



Village of New Paltz Planning Board
Regular Meeting of Tuesday August 1, 2017
Village Hall-7:00p.m.
APPROVED MINUTES

Present: Michael Zierler, Chair
John Litton
Denis McGee
Rich Souto
Rich Steffens

Also Present: William Murray, Village Board Liaison
David Gilmour, AICP, Municipal Planner
Christena Carp, Planning and Zoning Secretary

Welcome

7:05

Chair Zierler reviews the Agenda.

Public Hearing

1. Site Plan

Garden Deck

PB17-18, 8 Grove Street

Applicant: Enelcy Sifre

Zoning District: R-2

SBL: 86.34-10-14

7:05-7:06

Mr. Steffens moves to open the Public Hearing for PB17-18, 8 Grove Street, Sifre. Mr. McGee seconds. 5 ayes. Motion carried.

No one from the public comes forward to speak at the Public Hearing.

Mr. Steffens moves to close the Public Hearing for PB17-18, 8 Grove Street, Sifre. Mr. McGee seconds. 5 ayes. Motion carried.

Ongoing Application

2. Site Plan

Garden Deck

PB17-18, 8 Grove Street

Applicant: Enelcy Sifre

Zoning District: R-2

SBL: 86.34-10-14

7:06-7:07

Chair Zierler reads the resolution:

**RESOLUTION OF SITE PLAN AMENDMENT APPROVAL
8 GROVESTREET, VILLAGE OF NEW PALTZ
PLANNING BOARD APPLICATION # PB 17-18**

Date: August 1, 2017
Resolution No. PB17-18

Moved by: Mr. Steffens
Seconded by: Mr. Litton

WHEREAS, on July 5, 2017, Enelcy Sifre applied for site plan amendment approval to install a freestanding platform-style deck, made of wood and measuring approximately 12 feet by 16 feet by 7 inches, and resting on concrete footings, in the backyard at 8 Grove Street, as shown in the application; and

WHEREAS, on July 18, 2017, the Planning Board determined that the application was administratively complete, classified the action as a Type II action under the State Environmental Quality Review Act, 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 July 18, 2017, the Planning Board waived many of the site plan application requirements and an escrow payment; and

WHEREAS, on August 1, 2017, 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.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Village of New Paltz Planning Board that the application of Enelcy Sifre applied for site plan amendment at 8 Grove Street is hereby approved, subject to the following conditions: payment of all fees and submission of a final site plan with a signature block suitable for signature by an authorized representative of the Planning Board.

Name	Ayes	Nays	Abstain	Absent
Chairperson <i>Michael Zierler</i>	✓			
Member <i>John Litton</i>	✓			
Member <i>Denis McGee</i>	✓			
Member <i>Rich Souto</i>	✓			
Member <i>Rich Steffens</i>	✓			
Totals:	5			

Moved by: Mr. Steffens

Seconded by: Mr. Litton

Date of Approval: August 1, 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 moves to approve Resolution No. PB17-18 for 8 Grove Street, Sifre. Mr. Litton seconds. 5 ayes. Motion carried.

Public Comment (15 minutes)

7:08-7:36

Cara Lee, Tom Nyquist, Ruth Molloy, Mary Jo Johnson, Brendan McLaughlin, and Christine Marmo speak regarding PB16-02, 87-91 & 93 North Chestnut, Net-Zero. Attorney Jim Horan speaks regarding PB17-15, 12 Main Street, W. L. Holdings LLC.

New Applications

3. Site Plan

Installation of Screened-in Porch

PB17-21, Woodland Pond-C119

Applicant: Alfandre/Ed Hill

Zoning District: PB

SBL: 86.2-1-12.120

7:36-7:43

Joe Bugliano, from Alfrandre Architecture, summarizes the project.

Due to the repeated requests for sunroom or porch additions, the Board discusses potentially requiring a new site plan from Woodland Pond to reflect these revisions.

Mr. Litton moves to determine application PB17-21, Woodland Pond-C119 complete and consider it a Type II Action under SEQRA that does not need to be referred to the Ulster County Planning Board and to set a Public Hearing for 7 p.m. on August 15, 2017. Mr. McGee seconds. 5 ayes. Motion carried.

4. Pre-Application

Expand Habitable Living Space

PB17-19, 68 Plattekill

Applicant: Prospect Estates/Serdah

Zoning District: R-2

SBL: 86.42-4-35

7:43-7:51

Mr. Serdah summarizes the project.

