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Village of New Paltz Planning Board  
Regular Meeting of Tuesday September 19, 2017  
Village Hall - 6:40p.m.  
**APPROVED MINUTES**

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Present: Michael Zierler, Chair  
Denis McGee  
John Litton  
Richard Souto, arrives 6:45 p.m.  
Richard Steffens, arrives 6:40 p.m.

Also Present: Rick Golden, Planning Board Attorney  
David Gilmour, AICP, Municipal Planner  
Christena Carp, Planning and Zoning Secretary

***Executive Session***

6:37-7:00

Chair opens the Executive Session at 6:37 p.m. Mr. Litton seconds. Messrs. Souto and Steffens are absent. 3 ayes. Motion carried.

Rich Steffens arrives 6:40

Rich Souto arrives 6:45

Chair Zierler closes the Executive Session at 7:02 pm. Mr. Litton seconds. 5 ayes. Motion carried.

***Public Hearing***

Site Plan Amendment

Driveway Reconfiguration

PB17-25, 64 Plains Road

Applicant: Discovery Institute/Crocitto

Zoning District: R-2

SBL: 86.41-1-16.3

7:02

Mr. Steffens moves to open the Public Hearing for PB17-25, 64 Plains Road, Discovery Institute/Crocitto. Mr. McGee seconds. Chair Zierler is recused. 4 ayes. Motion carried.

No one comes forward to speak.

Mr. Steffens moves to close the Public Hearing for PB17-25, 64 Plains Road, Discovery Institute/Crocitto. Mr. McGee seconds. Chair Zierler is recused. 4 ayes. Motion carried.

***Ongoing Application***

Site Plan Amendment

Driveway Reconfiguration

PB17-25, 64 Plains Road

Applicant: Discovery Institute/Crocitto

Zoning District: R02

SBL: 86.41-1-16.3

7:03-7:09

Mr. Litton reads the resolution for PB17-25, 64 Plains Road, Discovery Institute/Crocitto:

**RESOLUTION OF SITE PLAN AMENDMENT APPROVAL  
64 PLAINS ROAD, VILLAGE OF NEW PALTZ  
PLANNING BOARD APPLICATION # PB 17-25**

Date: September 19, 2017

Resolution No. PB17-25

Moved by: Mr. Steffens

Seconded by: Mr. McGee

**WHEREAS**, on August 14, 2017, Nick Crocitto applied for site plan amendment approval to modify the driveway layout at 64 Plains Road, as shown in the application and Exhibit A; and

**WHEREAS**, on September 19, 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 September 19, 2017, the Planning Board waived many of the site plan application requirements and an escrow payment; and

**WHEREAS**, on September 19, 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 Nick Crocitto for site plan amendment at 64 Plains Road 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.

<b>Name</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain/Recused</b>	<b>Absent</b>
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:	4		1	

Moved by: Mr. Steffens  
 Seconded by: Mr. McGee  
 Date of Approval: September 19, 2017  
 Date Filed in the Office of the Village Clerk: September

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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.

Attorney Golden notes that Meeting dates will be corrected on the resolution.

Mr. Steffens moves to determine application PB17-25, 64 Plains Road, Discovery Institute/Crocitto complete, to classify the application as a Type II Action under SEQRA, to determine that referral to the Ulster County Planning Board is not required, and to waive many of the site plan requirements. Mr. McGee seconds. Chair Zierler is recused. 4 ayes. Motion carried.

***NBR Moratorium***

7:10 p.m.

Chair Zierler notes that the moratorium on the NBR District ended on September 7, 2017 and that the Committee completed their work and submitted materials to the Village Board for review. Chair Zierler urges interested parties to come to the September 27, 2017 Village Board Meeting where some members of the NBR Committee will be making a presentation. Chair Zierler explains that this is the first step in an ongoing process that will eventually include a Public Hearing.

***Public Hearing***

Site Plan Application

Farm Brewery Tasting Room

PB17-27, 3B Church Street

Applicant: Arrowood Farms

Zoning District: B-2

SBL: 86.143-1-1

7:11-7:20

Mr. Steffens opens the Public Hearing for PB17-27, 3B Church Street, Arrowood Farms. Mr. McGee seconds. 5 ayes. Motion carried.

Amy Cohen, Bob Henniger and Jonathon Cohen speak regarding PB17-27, 3B Church Street, Arrowood Farms.

Mr. Litton leaves at 7:19 p.m.

Mr. Steffens moves to close the Public Hearing. Mr. McGee seconds. Mr. Litton is absent. 4 ayes. Motion carried.

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

7:21-7:26

Anne Muller speaks regarding PB17-15, 12 Main Street, W.L. Holdings/Theater.

Mr. Litton returns 7:23 p.m.

