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Village of New Paltz Planning Board  
Regular Meeting of Tuesday November 21, 2017  
Village Hall-7:00p.m.  
**APPROVED MINUTES**

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

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

***Welcome***

7:04

Chair Zierler amends the Agenda to include a review of the 2018 Meeting Schedule and zoning code.

***Public Hearing***

***Site Plan Application***

PB17-30, 33 Bonticou View Drive

Applicant: Renata McElroy-Perlman

Zoning District: R-1

SBL: 78.82-3-8

7:05

Mr. Litton moves to open the Public Hearing for PB17-30, 33 Bonticou View Drive, McElroy-Perlman. Mr. Steffens seconds. 5 ayes. Motion carried.

No one from the public comes forward to speak.

Mr. Litton moves to close the Public Hearing for PB17-30, 33 Bonticou View Drive, McElroy-Perlman. Mr. McGee seconds. 5 ayes. Motion carried.

***Application Review***

***1. Site Plan Application***

PB17-30, 33 Bonticou View Drive

Applicant: Renata McElroy-Perlman

Zoning District: R-1

SBL: 78.82-3-8

7:06-7:07

Chair Zierler summarizes the project and reads the resolution:

**RESOLUTION OF SITE PLAN AMENDMENT APPROVAL  
33 BONTICOU VIEW DRIVE  
PLANNING BOARD APPLICATION #PB 17-30**

Date: November 21, 2017

Resolution No. PB17-30

Moved by: Mr. Steffens

Seconded by: Mr. McGee

**WHEREAS**, on or about October 19, 2017, Renata McElroy-Perlman applied for a site plan amendment to a single-family residence, located at 33 Bonticou View Drive (SBL #78.82-3-8), to authorize the construction of a replacement deck, new pool, garage, front entry porch, and dormer, removal of two dormers, replacement of windows and façade, and interior renovations as shown on the drawing set prepared by Richard Miller Architect dated October 17, 2017 and revised November 9, 2017; and

**WHEREAS**, the proposed project is located in the Residential R-1 zoning district and requires site plan approval; and

**WHEREAS**, the applicant submitted a short Environmental Assessment Form dated October 19, 2017; and

**WHEREAS**, on November 9, 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 November 9, 2017, the Planning Board classified the action as a Type II action under the State Environmental Quality Review Act; and

**WHEREAS**, a duly noticed public hearing on the application was held on November 21, 2017, at the Village Hall, Village of New Paltz, at which all those wishing to be heard were given the opportunity to speak.

**NOW, THEREFORE**, the Planning Board makes the following findings of fact:

1. The location and size of the proposed structure, the nature and intensity of its use and the size of the site in relation to them are such that it will be in harmony with the appropriate and orderly development of the zoning district in which it is located.

2. The location, nature, and height of the proposed structure is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
3. Use of the proposed structure will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the use of any permitted use not requiring a special permit.
4. No additional parking is required for the proposed structure as the number of bedrooms is not increasing.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Village of New Paltz Planning Board that the proposed site plan amendment, as shown on a drawing set prepared by Richard Miller Architect dated October 17, 2017 and revised November 9, 2017, 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</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:	5			

**Moved by:** Mr. Steffens

**Seconded by:** Mr. McGee

**Date of Approval:** November 21, 2017

**Date Filed in the Office of the Village Clerk:** November 22, 2017

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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.

Mr. Steffens moves to approve the resolution for PB17-30, 33 Bonticou View Drive, McElroy-Perlman. Mr. McGee seconds. 5 ayes. Motion carried.

### ***Submission Modifications Reminder***

7:07-7:09

Chair Zierler announces a reminder that ***New applications*** should be submitted at least 3 weeks before a Meeting, ***Ongoing applications*** by 10 a.m. the Monday following a meeting; and ***Public Comments*** by noon on the Thursday before an upcoming Meeting for inclusion in that Meeting.

### ***Public Hearing***

#### ***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

7:09-7:13

Mr. Steffens moves to open the Public Hearing for PB17-31, 26 Grove Street, Jaffe. Mr. McGee seconds. 5 ayes. Motion carried.

Kristin Crawford and David Caccamo come forward to speak.