Mr. Steffens notes that, since the lot is not large enough to accommodate the proposed four bedrooms, Mr. Serdah will need a variance from the Zoning Board of Appeals. However, Chair Zierler observes that if Mr. Serdah decides to submit a site plan with only 3 bedrooms, then he will not need a variance.

5. Pre-Application

Site Plan/Subdivision

Demolition and New Construction

PB17-20, 10 S Chestnut

Applicant: Olivia Holding

Zoning District: B-2

SBL: 86.34-4-10

7:51-8:15

Mr. Bradford summarizes his project and notes that he is moving property lines to meet density requirements.

Chair Zierler asks about the need for a retaining wall due to proposed regrading. Mr. Bradford responds that he will build a retaining wall and that the area is composed of all shale.

The Board, Planner and Mr. Bradford discuss parking requirements.

Planner Gilmour observes that the project is on the national register and, due to this, has linkages to Village Code that will need to be considered. Planner Gilmour adds that the Comprehensive Plan also addresses managing cases of demolition.

Chair Zierler asks if the diner that he is proposing was ever designated as historic. Mr. Bradford is not aware if it is historic, but notes that it was put in around 1950.

Mr. Souto asks what the diner will sit on and Mr. Bradford notes that it will sit on a one-story deep

concrete foundation that will house a bagel bakery that will be part of the Diner.

The Board recommends that Mr. Bradford submit a formal subdivision application that addresses parking requirements and traffic issues. Mr. Souto notes that the Board might want to conduct a site visit.

The Board discusses the 2 front yard setbacks and the impact of same for the B-2 District.

Mr. Bradford asks the Board if they have recommendations for a facade design for his apartment building.

Mr. McGee recommends discussing the design with the Historic Preservation Commission.

Chair Zierler notes that Mr. Bradford is proposing building near Innis Avenue and that he may want to match the architectural style of this local neighborhood.

Attorney Golden observes that the Board is discussing the hours that the restaurant will be open. Attorney Golden cautions that if the Board approves the application, they do not have the ability to restrict the hours that the restaurant is open unless it is based on something such as traffic impacts which will require studying the 24-hour traffic cycle.

6. Pre-Application

Demolition and New Construction

PB17-22, 13 Church/17 Academy

Applicant: Alfrandre/Jack Gordon

Zoning District: B-2

SBL: 86.127-1-6

8:15-8:35

Mr. Buglino, Project Manager for Alfrandre Architecture, and Mr. Gordon summarize the project.

The Board discusses parking concerns and the use of the proposed building.

Mr. Gordon relates that it will be a rooming house with 20 bedrooms with shared kitchens, but that he will not be providing meals to the people who live there.

Chair Zierler relates that, unless the applicant seeks a variance from the Code, a rooming house is defined in Section 212-5 as a dwelling unit occupied by a resident-owner, or agent thereof, and his family, and from whom four or more tenants rent sleeping space without provisions for meals.

Attorney Golden notes that a rooming house rents sleeping space without the provision for meals, so kitchens are not allowed, but that it is up to Building Inspector Arms to give an interpretation.

Chair Zierler observes that the Board needs an interpretation from Building Inspector Arms on whether zoning would allow for the proposed four commercial units and 20-bedroom rooming house without substantial variances. Chair Zierler is also wondering if the B-2 will allow residential uses on the first floor.

Chair Zierler will draft an email with a number of questions for the Building Inspector and forward this to the applicant who can then add or revise the list before it is sent to the Building Inspector for a formal interpretation.

Planner Gilmour adds that he advised that this pedestrian-oriented zone should have 4', or wider, sidewalks.

Chair Zierler adds that Mr. Gordon will need to work with the Historic Preservation Commission as the location is near a cultural resource.

Ongoing Applications continued

7. Special Use Permit/Site Plan

Consistency with Community Character Consistency with Community Plans

PB 16-02: 87-91 & 93 N Chestnut

Applicant: Net Zero Development LLC/David Shepler

Zoning District: NBR

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

8:35-9:50

Chair discusses Consistency with Community Character and Community Plans feedback provided by Planner Gilmour and asks him to summarize his comments.

Planner Gilmour reviews how community values, perspectives, attitudes and perceptions influence the definition of Community Character and how these attributes are what make a community special and define its sense of space. Planner Gilmour notes Community Character is also what we aspire to and what we cherish and prize most because it is aesthetically pleasing. Planner Gilmour explains that planning provides a process to manage development and mitigate the impact and refers to examples of planning resources such as the Complete Streets Policy and the Comprehensive Plan.