***Ongoing Applications***

Site Plan Application

Farm Brewery Tasting Room

PB17-27, 3B Church Street

Applicant: Arrowood Farms

Zoning District: B-2

SBL: 86.143-1-1

7:27-7:58

Applicant summarizes the concerns of 1<sup>st</sup> Assistant Chief Cory Wirthmann and their response to mitigate same.

Chair Zierler notes that there is a rule that prohibits some sale of alcohol within 200' of a religious building or school.

Mr. Arrowood notes that the rule applies to bars. Mr. Arrowood explains that their Farm Brewery Tasting Room is not a bar, but a unique type of business to New Paltz that entails the limited consumption of alcohol within business hours of 1-9 p.m.

Mr. Litton asks what the difference is between a retail establishment that provides beer and a bar.

Attorney Golden notes that this distinction is outside of the Board's purview as only the New York State Licensing Authority (NYSLA) has complete and utter jurisdiction when there's a licensing issue.

Attorney Golden notes that if the Board is concerned about the applicant obtaining specific licenses then they can add this as a condition, i.e. need written authority for NYSLA in order to obtain a Certificate of Occupancy (C/O), in the resolution.

Mr. Arrowood addresses concerns expressed during the Public Hearing and notes that there will be no open containers of beer outside or customers sitting outside the building.

Mr. Steffens asks that the applicant amend the site plan to illustrate handicapped accessibility with ADA specs.

Property owner, Mr. Henniger, states that he owns the driveway from Academy and Chestnut Street.

Attorney Golden notes that the Board will need a survey in order to corroborate that statement.

Chair Zierler requests that the applicant meet with Building Inspector Arms to make sure that they are compliant with signage regulations and asks that they identify the signage location and the lighting location on the site plan. Chair Zierler explains that the lighting should be downlit and shielded as described in the Village's lighting guidelines.

Mr. Souto asks if the Board can approve the application based on licensing approval by the NYSLA.

Attorney Golden responds that, prior to the issuance of a Certificate of Occupancy, the applicant must provide proof of proper licensing from the NYSLA allowing alcohol to be provided at a remote location.

Mr. Arrowood notes that his business will potentially be classified as Limited Business Retail under Specialty Foods.

Attorney Golden observes that the Board will need to review the application under the use specified by Building Inspector Arms. Attorney Golden notes that if the NYSLA does not license the Tasting Room as a bar but, under the Village's zoning code, it fits the definition of a bar then the Board would be approving this as a bar with all of the attendant zoning.

Chair Zierler notes that the Village code was written long before there was such a thing as tasting rooms. Chair Zierler will organize a meeting with the applicants, up to two Board Members and Building Inspector Arms to settle the matter. Chair Zierler summarizes that the applicants will need to add lighting, signage and an ADA designation to their site plan.

Attorney Golden notes that the Cooler is part of the site plan and should also be illustrated on the site plan. Attorney Golden asks if the parking has been reviewed.

Chair Zierler affirms that the parking is fine.

Mr. McGee notes that the Board will need to review input from Cory Wirthmann.

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  
7:59-8:58

Chair Zierler asks Attorney Golden to review the next steps in the site plan/subdivision review process and notes that the Board will be contacting an Engineer in order to review construction-related and stormwater drainage issues.

Attorney Golden explains that the application is a lot line revision merger special permit site plan. Attorney Golden notes that a change in lot line qualifies as a subdivision which requires preliminary site plan approval as well as subdivision approval. Attorney Golden further explains that when dealing with subdivision applications, the Board is required to have a Decision within 62 days of the close of the Public Hearing. If a Decision is not made within those 62 days, Attorney Golden notes, then the applicant obtains a default approval. Due to this, Attorney Golden relates, the Board should schedule the Public Hearing when the application is basically complete and Members are ready to make a Decision.

Attorney Golden explains that the Board has the ability to waive details, such as topo, that are more geared toward a typical subdivision rather than the simple lot line revision required by this application. Attorney Golden notes that it is customary for the Board to ask the applicant to review the code and note what can be waived and then provide a list to the Planning Board along with a request for waiver.

Attorney Golden notes that the Board has been discussing the application as a site plan but it is technically a subdivision with site plan elements. However, Attorney Golden explains, the Board will be focusing on how they want to potentially change any site plan elements. Attorney Golden notes that it is advisable to review input, such as public comments, before holding the Public Hearing so that any site plan modifications can be requested and made beforehand.

The Board and Attorney Golden discuss the special permit aspect which focuses on the actual uses.

Chair Zierler refers Mr. Shepler to speak with Building Inspector Arms regarding the original application submission and whether a new one application needs to be submitted.

Chair Zierler asks Members to discuss their areas of concern or items they want emphasized during the review process.

