



Village of New Paltz Planning Board
Regular Meeting of Thursday November 9, 2017
Village Hall-7:00p.m.
APPROVED MINUTES

Present: Michael Zierler, Chair
John Litton
Denis McGee, leaves at 9:53 p.m.
Rich Souto, arrives at 7:44 p.m.
Rich Steffens

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

Welcome

7:04-7:06

Chair Zierler reviews the Agenda.

Public Hearing

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

7:07-7:12

Mr. Litton moves to open the public hearing for PB17-28, 56 Elting Avenue, Steffens. Mr. McGee seconds. Mr. Steffens is recused. Mr. Souto is absent. Motion carried.

Elizabeth Lee reads Misha Harnick's letter into the record, Willie Yee speaks.

Mr. Litton moves to close the public hearing for PB17-28, 56 Elting Avenue, Steffens. Mr. McGee seconds. Mr. Steffens is recused. Mr. Souto is absent. Motion carried.

Public Comment (15 minutes)

7:12-7:19

Cara Lee relays Brad Barclay's comments, Cara Lee and Tom Nyquist speak regarding PB16-02, 87-91 & 93 North Chestnut, Net-Zero.

Site Plan Application

PB17-02, 85 North Chestnut Street

Applicant: Radi Serdah

Zoning District: NBR

SBL: 86.26-1-13

7:19-7:42

Chair Zierler reviews the application. Building Inspector Arms notes that a temporary 9-month Certificate of Occupancy could be issued.

Engineer Andy Willingham asks whether a change of use can be issued instead.

Attorney Golden explains that the Board needs to review the project as it is presented, a change of use without any proposed modifications to the site that requires a site plan, and not as a two-step project that may be implemented in the future once the new NBR law goes into effect.

Chair Zierler agrees that the application requires a site plan and notes that because the Building Inspector can provide the temporary 9-month Certificate of Occupancy, that would allow the business to open up while site improvements are being completed.

Mr. Willingham notes that the creation of a site plan involving landscaping, sidewalks and approvals from the New York State Department of Transportation (NYSDOT) will take some time.

Mr. Steffens notes that Mr. Serdah cannot install garage doors or get a building permit until the Board approves a site plan for the proposed auto repair shop.

Planner Gilmour notes that the NBR District transportation form provides guidelines for sidewalk, management of curbcut and landscaping that can inform the site plan. Planner Gilmour notes that the application has been referred to County as well.

Chair Zierler explains that the Board requires NYSDOT input to review curbcuts and right-of-way issues before a building permit can be issued.

Mr. Willingham queries why, if only minor alterations are being done, do they need to go through the entire site plan process.

Mr. Arms explains that the change of use from a retail business to an auto repair shop requires a new site plan to meet current conditions.

Attorney Golden concurs that the change of use triggers site plan review.

Chair Zierler notes that a site plan that meets the specifications for the current NBR Zoning is required and observes that the Board can get the NYSDOT involved right away and schedule a public hearing.

Chair Zierler explains that, once approved, Mr. Serdah can get a building permit to begin renovations on the building and that, once he is ready to move in, he can ask for a temporary c/o that will be good for 9 months. During that time, Chair Zierler hopes that the NBR law should be completed and Mr. Serdah can make a decision about when or if to submit his next application.

Mr. Willingham offers to meet with Mr. Arms to review site plan requirements.

Site Plan Application

PB17-30, 33 Bonticou View Drive

Applicant: Renata McElroy-Perlman

Zoning District: R-1

SBL: 78.82-3-8

7:42-7:56

Architect Miller reviews the application and hands out a revised copy to the Board.

Mr. Souto arrives at 7:44 p.m.

Mr. Steffens, who had originally built the house at 33 Bonticou View Drive, observes that the house conformed to the R-2 District at the time it was built. Mr. Steffens explains that once the District was changed to R-1, then the setbacks changed and the building became pre-existing nonconforming.

