



Village of New Paltz Planning Board
Regular Meeting of Tuesday October 17, 2017
Village Hall-7:00p.m.
APPROVED MINUTES

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

Also Present: Eve Waltermaurer, Alternate
William Murray, Village Board Liaison
David Gilmour, AICP, Municipal Planner
Rick Golden, Planning Board Attorney
Christena Carp, Planning and Zoning Secretary

Welcome

7:01

Chair Zierler reviews the Agenda and amends to include PB17-28, 56 Elting, STEFFENS to discuss whether or not to have a public hearing.

Public Comment (15 minutes)

Anne Muller and Will Hermes speak regarding PB17-15, 12 Main Street, W. L. Holdings-Theater.

Chair Zierler sends out a reminder that the next Meeting is on a Thursday due to election day.

Ongoing Applications

1. Site Plan Application

Farm Brewery Tasting Room

PB17-27, 3B Church Street

Applicant: Arrowood Farms

Zoning District: B-2

SBL: 86.143-1-1

7:07-7:27

Applicant reviews site plan.

Judge Bacon – I couldn't find out deed and didn't get a chance to go to the county or a survey, but I know it is there. Only concern is that it is an active driveway with 4 businesses. Judge Bacon gives

permission to use the driveway, but notes that there is a safety perspective due to the active quality of the driveway.

Applicant notes additional deeds given to Board tonight and Judge Bacon notes that it is indeed his deed and that he probably drew it up.

Judge Bacon asks for snow removal assistance and applicant agrees to do so. The request will be formalized in the resolution that will add a condition that the rear ADA access shall remain safe and free of snow and ice.

Chair Zierler reads the resolution, as amended, for PB17-27, 3B Church Street, Arrowood:

**RESOLUTION OF SITE PLAN AMENDMENT APPROVAL
3B CHURCH STREET, VILLAGE OF NEW PALTZ
PLANNING BOARD APPLICATION # PB 17-27**

Date: October 17, 2017
Resolution No. PB17-27

Moved by: Mr. Litton
Seconded by: Mr. McGee

Documents received

Site plan application with submission date 8-21-17
Memo from David Gilmour, Village Planner, 8-5-17
List of products to be available for sale, 9-11-17
Short form EAF, 9-15-17
Revised site plan, 9-29-17
Building Inspector use determination letter, 9-29-17
PB Chair email summary of meeting with applicant, 9-28-17
3 Church Street deed identifying easement, 9-21-17
Bacon deed, 9-26-17
Bacon survey, 10-17-17
Letter from the New Paltz Fire Department, 10-3-17
Letters from the community and public hearing comments

WHEREAS, on August 21, 2017, Jacob Meglio and Blake Arrowood applied for site plan amendment approval to open a specialty food business to include a farm brewery tasting room and retail sale of farm products and value-added farm products, as shown in the application and supporting documents; and

WHEREAS, on September 5, 2017, the Planning Board determined that the application was administratively complete, 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, 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 given the opportunity to speak regarding the application; and

WHEREAS, on October 17, 2017, the Planning Board determined that the action was a Type II action

under the State Environmental Quality Review Act, requiring no further environmental review; and

WHEREAS, on October 17, 2017, the Planning Board determined from deeds that an easement exists from North Chestnut Street to the rear of 3 Church Street, which will provide accessibility for the disabled.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Village of New Paltz Planning Board that the application of Jacob Meglio and Blake Arrowood for site plan amendment at 3B Church Street, PB17-27, is hereby approved, subject to the following conditions:

- (1) The Applicant shall submit a final site plan that contains a signature block suitable for signature by an authorized representative of the Planning Board.
- (2) In accordance with the New Paltz Fire Department’s request in its letter of October 3, 2017, prior to the issuance of a building permit the New Paltz Fire Department must provide written confirmation that the proposed stairwell dimensions have been reviewed and are satisfactory as to compatibility with a fully dressed firefighter and their tools.
- (3) Prior to the issuance of a Certificate of Occupancy, the Applicant shall obtain all necessary permits, licenses and approvals from the New York State Liquor Authority and submit proof of proper licensing to the Building Department.
- (4) Prior to the issuance of a Certificate of Occupancy, the Applicant must make payment of all fees and escrow.
- (5) The rear ADA access shall remain safe and free of snow and ice.
- (6) 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, including, but not limited to the United States Army Corps of Engineers, New York State Department of Environmental Conservation, New York State Department of Transportation, 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.

| 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. Litton

Seconded by: Mr. McGee

Date of Approval: October 17, 2017

Date Filed in the Office of the Village Clerk: _____

**Signed by: Alberta Shaw
Village Clerk
Village of New Paltz**

Planner Gilmour asks about placing a requirement in the resolution that building permits be issued contingent upon payment of fees.