Mr. Steffens moves to close the Public Hearing for PB17-31, 26 Grove Street, Jaffe. Mr. McGee seconds. 5 ayes. Motion carried.

### ***Application Review***

#### ***2. 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

7:13-7:40

The Board discusses the size of the driveway and the need for railroad ties to be permanently anchored and extend along the perimeter of the driveway.

The Board and applicants discuss the width of the driveway and the goal of containing the driveway so that it fits in with the owner-occupied residences around it.

Mr. Schwartz agrees to extend the railroad ties along the driveway perimeter and permanently anchor them to the ground. Mr. Schwartz notes that the area left behind after the shale driveway is removed will be green and landscaped.

The Board notes that Building Inspector Arms will be involved in determining that the dimensions of the driveway are meeting village code.

Planner Gilmour notes that Mr. Arms noted that it was a pre-existing driveway and so the

stacking of cars will not be an issue.

The Board, applicants and neighbor Leonard Cohen review the easement presented by Mr. Cohen. Mr. Schwartz notes that the easement states that he cannot block Mr. Cohen's access to the stormwater culvert. The addition of a hand-drawn line demonstrating the location of the stormwater culvert by Mr. Cohen will be placed in the street file.

Chair Zierler reads the resolution for 26 Grove Street with an amendment noted as follows:

**RESOLUTION OF SITE PLAN AMENDMENT APPROVAL  
26 GROVE STREET  
PLANNING BOARD APPLICATION #PB 17-31**

Date: November 21, 2017  
Resolution No. PB17-31

Moved by: Mr. Souto  
Seconded by: Mr. McGee

**WHEREAS**, on or about August 30, 2017, Michael Jaffe and David Schwartz submitted a pre-application (PB17-29) for a site plan amendment to a single-family residence, located at 26 Grove Street (SBL #86.34-8-5.500), to correct building code and/or zoning violations. Specifically, the applicants will restore the residence to the legally allowed four bedrooms and reduce the driveway to its permissible size. On October 6, 2017, the applicants submitted a full application (PB17-31), including hand-drawn floor plans (two pages, undated) and a survey plat/site plan prepared by Margaret M. Hillriegel, Licensed Land Surveyor (dated October 6, 2017), for the same work as described in the pre-application. The Planning Board subsequently received a revised survey plat/site plan, dated November 15, 2017, prepared by Margaret M. Hillriegel, Licensed Land Surveyor; and

**WHEREAS**, the proposed project is located in the Residential R-2 zoning district and requires site plan approval; and

**WHEREAS**, the applicant submitted a short Environmental Assessment Form dated October 6, 2017; and

**WHEREAS**, on November 9, 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 November 9, 2017, the Planning Board classified the action as a Type II action under the State Environmental Quality Review Act; and

**WHEREAS**, a duly noticed public hearing on the application was held on November 21, 2017, at the Village Hall, Village of New Paltz, at which all those wishing to be heard were given the opportunity to speak.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Village of New Paltz Planning Board that the proposed site plan amendment, as shown on hand-drawn floor plans (two

pages, undated) and a survey plat/site plan prepared by Margaret M. Hillriegel, Licensed Land Surveyor (dated October 6, 2017, and revised November 15, 2017), is hereby approved, subject to the following conditions: payment of all fees and submission of a final site plan with two modifications, (1) railroad ties bordering the driveway will be extended to the westerly property line and (2) a note will indicate that the railroad ties will be securely affixed to the ground. In addition, the final site plan will include 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</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:	5			

Moved by: Mr. Souto

Seconded by: Mr. McGee

Date of Approval: 11-21-2017

Date Filed in the Office of the Village Clerk: 11-22-2017

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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.

Chair Zierler notes that the applicant will need to bring in 3 final copies of the site plan that illustrate the railroad ties extending to the property line with a notation stating the proposed railroad tie boundary and indicating that the railroad ties will be permanently affixed.

Planner Gilmour notes that the applicant agreed to do camera work on the sewer lateral.

Chair Zierler responds that it is in the record that the applicant will do so.