The Board and applicant discuss the capacity and usage restrictions of the proposed rooftop deck.

Mr. Shepler responds that the rooftop deck was pulled in from the edges with a solar panel buffer added; placed in a section of the roof that is within the shade of the enclosure; and that the capacity of 49 people is to be restricted to residents and their guests.

The Board asks if it could be used as an event space.

Mr. Shepler responds that he had not thought of it as an event space and that it will have couches and an exercise area with mats.

Mr. Steffens points out that it is a recreation area for tenants and may offset part of the recreation fee as such. Mr. Steffens notes that he is glad that Mr. Shepler buffered the space and pulled it from the edges as it is much safer now.

Mr. Souto notes the potential of one resident bringing 40 guests and the parking dynamic that could result.

Chair Zierler notes that Mr. Shepler stated restricted hours of access to the rooftop deck and that represents an example of a management provision.

Chair Zierler observes that the Board can make architectural recommendations but that there's a limit as to what the Board can insist be done. Chair Zierler acknowledges that Mr. Shepler is also making decisions driven by the challenges of creating a net-zero energy building.

Mr. Litton notes that he has general concerns related to the rooftop deck, the overall proximity of the project to the Rail Trail with attendant needs for landscape buffering to mitigate sight and sound issues and parking.

Mr. McGee asks about the duration of construction and the possible traffic and construction impacts.

Mr. Shepler states that construction will take about a year or 1 1/2 years depending upon when the project breaks ground and that the engineers can address the specifics of any traffic impacts.

Mr. Souto highlights the issues of traffic and transit that already exist in the area and recommends a meeting with NYS Department of Transportation (NYSDOT) and Ulster County, at some point, to discuss ways to improve safety and direct the flow of traffic such as roundabouts, signals, multiple lanes, etc.

Chair Zierler notes that there was a meeting in 2016 with NYSDOT and that it is a good time to get back in touch with them regarding relevant traffic issues on Henry Dubois, Mulberry Street and Route 32.

Mr. Shepler notes that Engineer Medenbach is sending an updated site plan to NYSDOT.

Mr. Souto asks how the Board can take into account an approval timeline and construction timeline without knowing the budgetary implications of any improvements to highway and traffic that would need to happen in order for project to be sufficiently mitigated. Mr. Souto notes that the Ulster County Planning Board noted that there won't be transportation monies available until 2022.

Attorney Golden responds that the Board works with what is under the applicant's control when reviewing the site plan. Attorney Golden explains that the Board cannot have the applicant wait until NYSDOT puts in traffic improvements. Attorney Golden notes that Board that the process of SEQRA has already been completed.

Chair Zierler recommends that the sidewalk and bike lanes continue in a straight line along Mulberry Street rather than curve around the current cut-out for 2 parking spaces. Chair Zierler also has

concerns with the rooftop deck. Chair Zierler notes that larger, urban-style buildings are made more attractive by the consistency and rhythm of the windows and recommends making the windows all the same size.

Mr. Shepler responds that he will find out why 6 windows are smaller than all of the others which are uniform.

Chair Zierler recommends that the Board make site visits to neighboring properties to decipher the visual impact when leaves are off the trees.

Mr. Souto asks what these site visits will yield.

Chair Zierler responds that it may result in a request for additional landscaping. Chair Zierler notes that he asked an engineering geologist from DEC to review the soil contamination information and she recommended that at the time of construction, a photo ion detector should be used at various stages during construction to look at the levels of volatile organic compounds. Chair Zierler adds that the geologist was fine with having apartments on the first floor given what she read, but recommends that, if gardening for food is commenced, that it be in raised beds rather than dug into the soil.

Mr. Shepler responds that the full length of soil along the west side is being removed and he will make a note that no inground gardening should take place.

Chair Zierler notes that the Board will hire an engineer to review stormwater and construction-specific issues.

Mr. Shepler asks about preparation for the next Meeting.

Chair Zierler responds that rooftop deck concerns should be addressed with suitable management solutions proposed and raises the question that perhaps there should not be a rooftop deck. Chair Zierler notes that, once the Board hires an engineer, the individual can work with Engineer Medenbach to resolve any stormwater issues. Chair Zierler notes that Mr. Shepler will be getting feedback on landscaping and acknowledges that Mr. Shepler has already done a lot in this area.

Mr. Shepler offers a site plan visit in order to assist in the review.

Chair Zierler notes that the Board can view where Mr. Shepler is staging the construction process, removing soil, effecting gradings and expanding the parking lot. Chair Zierler observes that it is not a complicated site, but that it does have surrounding neighborhoods that will be impacted by the construction.

Mr. Shepler asks if the Board wants him to present a plan on construction stages.

Chair Zierler responds that information identifying the days of the week and hours of construction and the number of truck trips taken daily would be helpful.