Mr. Litton moves to approve application PB17-27, 3B Church Street, Arrowood. Mr. McGee seconds. 5 ayes. Motion carried.

2. Site Plan Application

PB17-02, 85 North Chestnut Street

Applicant: Radi Serdah

Zoning District: NBR

SBL: 86.26-1-13

7:28-8:00

Chair Zierler reviews the history of the application that was submitted, but put on hold to a moratorium in the NBR District. Chair Zierler explains that Mr. Serdah is looking to have the existing building approved with minimal changes and, once the NBR District code is finalized, Mr. Serdah will submit a new application

Mr. Serdah affirms that he will submit the new application with minimal changes, installation of 2 doors and a wall-mounted sign, being requested. Mr. Serdah notes that once the NBR zoning gets settled, he will submit a full application for a building with apartments upstairs and commercial uses downstairs.

Chair Zierler summarizes for the Board a meeting that he had with Building Inspector Arms and Mr. Serdah and notes that, due to the installation of exterior overhead doors, the application will need to be forwarded to the Ulster County Planning Board.

Attorney Golden notes that the use is described at least three different ways in the application and the Board will have to define the specific use. Attorney Golden cautions that there's no such thing as approving a temporary use and that the Board either approves a use or it does not. Attorney Golden notes that the application will be subject to the new NBR zoning, should it be revised, as he is not grandfathered into the old zoning.

The Board discusses the potential of approving a special use permit for the application.

Attorney Golden cautions that, as a general hypothetical, the Board can never approve any kind of use that's not in conformance with the code.

Chair Zierler observes that, with the current NBR Zoning, it is a permitted use under special use

permit.

Attorney Golden reflects that it may or may not be allowed and that he needs time to review the application in the context of the NBR District codes. Attorney Golden confirms that the application can be forwarded to the Ulster County Planning Board for review.

Mr. Souto moves to forward PB17-02, 85 North Chestnut Street, Serdah to the Ulster County Planning Board for review. Mr. McGee seconds. 5 ayes. Motion carried.

Chair Zierler relates that it is within the Board's purview to consider the auto parts sales and repair in the NBR District. Chair Zierler explains that for the November 9, 2017 Meeting, Attorney Golden will review what requirements Mr. Serdah's application is subject to under the current code.

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

8:00-9:02

Chair Zierler summarizes the previous Meeting and notes that the applicant has submitted a modified resolution for consideration by the Board. Chair Zierler notes that the Board is not negotiating the resolution, but that it was helpful to have items of concern identified under the auspices of a site plan review.

The Board and applicant discuss the specifics of the resolution as pertains to hours and days of operation; traffic flow, garbage removal and vibration monitoring.

Chair Zierler reviews issues still outstanding with the application and requests that Board Members come to the next meeting with an idea of how they want to vote.

Attorney Golden cautions that the applicant needs to determine that the signage is code compliant.

4. 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

9:03-9:44

Mr. Shepler submits the Title Sheet noting updated references, A-05 Dumpster Enclosure and the Resubdivision Plan (renamed from Sketch Plan).

Chair Zierler notes that there are five items of discussion for the Board - Mulberry Street parking, Rooftop Terrace, Landscaping issues with site visits to be scheduled, Architectural Details and the Construction Plan. Chair Zierler also asks for an update of the referral to the Ulster County Planning Board.

The Board unanimously approves the proposed handicapped parking spaces located along Mulberry Street.

Mr. Shepler notes that they are not seeking recreation fees for the Rooftop Terrace.