Mr. Souto motions to approve to resolution for PB17-31, 26 Grove Street, Jaffe. Mr. McGee seconds. 5 ayes. Motion carried.

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

7:40-7:46

Brad Barclay and Cara Lee speak regarding PB16-02, 87-91 & 93 North Chestnut, Net-Zero.

***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

7:47-8:24

Mr. Litton asks Attorney Golden if he had a chance to review Mr. Burton's letter and if he has any comments on the points that were raised.

Attorney Golden asks for time to review.

Mr. Litton asks about the fire safety issue raised in Mr. Burton's letter. Chair Zierler responds that the Board must follow state code.

Mr. Souto asks if the Board is clear on the ADA compliance.

Mr. Miller notes that the parking area is ADA compliant and shows the parking diagram to the Board.

Attorney Golden notes that the Board must ensure that the parking is satisfactory and consistent with the granted approval. Attorney Golden points out areas in the resolution that are not accurate and are in need of clarification and Chair Zierler adds editing notes.

The Board discusses areas of the resolution to remove and areas that need clarification.

Chair Zierler reads Ms. Muller's letter into the record and the Board discusses each point.

Chair Zierler reads the amended resolution:

**RESOLUTION OF APPROVAL  
FOR  
SITE PLAN & SPECIAL USE PERMIT  
FOR  
W. L. HOLDINGS, LLC, 12 MAIN STREET, VILLAGE OF NEW PALTZ  
PLANNING BOARD APPLICATION # PB 17-15**

Date: November 21, 2017  
Resolution No. PB17-15

Moved by: Mr. Steffens  
Seconded by: Mr. McGee

### **Application Summary**

W.L. Holdings, LLC (hereinafter “the Applicant”) proposes to construct a one-story 2,232 sq. ft. live theater.

### **Identification of the Property**

The property that is the subject of this Resolution is located along Main Street and is shown on the Tax Map of the Village of New Paltz, New York, as Section 86.033, Block 3, Lot 5. The property is located in the Gateway District.

### **Identification of the Plans & Submittals**

The following are the plans and other submittals that form the basis of the Planning Board’s action in this matter:

1. Application for Site Plan Review dated 06/05/2017, as amended 06/21/2017 to include Special Use Permit Information
2. Short Environmental Assessment Form Part 1, dated 03/21/2017
3. Plans identified as follows:

<u>Sheet No.</u>	<u>Description</u>	<u>Last Revised</u>
1	Survey Map	07/07/2017
by A. Diachishin and Associates, P.C.		
2	Site Plan	09/25/2017
by A. Diachishin and Associates, P.C.		
3	Landscape Plan	09/25/2017
by Richard Miller, Architect		
3SL	Signage & Lighting	11/20/2017
by Richard Miller, Architect		
4	Pre and Post Development Subcatchments	09/25/2017
by A. Diachishin and Associates, P.C		
5	Construction Details	09/25/2017
by A. Diachishin and Associates, P.C		
6	Construction Details	09/25/2017
by A. Diachishin and Associates, P.C		

4. Drainage Calculations for Site Plan for Live Theater lands of W. L. Holdings, LLC, Green Roof Design, Village of New Paltz, prepared by A. Diachishin and Associates, P.C., revised 09/22/2017.
5. Comments by David Gilmour, AICP, Municipal Planner, dated 06/15/2017
6. Response to Planner’s Comments prepared by A. Diachishin and Associates, P.C., dated 07/10/2017
7. Comment Letter by Lawrence J. Paggi, P.E., dated 07/19/2017
8. Response to Engineer’s Comments prepared by Robert James, P.E., L.S., dated 08/08/2017.
9. Geotechnical Monitoring Services Proposal, prepared by Tectonic Engineering & Surveying Consultants PC, dated 08/10/2017
10. Comment Letter by Lawrence J. Paggi, P.E., dated 08/15/2017
11. Ground Vibration Monitoring Plan by Richard Miller, Architect, dated 08/11/2017

