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Village of New Paltz Planning Board  
Regular Meeting of Tuesday June 20, 2017  
Village Hall-7:00p.m.  
**APPROVED MINUTES**

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Present: Michael Zierler, Chair  
John Litton  
Denis McGee  
Rich Steffens, leaves 8:00 p.m.  
Rich Souto, arrives 7:16 p.m.

Also Present: Rick Golden, Planning Board Attorney  
Christena Carp, Planning and Zoning Secretary

***Welcome***

7:03-7:04

Chair Zierler reviews the Agenda.

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

7:04-7:18

Anne Muller, Mark Portier, Theresa Fall, Max Kimlin, Asia Katz speak regarding PB17-15, 12 Main Street, W.L. Holdings LLC

***New Applications***

***Site Plan***

***New Construction - Live Theater***

PB17-15, 12 Main Street

Applicant: W.L. Holdings LLC/Richard Miller

Zoning District: Gateway

SBL: 86.033-5-5

7:18-8:04

Architect Miller summarizes the site plan application and project plans.

The Board responds with several questions. Mr. McGee observes, from the site visit, that there are no mechanicals on the roof and asks about the material used for the facade. Mr. Miller explains that the mechanicals are on the Wurts side of the building and that the facade is corten steel that oxidizes over time and creates a rusty patina.

Mr. McGee is concerned that the driveway situated by a multi-family house and a single-family

residence is going to be used to deliver scenery. Mr. Miller responds that there are no plans to use the driveway for sets and observes the theater does not have a stage so sets are minimal.

Mr. Steffens asks if test borings have been done on the site to determine the hardness of the rock as the old foundations on neighboring homes may be affected if blasting is required. Mr. Miller responds that test borings have not been performed.

The applicant's engineer, Mr. James, of Diachishin & Associates PC, notes that tests can be performed to determine whether pre and/or post-blast damage will occur to foundations.

Mr. Steffens foresees issues regarding the traffic impact of excavation crew and observes that New Paltz has a particularly hard shale that may lengthen the time and increase the problems of construction.

Mr. Miller will speak with owner, Mr. Lipstein, about performing a scraping and/or test borings.

Mr. Souto also has questions regarding the type of rock as well as concerns regarding potential structural damage, length of construction, noise and overall disruption. Mr. Souto asks if handicap parking is proximal to the front door of the theater.

Mr. James will look into the handicap parking placement.

Mr. Souto notes that the proposed walkway, that includes a landing overlooking the waterfalls, should have railings to address safety issues.

Chair Zierler notes that Engineer Lawrence Paggi may be hired to review the application. Mr. Paggi will walk the site and review the plans. Chair Zierler observes that there are two major areas of concern: 1. How to move stormwater from the site; and 2. Excavation and the impacts of same on the surrounding properties. Chair Zierler relates that Mr. Paggi thinks test boring might benefit the applicant as well and he will talk to Mr. Miller and Engineer James directly.

Chair Zierler requests the following changes to the application: 1. Check Special Use as well as Site Plan on the first page of the application; Part 4 - change from change of use of existing/building/site to new building; and written legal agreement between the two LLC regarding shared parking and any other shared conveyances. Chair Zierler notes that discussions regarding parking and traffic will be ongoing and that, as stated by Mr. Miller, the project is predicated on certain hours that the theater will be in session so that there's enough shared parking available.

Attorney Golden notes that applicant can choose to be bound by certain time frames, but that the Board cannot obligate them to those hours over and above what is set up in the Village Code. Attorney Golden observes that, since the project is less than 4,000 square feet, it is a Type II Action.

Mr. Souto asks if the Board's review of parking and traffic should then be broadened to include any time and/or day of the week. Attorney Golden responds that if the applicant is not willing to conform to restricted hours, then the Board has to assume the maximum number of hours under Code.

Chair Zierler notes that letters from Burton and Lynch, both of Wurts Avenue, were received regarding the project.

The Board discusses the difficulties involved in navigating Wurts Avenue. Chair Zierler noted that some of the residents were encouraged to bring the issue before the Village Board to request that Wurts become a one-way street.

Chair Zierler summarizes the list of neighbor and Member concerns regarding parking, traffic, potential construction - especially excavation, visual impact questions (helped by the site visit), hours of operation in terms of noise, parking and traffic. Chair Zierler observes that the list represents fairly well-defined issues and the Board will be identifying and deciding whether these issues can be mitigated.

Mr. Miller notes that they will be reducing the parking lot off Wurts Avenue from 13 spaces down to 4 parking spaces.

Chair Zierler recalls that the Mullers noted that an easement for access exists and asks whether a copy can be made available.

Mr. Miller notes that there is a right-of-way, but will research whether an agreement exists.

Attorney Golden observes a slight discrepancy in acreage that will be modified by Mr. Miller to make the acreage on the application consistent.