Attorney Golden notes that construction plans will be needed with routes, timing and mechanisms to make sure that trucks coming in and out have fairly clean tires so that there's not a lot of dirt being

tracked out to Route 32. Attorney Golden notes that the Board, and engineer hired by the Board, will review a base plan before proceeding.

Site Plan

Theater Construction

PB17-15, 12 Main Street

Applicant: W.L. Holdings

Zoning District: Gateway

SBL: 86.033-3-5

9:00-10:13

Mr. Miller asks about the easement review.

Attorney Golden responds that red-line changes were made and reviewed by the applicant's attorney who accepted the changes to the easement.

Chair Zierler reviews that there's now an agreement between W.L. Holdings and Water Street Market LLC that is acceptable to Attorney Golden.

Attorney Golden notes that the Board will need to designate in the easement the number of parking spaces that can be used.

The Board and Mr. Miller discuss garbage receptacle placement.

Chair Zierler reviews a Memorandum written by Historic Preservation Commission Chair Olsen detailing concerns regarding the potential impacts of construction, safety issues, visual and noise impacts and safe pedestrian access.

The Board and Mr. Miller discuss the need for vibration monitoring construction reports before, during and after the construction; placement of the HVAC system; and having no mechanicals on the roof.

Mr. Steffens points out that utilities such as water, electric and sewer lines should be noted in the resolution and on the site plan as they must go to a public right-of-way, and notes that the easement should have a metes and bounds description of where these utilities will run.

Chair Zierler notes that in October 2014, Water Street Market submitted a revised site plan in order to have the current configuration on file. Chair Zierler reads the memo and states that a prior note written by Code Enforcement Officer Travis, dated 10/9/2014 also exists. Chair Zierler notes that there was one meeting with the Planning Board and then no further action was taken. Chair Zierler asks to what extent is the information contained in these memos germane to the Board's review of the theater application.

Attorney Golden responds that whatever the Board approves must not be in conflict with the previous site plan.

Mr. Litton notes that the original site plan contains 55 parking spaces and currently 72 parking spaces exist that were added without any new site plan approval.

Attorney Golden responds that the Board must work with whatever had been originally approved. Attorney Golden notes that the Board does not want to authorize parking for a plan that does not exist.

Mr. Litton asks if the Board should request that Water Street Market submit an application to amend their site plan.

Attorney Golden notes that the Board can condition the resolution based on the reduced parking consistent with the original site plan and that the resolution can state that the Board is not approving anything having to do with the current parking configuration of the site. Attorney Golden observes that the applicant may use more parking spaces than they are authorized to use, but that this usage doesn't necessarily restrict the applicant provided it will never be in conflict with what was originally approved.

Attorney Golden observes that there has been no determination by the Building Inspector that the parking spaces are out of compliance.

The Board weighs the current parking tallies against the 55 parking spaces illustrated in the original site plan. Chair Zierler notes that the Board is requesting 12 parking spaces on average and that this does not come close to the 55 parking spaces listed on the original site plan.

Mr. Litton asks if the hours of operation and the signage should be included in the resolution.

Attorney Golden notes that the signage can be added to the site plan so that the Board can determine if it is adequate for dissuading pedestrians from using the Wurts Avenue right-of-way.

The Board discusses amendments to the site plan with Mr. Miller and Attorney Golden.

### ***Training Session***

10:14

Chair Zierler notes that on Monday, 9/25/17, the Town of New Paltz Planning Board is having site plan review training with David Clouser at the Community Center from 6:30-8:00 p.m. and that this will count as 1 1/2 hours toward the 4 hours of training required.

### ***Public Comment - Discussion***

10:15-10:19

The Board discusses the content of Public Comment Sessions. The Board reviews that the purpose of a Public Hearing is to give unlimited time to public concerns based on an actual plan vs. a proposal. The Board notes that, during Public Comment, the public is often commenting on an impression of a project rather than the actual project. It is proposed that Public Comment should be limited to those issues not on the current Agenda. It is also proposed that Public Comment be limited to 15 minutes, but remain as a venue for discussing any Planning Board application and, in this way, the Board can hear public concerns before a project reaches near completion so that there is time to respond to input and generate changes to a project.

The Board agrees to continue the discussion at a later date.

***Administrative Business***

10:20

- *Approval of Minutes from September 5, 2017*  
Mr. Litton moves to approve the 9/5/17 Minutes. Mr. McGee seconds. 5 ayes. Motion carried.  
Motion to approve by JL. Second by McGee. 5 ayes. Motion carried.
- *Meeting Overview for October 3, 2017*

***Adjournment***

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

The meeting adjourns at 10:20 p.m.

Respectively submitted by,

Christena Carp  
Planning and Zoning Secretary