12. New Paltz Fire Department Letter, dated 08/15/2017
13. Response to Fire Department Comments by Richard Miller, Architect, dated 08/15/2017
14. New Paltz Fire Department Email, dated 08/16/2017
15. New Paltz Fire Department Email, dated 08/22/2017
16. Correspondence from Water Street Market, LLC, dated September 18, 2017, authorizing the Applicant to complete the improvements on the Water Street Market property as set forth on the site plan.
17. Indenture of Easements, dated September 19, 2017, made by Water Street Market, LLC to WL Holdings, LLC concerning: (1) access; (2) parking; (3) waste storage; (4) drainage; and (5) utilities.
18. Comment Letter by Lawrence J. Paggi, P.E., dated October 12, 2017

### **Procedural History**

This application was filed on or around June 5, 2017 and amended on or about June 21, 2017 to include, *inter alia*, the required special use permit information.

On June 20, 2017, the Planning Board determined the application complete pending resubmission with requested modifications, and referred it to the Ulster County Planning Board for review under General Municipal Law § 239-*m*. The Planning Board received the General Municipal Law § 239-*m* Recommendation from the Ulster County Planning Board dated July 5, 2017. The Ulster County Planning Board required four modifications as follows: First, as to parking, “[a]n agreement between the applicant and the owners of 12 Main Street to share parking will be necessary.” Second, as to signage, “[s]ignage details will need to be provided for the Village Planning Board’s review. All signage will need to conform to the standards of the Village’s Zoning Statute.” Third, as to lighting, “[l]ighting levels should be calculated for the plan and levels should not exceed the Illuminating Engineering Society (IES) Outdoor Site/Area Recommended Illuminance Levels...” Fourth, as to the easement, “[t]he existing easement will need to be researched to see if it the easement is simply for access or whether or not it specifies or limits the type of access to be granted across it.”

On August 1, 2017, the Planning Board determined that under the State Environmental Quality Review Act (“SEQRA”) the application was a Type II action, requiring no further environmental review. 6 N.Y.C.R.R. § 617.5(c)(7).<sup>1</sup>

A duly noticed public hearing on this application was convened on August 15, 2017 and adjourned to September 5, 2017, when it was closed.

### **Findings**

The Planning Board has determined that approval of this site plan and special use permit will protect and promote public health, safety, comfort, convenience, and economy, as well as the natural, agricultural and cultural resources, aesthetics, and the general welfare. Furthermore, the character of the land is such that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.

The Planning Board has found that the site plan conforms to the Village’s adopted Comprehensive Master Plan, Gateway District Development Standards, and Village Code. There will be no unreasonable interference with traffic on surrounding streets and the site plan includes

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<sup>1</sup> Subsection 7 states that the following is considered a Type II action under SEQRA: “construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.”

adequate stormwater-detention facilities to the satisfaction of the Planning Board's consulting engineer. The Planning Board has reviewed conservation features, aesthetics, landscaping, and impact on surrounding development and the entire Village in making this determination of approval.

The Planning Board has also found that the proposed theater use is in harmony with the Zoning Code and will not adversely affect the neighborhood if the requirements imposed by this Resolution of Approval are met. In accordance with Village Code §212-39(B)(3), the Planning Board has attached conditions and safeguards to the special use permit and development plan as are, in its opinion, necessary to ensure initial and continual conformance to all applicable standards and requirements.

The Planning Board has also found that the standards and requirements for the theater special use set forth in Article VII of the Village Zoning Law (Chapter 212), in addition to all other applicable regulations, have been met. The Planning Board has specifically determined that the conditions in Village Code §212-40 have been met as follows:

- (1) Village Code §212-40(A) is inapplicable, as the proposed use is not in a residence district.
- (2) The location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the zoning district in which it is located. This theater is located in the Gateway District and will be accessed from Water Street Market. The theater use is in harmony with the Water Street Market development and is an appropriate scale and size for the lot.
- (3) The location, nature, and height of the buildings, walls, fences and the nature and extent of existing and proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings. The proposed theater is consistent with the nearby Water Street Market development and appropriate for this location. The building is only partially visible from Main Street or Wurts Avenue. The building height is 17.5 ft. at its highest point and the maximum height allowable is 35 ft. The building will be screened with landscaping and conditions established so not to hinder the use of neighboring residences.
- (4) Operations in connection with the theater use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted use not requiring a special permit. The theater use is much less intense than other uses permitted in this District. Performances will be limited and the theater will not draw large crowds on a daily basis. The building will be insulated to comply with the energy code and will be acoustically sealed so not to allow theater noise to be heard outside. The Applicant has not proposed any food service and no fumes, noise or vibration will result from the theater operations.
- (5) Parking areas are of adequate size for the theater use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives are laid out so as to achieve maximum and adequate safety. The