Planner Gilmour notes that Community Character can also be defined through the fit and compatibility of a project with our human made and natural resources. Mr. Gilmour observes that this amalgam of resources include Historic Huguenot Street, Mohonk Preserve, local architecture, attractive open space areas, public recreation, scenic views and SUNY New Paltz. Mr. Gilmour explains that region and setting contribute to Community Character as well and notes that New Paltz is in a remarkable setting that is rural and yet only 90 miles from New York City. Mr. Gilmour notes that the scale of the Net-Zero project fits the Village.

Mr. Steffens asks if Planner Gilmour thinks that the Net-Zero project will have a positive, negative or neutral impact on the Village.

In order to give a framework for his response, Planner Gilmour reviews the SEQRA process that the Board has gone through to date with the identification of four areas of moderate to large impact and the accompanying review of the duration, magnitude, importance and likelihood of those impacts; then the ongoing decision making focused on whether the applicant has mitigated the impacts and whether some of the impacts are unavoidable.

Using this process, Planner Gilmour explains that the impact of increasing vertical density in the NBR District results in an unavoidable impact. However, Planner Gilmour notes that the site is featureless

due to a fire, a brownfield, and is a more isolated site. Planner Gilmour explains that the applicant has attempted to mitigate the impacts by providing screening, footprint reduction, efficient land use and new streetscape which are requested by the zoning and Comprehensive Plan. Due to these mitigations, Planner Gilmour observes that the project skews toward a positive impact.

Attorney Golden explains that Planner Gilmour's use of the term brownfield is being used to describe a previously developed site that is being considered for a re-use rather than a contaminated site.

Chair Zierler asks Members to review questions 17 and 18 in Part 2 of the EAF that originally generated Member concerns over whether the project was consistent with Community Plans and Community Character. Chair Zierler asks if the Board is comparing the project to what is currently along Route 32 or considering the project in relation to the Rail Trail, Huguenot Street and Mulberry Street. Chair Zierler notes that a baseline needs to be set so that Members can agree on what it is they are talking about or they may have a difficult time coming to a consensus.

Mr. Steffens notes that there is yet another category to be considered which is the future of New Paltz. Mr. Steffens observes that, in order to protect the pristine character of the area and the wildlife in undeveloped areas, the Village should be more densely structured. In response to these concerns, Mr. Steffens notes that, although there is nothing currently in the NBR District that resembles vertical growth, the District was made to accommodate dense, upward growth. Mr. Steffens notes that this might be the future of housing in New Paltz and he would rather see us build up than spread outward.

Mr. Souto explains that there is a 360 degree geographic context to take into consideration when reviewing the area. Mr. Souto notes that within those degrees exist differences such as between Huguenot Street and Route 32 North along with future considerations on how development will impact Community Planning. Mr. Souto explains that, as the Board continues to look at proposals wherein applicants want to turn single-family homes into 6-bedroom rentals alongside residents who want to continue occupying their single-family homes in a residential neighborhood, then the Net-Zero project offers a solution.

Mr. Litton notes that during the 15 years that he has lived in New Paltz, the NBR District has been distinctly out of character with Huguenot Street. Mr. Litton explains that the previous auto parts store and current auto repairs, car wash, empty lots and even Stewarts are not in character with the Huguenot Street area. Mr. Litton observes that the Net-Zero project is not in character with the Huguenot Street area, but that he does not think that anything can be completely in character with this area.

Mr. Litton agrees with Mr. Souto that the Board looks at proposals wherein applicants want to modify residential areas and turn them into large apartment areas and that creation of dense housing is needed and fits the original NBR District plan.

Mr. Litton states that it comes down to tweaking some of the mitigation to prevent as much impact as possible short of a project not being developed. Mr. Litton notes that Ms. Johnson's cautionary comments regarding the impact of development along the Rail Trail and Mr. Nyquist's comments regarding the need to preserve the Nyquist-Harcourt Bird Sanctuary were well taken as both areas are dearly loved. Mr. Litton notes that along with protecting these areas, we must come up with sensitive development solutions for housing so that impacts to these, and other, areas are mitigated.

Mr. McGee agrees with Mr. Souto and Mr. Litton and notes that there is a real need for rentals. Mr. McGee notes that, along with the student rentals, people want to become residents of New Paltz and that we need to prepare for these ongoing and future housing needs. Mr. McGee notes that he regularly runs along Huguenot Street and understands why the area should be protected. Mr. McGee observes, however, that Salvation Army and Village Pizza are near Huguenot Street and he views the Net-Zero project as an attractive addition to the area.

