



---

Village of New Paltz Planning Board  
Regular Meeting of Tuesday October 3, 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  
Rick Golden, Planning Board Attorney  
David Gilmour, AICP, Municipal Planner  
Christena Carp, Planning and Zoning Secretary

***Welcome***

7:03-7:04

Chair Zierler reviews the Agenda, introduces new Planning Board Alternate Eve Waltermaurer and notes that an introductory planning class from SUNY New Paltz is attending until 9 p.m.

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

7:05

No one comes forward to speak during Public Comment

***Ongoing Applications***

***1. Special Use Permit/Site Plan/Subdivision***

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

7:05-8:05

Mr. Shepler reviews recent submissions regarding Mulberry Street Parking and the Rooftop Terrace/Deck and notes that Engineer Caleb Carr from Medenbach & Eggers will address construction-related issues.

Chair Zierler notes that the Stormwater Drainage reports have been passed along to Engineer Dan Koehler from Hudson Land Design.

Mr. Shepler and Engineer Carr address the questions of waivers mentioned at the 9/19/17 Board Meeting and note that most topics that would typically engender a waiver have already been completed.

Engineer Carr notes that it is a small site and reviews construction issues with construction hours between 7 a.m. to 9 p.m. as per code; roughly 100 loads of material that will leave the site via a tri-axle truck with a portion of that being remediated soil that will be delivered to Albany; all existing asphalt will be removed; not a lot of reuse onsite as there are very minor grade changes

Chair Zierler notes that traffic control measures will need to be taken so that deliveries, etc. take place during non-peak hours to minimize interruptions to commuter traffic. Chair Zierler adds that a stream exists along the western border of the property and staging, silt and erosion control will have to be identified.

Mr. Shepler adds that, as a general principle, Mulberry Street will not be used for construction access.

The Board discusses the two handicapped spaces proposed along Mulberry Street and the lack of commercial use access from the parking lot.

Mr. Shepler reviews his memo regarding the two parking spaces; notes that Mulberry Street is a quieter location than Route 32 for someone ingressing and egressing their vehicle with handicapped needs; refers to the bicycle lane being straight, rather than indenting around the 2 handicapped spaces; and references a letter written by Douglas Hovey, CEO of Independent Living, Inc.

Mr. Litton asks about residential access for the handicapped.

Mr. Shepler responds that the ground floor apartments located on the northwest side of the building are purposefully close to the parking lot.

Chair Zierler asks if the retail could be located on the north side of the building.

Mr. Shepler responds that those parking lot spaces are for everyone and are not restricted to residents.

The Board moves on to a discussion of the rooftop terrace/deck and potential restrictions for its usage and sound concerns.

Attorney Golden notes that restrictions could be placed in the lease, but conditions can also be written into the Resolution and are enforceable by the Building Department with fines being issued by the Justice Court and Supreme Court for various types of injunctions.

Architect Toder notes that the rooftop terrace is like a backyard for residents.

Chair Zierler responds that this would be new to the Village as public spaces are at ground level. Chair Zierler asks what would be on the roof, in that area, if a deck was not built.

Mr. Shepler responds that some solar panels would be installed. Mr. Shepler explains that part of the reason the terrace was developed as an amenity is because it is located in a partially-shaded part of the

roof and is not a good place to place solar panels.

The Board and applicant discuss potential sound mitigating solutions including landscaping.

Mr. Steffens notes that the terrace may satisfy some aspects of the recreation needs required for the project.

Chair Zierler informs that the revised site plan subdivision must be referred once again to the Ulster County Planning Board for review.

Attorney Golden explains that, under GML 239, the application needs to be referred to County with all of the documents to which a determination of SEQRA has been made. Attorney Golden notes that the EAF, site plans, engineering report and full FEAF need to be bundled and sent and then County has 30 days to review the documentation.

Chair Zierler notes that Engineer Koehler should have the stormwater report to review and, once a report is generated, it will be forwarded to Mr. Shepler's engineers. Chair Zierler requests that the new construction plan be forwarded by Monday and asks the Board to come prepared to make a decision about the parking along Mulberry Street and whether a rooftop deck is acceptable.

Mr. Shepler notes that he will come with management guidelines for the rooftop deck as suggested by Mr. McGee.

Chair Zierler notes that the Board's engineer should have a review of the stormwater report completed by 10/17/17 for review; requests that the applicant provide a construction plan by Monday morning; and asks the Board to come prepared to make a decision about the parking spaces along Mulberry and to summarize their thoughts on the rooftop deck/terrace.

## *2. Site Plan Application*

### *Farm Brewery Tasting Room*

PB17-27, 3B Church Street

Applicant: Arrowood Farms

Zoning District: B-2

SBL: 86.143-1-1

8:05-8:21

Chair Zierler notes that the applicants will not be attending due to scheduling conflicts and reviews a meeting that he had with Building Inspector Arms, First Assistant Fire Chief Wirthmann and applicants, Blake Arrowood and Jake Meglio. Chair Zierler summarizes that the key findings of the meeting were that the proposal does not meet any of the conditions that the Village code defines as a bar. Chair Zierler notes that this was written up in Mr. Arms' determination where it is classified as a specialty food under limited business retail.

Chair Zierler reviews that Mr. Arms' determination was also sent to Marc Schain, President of the Jewish Congregation of New Paltz, in response to the multiple letters regarding concerns about the project's impact on the Synagogue.

Chair Zierler notes that a restaurant, near the Synagogue, is open longer hours than the Tasting Room's

planned hours and has not, by Mr. Schain's account, created any issues for Synagogue attendees.

Chair Zierler notes that the one issue that remains outstanding is that confirmation of an easement granting access from North Chestnut across a neighboring property has not been located.