The Board discusses the option that Mr. Shepler built in to have the Board review the rooftop terrace in one year and, if complaints are forthcoming, to then reconsider the concept. The Board also notes the specified hours of operation, signage, lighting and the restriction for residents and their guests that will be posted.

Chair Zierler asks if Mr. Shepler has considered making the deck smaller and/or to not build the rooftop terrace until some future date. Mr. Shepler responds that it has been reduced in size several times and that they are down to an optimal point that will accommodate people, but leave some space as well. Mr. Shepler notes that the rooftop terrace must be completed at the time of construction as the elevator must go all the way to the 4th floor, the roof has to be reinforced to be able to accommodate a certain number of people.

Chair Zierler notes that the majority of Members appear comfortable with the concept and that the details of the conditions can be worked on at future meetings.

The Board decides to delay the site visit until they can visit neighboring residential properties to view the site from their perspective in order to get a sense of how to properly buffer the site with landscaping.

Attorney Golden reminds the Board that, at a site visit, the Board cannot discuss the project amongst themselves, but can ask questions of the applicant or homeowner. Afterward, Attorney Golden notes, the Board can discuss the site visit at an open meeting.

The Board discusses the construction plan with the applicant and Engineer Caleb Carr.

The Board, Mr. Shepler and Architect Toder discuss the architectural details of the project - specifically the question of window uniformity.

Chair Zierler asks the Board to produce a personal list of items that they feel still need to be covered by the site plan review for the November 9th Meeting. Chair Zierler notes that consultant and staff discussion will help to finalize the site plan review. Chair Zierler reviews that the Board needs to set a Public Hearing and receive feedback from Ulster County Planning Board as well.

Mr. Souto observes that the initial project was formed into its present reasonable state through the hard work of the Board and Mr. Shepler's willingness to mitigate.

Chair Zierler notes that New York State Department of Transportation has concerns regarding the placement of the bicycle lane. Chair Zierler reviews that he sent the Alta Transportation Report to Mr. Corrigan of NYSDOT and spoke with Lindsay Zefting who will be available to answer any questions resulting from the meeting on Wednesday, 10/25 at 10 a.m. Mr. McGee and Mr. Steffens will attend the meeting.

Subdivision Site Plan Application
One Bedroom Residence with 2-Car Garage
PB17-28, 56 Elting Avenue
Applicant: Rich Steffens
Zoning District: R-2
SBL: 86.42-5-13.2
9:45-9:46

Mr. Steffens recuses himself. Ms. Waltermaurer steps in as a voting Member.

Chair Zierler summarizes the application, which will be reviewed again at the 11/9/17 Meeting and notes that the Board can set a Public Hearing to move the application forward.

Mr. Litton moves to set a Public Hearing for PB17-28, 56 Elting Avenue, Steffens. Mr. McGee seconds. Mr. Steffens is recused. 5 ayes. Motion carried.

Administrative Business

9:46-9:52

- *Review and Recommendations of the Stormwater Code Changes*
- *Update from Trustee Murray on Several Planning and Zoning Items Before the Village Board*
Mr. Murray notes that a Village Board workshop to review the NBR Committee suggestions will take place at 7 p.m. on Wednesday, 10/18/17. Mr. Murray informs that the changes made by the 212.23 Review Committee will be forwarded to the Planning Board for review before being sent to the Village Board.
Chair Zierler notes that the Planning Board will host a workshop or presentation to help move the 212.23 review along.
- *Approval of Minutes from October 3, 2017*
Mr. Steffens moves to approve the October 3, 2017 Minutes. Mr. McGee seconds. 5 ayes. Motion carried.
- *Closing two Trust and Agency Accounts - T/A 52, PB17-16, 7-11 Church Street; T/A 53, PB17-08, 16 North Manheim, Botros*
Mr. Steffens moves to close T/A 52, PB17-16, 7-11 Church Street and T/A 53, PB17-08, 16 North Manheim, Botros. Mr. McGee seconds. 5 ayes. Motion carried.
- *Meeting Overview for November 9, 2017 (Thursday)*

Adjournment

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

The meeting adjourns at 9:53 p.m.

Respectively submitted by,

Christena Carp
Planning and Zoning Secretary