Mr. Steffens moves that the application is a Type II Action under SEQRA and is exempt from referral to the UCPB and that a Public Hearing is set for 7 p.m. on Tuesday, November 21, 2017. Mr. McGee seconds. 5 ayes. Motion carried.

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

7:56-8:35

Chair Zierler reviews the NYSDOT-prescribed bike lane change and the Hudson Land Design Stormwater Report. Chair Zierler requests that members forward a punch list to Ms. Carp regarding what remains to be done on the application.

Planner Gilmour notes that County approved the application, but that the formal paperwork has not yet arrived.

Mr. Shepler and Board Members McGee and Steffens summarize the meeting with NYSDOT regarding the bicycle lanes.

Chair Zierler asks who has the final say over the bicycle lane design.

Engineer Barry Medenbach responds that NYSDOT has jurisdiction.

Chair Zierler asks the Board if they want to consider submitting the NYSDOT alterations to Alta Planning and Design for their comments. Chair Zierler notes that the Route 32 bridge by Stewarts

does not have any shoulder for bicyclists who are then forced into the roadway.

Attorney Golden responds that NYSDOT still has the authority to determine what happens within their right-of-way.

The majority of the Board agrees to adopt the NYSDOT changes to the bicycle lanes. Further, a Board majority rejects sending the NYSDOT changes to Alta Planning and Design.

The Board review the stormwater report from Hudson Land Design (HLD).

Mr. Medenbach observes that the report is mainly asking for clarification of minor issues with no requests for design changes. Mr. Medenbach notes that he will communicate with Dan Koehler, of HLD, and address the points he made in the report.

Chair Zierler asks if anyone has a list of things that they want reviewed during site plan review such as recreation fees or affordable housing units.

Mr. Litton asks about the entrances from the Net-Zero site to the Wallkill Valley Rail Trail (WVRT). Mr. Shepler responds that his architect noted that if the public bathrooms are to be accessible to recreational trail users then the two entrances should remain. Mr. Shepler observes that it was often mentioned that he should use the Water Street Market complex as a model for his project and notes that there are multiple entrances from the WVRT to Water Street Market. Mr. Shepler asks the Board if they agree and want to encourage the movement of people from the WVRT to Net-Zero.

The Board discusses porosity and points of connectivity between the WVRT and the Net-Zero site.

Mr. Steffens asks if an easement is in place for the existing footbridge. The Board notes that easements will eventually be obtained.

Chair Zierler notes that he does not agree with the philosophy of decreasing porosity and thinks that, done in a responsible way, connectivity to the WVRT is to be encouraged.

The Board notes the pending 11/11/2017 site visits to view the Net-Zero project from neighboring homes.

Site Plan Application

Reconfiguration of Interior space, Bedrooms and Driveway

PB17-31: 26 Grove Street

Applicant: Michael Jaffe

Zoning District: R-2

SBL: 86.34-8-5.500

8:35-8:51

Chair Zierler notes that Mr. Jaffe and Mr. Schwartz are in the process of purchasing 26 Grove Street and want to establish a current site plan that is code compliant.

The Board and applicants discuss the changes to the driveway.

Building Inspector Arms notes that the house is supposed to be a 4-bedroom house and, therefore, it is presumed that parking should be available for 4 cars.

Mr. Souto asks if the driveway is then considered a pre-existing, non-conforming structure. Mr. Arms answers in the affirmative and notes that the cars can be stacked in the driveway.

Mr. Steffens notes that if driveway access is temporarily blocked, there is a tendency for tenants to drive over lawns and suggests delineating the lawn from the parking area by utilizing landscaping.

Mr. Schwartz responds that he will utilize railroad ties to delineate the parking area from the landscaped area.

Chair Zierler asks the applicants to work with Mr. Arms to ensure that the study room cannot be counted as a bedroom and notes that, if it is counted as a bedroom, the current parking arrangement will be affected.