Chair Zierler summarizes that he has heard several different perspectives defining the baseline for Community Character. Chair Zierler notes that some Members are focusing on the Route 32 corridor and are taking a broader perspective. Chair Zierler explains that the key to Community Character is to look at other areas in the community, such as Main Street and the adjoining neighborhoods and to create a positive transition between residential and business areas so that the business area works with the neighborhoods that it abuts. Chair Zierler refers to the 1994 Comprehensive Plan that describes the NBR District as a growth area and notes that much of it is still applicable. Chair Zierler notes that there was a lot of similar discussion that took place about design guidelines and about what constitutes a Village. Chair Zierler notes that he was reviewing applicant-provided exhibits of several pleasant Main Streets with similar design features and that he observed that the vast majority of the buildings were 3 stories. When they were 4 stories, Chair Zierler explains, they were nowhere near as long horizontally as Zero Place and the front was broken up, so that the building appeared smaller, with a change in cornice or paint pattern. Chair Zierler notes that although his concern does not fall under the category of SEQRA, he is troubled that the building will be out of scale with everything currently built around it and anything else that will likely be built around it.

Mr. Souto asks what the impact of Chair Zierler's observation is relative to Consistency with Community Character.

Chair Zierler responds that, despite Engineer Medenbach's reassurance that people will be focused on the ground-level open space and not the height and mass of the building, he feels that it will be quite impactful to the recreational use of the Rail Trail. Chair Zierler notes that having a living space go up over 40' into the air, with a 180' long wall, will create visual impacts for the nearest neighbors. Chair Zierler observes that it comes down to a sense of visual scale and that once you move from 3 to 4 stories, you cease being a Village. Chair Zierler recalls that he suggested that the building be 3 stories since the beginning of the project and recommended creating variations that would break up the mass.

Chair Zierler relates that, after sitting on the NBR District Committee for awhile, it is his preference to go up to 35'.

Mr. Souto observes that when Chair Zierler is noting impacts, he is primarily referring to visual impacts, but also to the impacts on people living close to the project.

Chair Zierler adds concerns over noise impacts, such as may result from the roof deck, but that these concerns can be addressed during site plan review.

Mr. Souto observes that, as the Board looks at Zero Place relative to other communities, there is nothing comparable. Instead, Mr. Souto explains, Zero Place is in a gateway position and for that reason, the building could be acceptable notwithstanding the impacts on Community Character. Mr. Souto observes that there is no immediate local context that can describe the building's scale as

negative. Chair Zierler responds that there is in terms of the neighborhood that the building abuts.

Chair Zierler states that the Board must now decide whether or not they have all of the information required in order to begin completion of Part 3 of SEQRA. Chair Zierler encourages everyone to ask Planner Gilmour any questions so that the Board feels they have enough information to make a determination of significance for each of the 4 questions and render a decision that will either move to a site plan review or an Environmental Impact Statement (EIS).

Mr. Souto notes a section of Planner Gilmour's supplement memo that references height recommendations above 36'.

Planner Gilmour responds that the recommendation came from a Land Use Transportation study sponsored by NYS DOT and conducted by the Ulster County Transportation Council. Planner Gilmour notes that the site is located on a somewhat isolated parcel that can function as an important crossroad in the community. In terms of character and scale, Planner Gilmour explains, the building can be seen as a landmark. Early on in the process of reviewing the application, Planner Gilmour recalls, he may have asked if the southeast corner of the building might be done in such a way as to create a sense of place in terms of setting and location.

Mr. Souto responds that some of the mitigated design accommodates that vision.

Chair Zierler recommends that the Board review relevant parts of the SEQRA EAF Workbook and notes that the pertinent DEC links will be emailed to them as well.

Attorney Golden agrees that review of the Workbook is a good way for Members to review the decision-making processes required to complete Part 3 of the EAF. Attorney Golden states that the Board can make a determination of significance for each of the 4 areas and he will take notes from the ensuing discussion.

After noting availability of Members, Chair Zierler sets up 8/29/17 as the date for a special meeting at 7 p.m. to discuss, and potentially make determinations regarding Part 3 of the Environmental Assessment Form for the Net-Zero project, PB16-02, 87-91 & 93 North Chestnut.

Mr. Shepler asks for a description of the deliberative process that will take place on 8/29/17.

Attorney Golden responds that Members will have a discussion and then come up with a determination of significance for each of the four areas of impact identified based on whether each item has been mitigated to the greatest extent possible. Attorney Golden explains that Members will then render a Decision that will result in a negative declaration proceeding to a site plan review or a positive declaration proceeding to an Environmental Impact Statement.