Mr. Steffens moves to determine application PB17-15, 12 Main Street, W. L. Holdings LLC complete. Mr. McGee seconds.

Discussion ensues as Mr. Litton is concerned about determining the application complete before the Board has reviewed the requested changes.

Mr. Miller notes that he will make the requested changes tomorrow.

Mr. Steffens leaves at 8:01 p.m.

Mr. McGee moves to determine application PB17-15, 12 Main Street, W. L. Holdings LLC complete pending resubmission of the application with requested changes inclusive of acreage, special use permit and change of project designation to a new project. Mr. Souto seconds. Mr. Steffens is absent. 3 ayes. 1 nay-Mr. Litton. Motion carried.

Chair Zierler moves to send application PB17-15, 12 Main Street, W. L. Holdings LLC to Ulster County Planning Board for review. Mr. Steffens is absent. 3 ayes. 1 nay - Mr. Litton. Motion carried.

Chair Zierler notes that a Public Hearing will not be scheduled until Engineer Paggi meets with Architect Miller and Engineer James.

## *Administrative Business*

8:04-8:36

- *Summary of Design Standards Meeting held on June 13, 2017*

Mr. McGee relates that the meeting focused on the architecture of the Village of New Paltz and the remodeling that takes place - particularly on Main Street. Mr. McGee observes that there are currently no guidelines about what materials to use for facades, siding, roofing, etc.

Mr. Steffens notes that engineers, contractors and others call the Village "No Paltz" as they feel it is already restrictive. Mr. McGee responds that the group wants to encourage and educate contractors in terms of what types of materials to use, inform as to new products and guide so that the architecture in the Village of New Paltz is cohesive.

The Board discusses the efficacy of incorporating the recommendations of a Design Review Board into the site plan application process.

Attorney Golden explains that most municipalities have Architectural Review Boards that are separate from their Planning Boards and that the level of detail in the design guidelines varies widely. Attorney Golden notes that the potential exists to sound or become punitive as stated "Process" section of the "Preliminary Ideas for New Paltz Design Review" draft guidelines that note that "Participation is voluntary, but positive recommendation by the Design Review Board will factor significantly in subsequent reviews by the Town and Village Planning Boards, Zoning Boards of Appeals, and Historic Preservation Commissions and guide their deliberations."

- *Vacation Schedules and Meeting Quorum*

The Board discusses possible Meeting-vacation conflicts in order to make sure a quorum exists for summer and holiday meetings. Rich Souto may not be able to attend the 8/15/17 Meeting and Mr. Litton may not be able to attend the 9/19/17 Meeting. Chair Zierler will check with Mr. Steffens.

- *Closing of T/A 50, PB17-09, 32 Prospect Street, Wood*

- *Closing of T/A 95, PB17-07, 15 North Chestnut, Kniffen*

Mr. Litton moves to close T/A 50, PB17-09, 32 Prospect Street, Wood and T/A 95, PB17-07, 15 North Chestnut, Kniffen. Mr. McGee seconds. Mr. Steffens is absent. 4 ayes. Motion carried.

- *Approval of Minutes from May 16, 2017*

Mr. Litton moves to approve the May 16, 2017 Minutes. Mr. McGee seconds. Mr. Steffens is absent. 4 ayes. Motion carried.

- *Approval of Minutes from June 6, 2017*

A quorum does not exist to approve the 6/6/17 Minutes. They are slated for approval at the 7/6/17 Meeting.

- *Meeting Overview for July 6, 2017--Thursday date*

The Board reviews upcoming applications and public hearings. PB17-14, 48 North Chestnut, Spool will not be reviewed until additional information is submitted. The application will also be

referred to the Zoning Board of Appeals.

The Board will be reviewing reports by a visual impact consultant, Planner Gilmour and a traffic consultant for PB16-02, 87-91 & 93 North Chestnut, Net-Zero. Chair Zierler notes that the Board will review the information, discuss the reports and, if no more questions are forthcoming, can make a Determination of Significance under SEQRA which will result in either proceeding toward an Environmental Impact Statement (EIS) or a site plan review.

Attorney Golden adds that once the Board thinks they are going toward a positive or negative declaration, they will contact him to draft the proposed neg dec or pos dec with reasons substantiated by the record.

Mr. McGee asks when the SEQRA training session, hosted by Attorney Golden, will take place. Chair Zierler will either get the Town Planning Board involved in a joint training session or, if it proves too difficult to coordinate, will plan a separate one for the Village Planning Board.

***Adjournment***

Mr. Souto moves to adjourn. Mr. McGee seconds. Mr. Steffens is absent. 4 ayes. Motion carried.

The meeting adjourns at 8:37p.m.

Respectively submitted by,

Christena Carp  
Planning and Zoning Secretary