Mr. Steffens recalls that there is a very active artesian well on the property and that they had installed a catch basin and placed it in an underground pipe.

The applicants agree to revise the site plan to include underground utility lines, the 12.5 side yard setback, catch basin(s) and drainage.

Chair Zierler notes that a few minor items need to be added to the Environmental Assessment Form and asks the applicants if there is any interest in reviewing the sewer connections.

Mr. Schwartz responds that he will check the sewer connections with a camera.

Mr. Steffens moves that the application is complete; a Type II action under SEQRA with no need for referral to the UCPB; that a Public Hearing be set for 7:10 p.m. on Tuesday, November 21, 2017. Mr. McGee seconds. 5 ayes. Motion carried.

Site Plan/Special Use Permit

Theater Construction

PB17-15, 12 Main Street

Applicant: W.L. Holdings

Zoning District: Gateway

SBL: 86.033-3-5

8:51-10:20

The Board and applicant discuss the annotated resolution.

The Board, Attorney Golden and Building Inspector Arms discuss the directional, commercial and accessory signage.

Attorney Golden notes that Water Street Market will need sufficient ADA compliance for the present application and that Building Inspector Arms can determine if the parking is ADA compliant.

Mr. Litton asks if the site plan for Water Street Market is out of compliance with regard to parking

then would the applicant be required to come into compliance in order to move the current application forward?

Attorney Golden explains that the question is not whether the site plan for Water Street Market is in compliance, but whether or not the site plan can accommodate the parking demands placed on it. Attorney Golden notes that if Mr. Arms determines that the applicant will lose 6 spaces and now needs to come into compliance, then the applicant will need to see Mr. Arms in order to figure out how to come into compliance, but only with respect to the parking issues.

Attorney Golden adds that it may be that all that is required is restriping and that the Building Inspector might determine that this would not rise to the level of requiring Planning Board review.

Attorney Golden notes that finalizing a draft resolution is a process and changes can be made through discussion resulting in subsequent revisions.

Ms. Waltermaurer stands in for Mr. McGee who leaves at 9:53 p.m.

The Board introduces 7 modifications to the draft resolution which Attorney Golden will add and return for review before a final vote is taken.

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Zoning District: R-2

SBL: 86.42-5-13.2

10:21-10:36

Mr. Steffens leaves the table as a Member and returns as an applicant.

The Board reviews the draft resolution.

Attorney Golden advises Mr. Steffens that the Board may require the placement of certain conditions on the final plat. Attorney Golden notes that when a subdivision that includes site plan elements is submitted, State law qualifies it as a subdivision review.

The Board and applicant discuss revisions to the subdivision map.

Planner Gilmour notes that a recreation fee may be considered with a site plan or subdivision.

Chair Zierler notes that in the draft resolution, under "specific conditions", the following can be added: "Having determined that no recreation alternatives are available on the property, and prior to the signing of the final plat, the applicant shall pay a recreation fee for a single lot as set by the Village Board of Trustees."

Mr. Litton moves to approve the resolution for PB17-28, 56 Elting Avenue, Steffens. Mr. Souto seconds. Mr. Steffens is recused. Mr. McGee is absent. 4 ayes. Motion carried.

Administrative Business

- *The Ridge, 58 South Manheim Blvd., Sifre - Request to move location of affordable housing unit*
Mr. Steffens moves to accept Mr. Sifre's request to move the location of the affordable housing unit at The Ridge. Mr. Souto seconds. 5 ayes. Motion carried.

Approval of Minutes from October 17, 2017

Mr. Steffens moves to approve the 10/17/17 Minutes as amended. Mr. Souto seconds. 5 ayes. Motion carried.

Thank you to Chair Zierler

Mr. Litton thanks Chair Zierler for his patience and the time and energy he has spent working on applications.

- *Meeting Overview for November 21, 2017*

Adjournment

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

The meeting adjourns at 10:38 p.m.

Respectively submitted by,

Christena Carp
Planning and Zoning Secretary