8. Site Plan

Theater Construction

PB17-15, 12 Main

Applicant: W.L. Holdings

Zoning District: Gateway

SBL: 86.033-3-5

9:50-10:30

Engineer James asks if he can contact Engineer Paggi, hired by the Board to review the project, in order to clarify and resolve issues noted in Mr. Paggi's letter.

Chair Zierler advises that it is fine, but to check with his client as the time will be billed to same.

Engineer James summarizes that they excavated in four locations and found that the depth of rock varied from 8" to 4' and that they may have to excavate between 4' to 6' of rock. Engineer James notes that the shale comes out easily and that it can probably be hammered out without the need to blast.

Chair Zierler refers to Engineer Paggi's comments about a vibration mitigation plan and notes that it will be in place as part of the approval.

Planner Gilmour notes it is important to look for ways to improve stormwater flow during site management and post construction. Due to this, Planner Gilmour recommends that Engineer James and Engineer Paggi talk about possibly revising the tank design so that there's a bit more sedimentation during low flow periods.

The Board and Mr. Miller discuss the parking tally and find that Chair Zierler had significantly higher vehicle count numbers. Mr. Miller agrees to continue the tally in order to try and reconcile the disparity.

Chair Zierler notes that they will lose 9% of their parking spaces from the upper lot and questions whether or not this loss will impact the proposed performance space. Chair Zierler observes that if those spaces are primarily being used by Water Street Market employees, then the loss will impact Water Street Market as well. Chair Zierler notes that Water Street market is a successful operation and the applicant must make sure that the theater will not impact it negatively.

Chair Zierler asks Attorney Golden what legal matter is to be considered by the Board and what remains a civil matter between two neighbors.

Attorney Golden responds that the Board has no authority to act as an enforcing body with respect to easement language which is a private civil matter.

However, Attorney Golden remarks, there are a few issues noted in Attorney Stenger's letter that do effect the Board. Attorney Golden refers to the letter which states that a building permit cannot be issued without access to an improved road in accordance with State/Village Law Section 7-736. Attorney Golden explains that provision has a counterpart in Town Law, but they are not identical as the Town Law states that an easement from the property out to an improved road shall not count as access to an improved road. However, Village Law 7-736 does not have that provision and states that it has to have access to an improved road (state, county, local highway). In my opinion, comments Attorney Golden, I am not saying that it is adequate for the site, but this easement provides that access as it is a general access easement.

Planner Gilmour notes that there should be a consultation with the Fire Department as there will be a sprinkler in the building so that fire vehicles can have access via the frontage on Main Street or Wurts Avenue.

Chair Zierler requests that the site plans be sent to the Fire Department so that they can create a formal review letter.

Attorney Golden notes that two objections are stated in Attorney Stenger's letter. The first objection states that there's a violation of 212.17(c) limiting one principal building per lot. Attorney Golden advised that this is not an objection to be concerned about and to just proceed by following Village Code. The second objection concerning Section 212.23 observes that dumpsters are required to be on the property and Attorney Golden advises that an interpretation should be obtained from the Building Inspector as to whether the site plan complies with the Section 212.23 requirement.

Chair Zierler notes that the Ulster County Planning Board made their recommendations which are reflected in the revised site plans provided by Mr. Miller.

Mr. Litton moves to consider PB17-15, 12 Main Street, W. L. Holdings a Type II Action under SEQRA and to set a Public Hearing for August 15th at 7:10 p.m. Mr. McGee seconds. 5 ayes. Motion carried.

Engineer James notes that drainage issues will be updated.

Chair Zierler notes that the Board will ask Attorney Golden to review legal information regarding parking, access, garbage, stormwater and having a vibration mitigation plan in place.

Attorney Golden notes that the Board can have a condition restricting hours of use if the theater cannot operate at certain times due to insufficient parking.

Chair Zierler observes that if the Board approves the project and the theater gets built, it can't be a success if audiences cannot park there or if it impacts the success of Water Street Market or the neighbors on Wurts Avenue.

Administrative Business

10:31-10:32

- *Approval of Minutes from July 18, 2017*

Mr. Litton moves to approve the 7/18/17 Minutes. Mr. McGee seconds. 5 ayes. Motion carried.

Adjournment

Mr. Steffens moves to adjourn. Mr. McGee seconds. 5 ayes. Motion carried.

The meeting adjourns at 10:33 p.m.

Respectively submitted by,

Christena Carp
Planning and Zoning Secretary