Ad-hoc NBR District Committee*

Mr. Murray relates that the Committee walked the entire NBR corridor during a site visit.

Chair Zierler notes that Mr. Litton can no longer attend the NBR Meetings and requests that another Member consider taking his place.

- *Approval of Minutes from April 4, 2017*

Mr. Litton approves the 4/4/17 Minutes. Mr. McGee seconds. 5 ayes. Motion carried.

- *Meeting Overview for May 2, 2017*

The Board reviews potential upcoming and ongoing applications.

Adjournment

Mr. Steffens motions to adjourn. Mr. Litton seconds. 5 ayes. Motion carried.

The meeting adjourns at 9:58 p.m.

Respectively submitted by,

Christena Carp
Planning and Zoning Secretary