Attorney Golden explains that a survey describing the access by metes and bounds from the adjoining property to the applicant's business is required. However, Attorney Golden notes that, if proof of an easement exists but that proof is not yet ready in time for the next Meeting, then the resolution can be conditioned on the filing of a legal easement with the intent to file written up in letter form.

Chair Zierler requests that Ms. Carp contact the adjoining property owner to find out if a survey exists and if it describes an easement.

Mr. Steffens asks if the applicant is required to meet ADA requirements.

Attorney Golden responds that he did not analyze whether or not the applicant needed ADA compliant access, but that the Board has to decide whether or not they have that right as it was requested by the applicant. Attorney Golden notes that the location of the proposed signage is not on the site plan as requested. Attorney Golden adds that the Board will have to make sure that the commercial parking for the Tasting Room does not infringe on the residential parking for the same building.

Mr. Steffens notes that utilities and setbacks should be noted on the site plan.

Attorney Golden notes that additional lighting may be necessary if the intensity of the use impacts the residential apartments in the building.

### *3. Site Plan/Special Use Permit*

#### *Theater Construction*

PB17-15, 12 Main Street

Applicant: W.L. Holdings

Zoning District: Gateway

SBL: 86.033-3-5

8:21-9:22

Mr. Souto requests that the Board's engineer provide a review.

The Board discusses the project's proposed green roof and the subsequent impacts on stormwater flow.

Chair Zierler reviews emailed letters from neighbors and feels that most of the issues raised have been settled.

The Board discusses wayfinding signage and walkway changes that discourage pedestrian access from Wurts Avenue.

Chair Zierler begins reading a resolution for PB17-15, 12 Main Street, W. L. Holdings, but Mr. Lipstein interrupts with concerns regarding the stated hours and days of operation.

Mr. Lipstein maintains that a not-for-profit live theater is an organic entity that will have typical

Wednesday through Saturday evening hours with Sunday matinees, but will also operate during other days and hours to accommodate community needs in the form of liaisons with such entities as the local high school and university.

Chair Zierler explains that the Board has been reviewing the application with the understanding that the days and hours of the performances were limited to correspond with the limited number of parking spaces available as analyzed by the multiple weekly parking tallies conducted during varying hours. Chair Zierler notes that meetings were conducted with neighbors numerous times to discuss quality of life impacts that were predicated on the understanding of limited hours and days of operation.

The Board agrees that they are not expected to process new information brought to the table tonight, but that the resolution can be forwarded to the applicant for review and the matter revisited at the upcoming Meeting.

Attorney Golden recommends having the applicant define the hours of operation and then the Board can reconcile various uses, parking issues and impacts on the neighborhood.

#### *4. Pre-Application*

##### *Reconfiguration of Interior space, Bedrooms and Driveway*

PB17-29: 26 Grove Street

Applicant: Michael Jaffe, David Schwartz

Zoning District: R-2

SBL: 86.34-8-5.500

9:23-9:38

Mr. Steffens notes that he owns the adjoining property to the north of 26 Grove Street.

Mr. Schwartz summarizes the application and notes that they have ordered a survey and intend to bring the property up to Code.

Chair Zierler requests that a site plan showing lot lines and setbacks be provided and suggests that the applicants work with the Building Inspector to ensure that only 4 bedrooms can exist in the house.

Attorney Golden adds that a completed EAF must be provided along with a project description and that the Building Department can inform as to how to complete a site plan application.

#### *5. Subdivision Site Plan Application*

##### *Construction of garage and apartment*

PB17-28, 56 Elting Avenue

Applicant: Rich Steffens

Zoning District: R-2

SBL: 86.42-5-13.2

9:39-10:04

Mr. Steffens recuses himself as a Board Member and comes to the table as an applicant.

Mr. Steffens summarizes his site plan subdivision application.

The Board, Attorney Golden and Applicant discuss the application and the need for more accurate

information.

The Board and applicant discuss the driveway description. Attorney Golden recommends that Mr. Steffens speak with Building Inspector Arms regarding the setbacks and driveway configuration.

Chair Zierler notes that the Board can work with Mr. Arms to apply the shadow parking description.

Mr. Steffens relates that he'd like to have a Public Hearing as soon as possible.

### ***Administrative Business***

10:05-10:14

- *Planner Overview of Green Infrastructure Capital Improvement Feasibility Planning Project*  
Planner Gilmour reviews the Hudson Valley Estuary program and notes that it would be helpful if the Board became involved in this planning project regarding stormwater management.
- *Referral of Proposed Village Code Chapter 165 Stormwater Management and Proposed Amendment of Zoning Subsection 212-23A(1)(i)*  
Planner notes that the Village Board is referring this to the Planning Board.
- *Summary of Ulster County Planning Department Meeting regarding LALO*  
Mr. Souto summarizes the meeting and notes that the challenges to the project's 97-room hotel and 70-apartment space condo/rental proposal surround community character, traffic and not being in a zone that allows the proposed buildings.
- *Announcements regarding submission deadlines: **New applications** - 3 weeks before meeting dates; **Ongoing applications** - by 10 a.m. the Monday following a meeting; **Public comments** - by noon on the Thursday before an upcoming Meeting for inclusion in that meeting*
- *Approval of Minutes from August 1, 2017 and September 19, 2017*  
Mr. Litton moves to approve the August 1, 2017 Minutes. Mr. McGee seconds. 5 ayes. Motion carried.
- *Meeting Overview for October 17, 2017*

### ***Adjournment***

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

The meeting adjourns at 10: 15 p.m.

Respectively submitted by,

Christena Carp  
Planning and Zoning Secretary