Applicant has demonstrated that there is sufficient parking available in the adjoining Water Street Market parking area to accommodate the theater use. The Applicant will have an enforceable parking agreement with the owner of the Water Street Market property and, through the Special Use Permit, the Planning Board will retain jurisdiction to monitor the theater use with respect to parking. If necessary, the Planning Board will revisit the special use permit and further restrict the conditions of the permit to mitigate any parking deficiencies.

The Planning Board hereby adopts the Ulster County Planning Board's required modifications. The Planning Board finds that the Applicant has already complied with the required modifications for signage, by submitting the requisite signage details, and for the easement, by submitting the underlying deeds and records indicating that the easement is simply a 12 ft. Right of Way for access that does not specify or limit the type of access to be granted across it. The Planning Board further finds that the Applicant will satisfy the Ulster County Planning Board's required modifications as to parking and lighting by complying with Specific Conditions Nos. 1 and 8, below.

### **Resolution of Approval**

**Now, Therefore,** the Planning Board of the Village of New Paltz, New York hereby resolves to issue Site Plan and Special Use Permit Approval to the application of W.L. Holdings, LLC, but only as specifically set forth on the plans as identified above, or as subsequently revised in accordance with this Resolution, and as further conditioned as set forth below. The Chairperson is hereby authorized to sign such plans and other documents evidencing this Approval only in strict accordance with all of the terms and conditions of this Resolution of Approval.

### **Specific Conditions**

1. Prior to the issuance of a building permit, the Applicant shall provide to the Building Department proof of filing with the Ulster County Clerk's office the Indenture of Easements by Water Street Market, LLC, dated September 19, 2017, concerning: (1) access; (2) parking; (3) waste storage; (4) drainage; and (5) utilities.
2. Prior to the signing of the plans, the Applicant shall submit a revised vibration monitoring plan that is satisfactory to the Planning Board's consulting engineer, Lawrence J. Paggi, P.E., prepared by a qualified and reputable monitoring firm and setting forth the following: (1) details of a pre-construction survey of adjacent buildings; (2) the type of vibration monitoring device to be used and where the vibration monitoring equipment will be located during construction; (3) identity of a reputable third-party monitoring firm that will oversee the construction process; (4) details of the process to follow in the event that cracks and/or other building damage is detected during construction, including: (a) construction is halted; (b) the monitoring firm will review the monitor data and the specific damage to determine whether the damage was caused by the construction; (c) if the conclusions are in dispute, the Village will have the data and analysis reviewed by the Building Inspector and a consulting engineer; and (d) if needed, modifications will be made to the construction methods. The Applicant's vibration monitoring plan shall comply with all comments and recommendations in Engineer Paggi's letter of October 12, 2017.
3. Prior to the issuance of a building permit, the Applicant shall add to its general liability policy as additional insureds each of the property owners adjoining the subject premises with respect to the Applicant's rock removal operations and potential damage to such

adjoining property owners. The general liability policy shall be in an amount of at least \$1,000,000 and be in such form and with such proof as is acceptable to the Planning Board attorney to ensure that such adjoining property owners are additional insureds in both name and effect.

4. Prior to the issuance of a building permit, the Applicant shall set up appropriate protocols for rock excavation to the satisfaction of the Planning Board's consulting engineer Lawrence J. Paggi, P.E.
5. The Applicant's existing 12 ft. Right of Way to Wurts Avenue shall not be used by vehicles or pedestrians to access the theater for performances and events at the theater.
6. There shall be no events outside of the theater building.
7. There shall be no mechanical equipment located on the roof of the building.
8. The Applicant shall comply with the required lighting modification set forth in the Ulster County Planning Board's decision, dated July 5, 2017.
9. The Applicant shall manage stormwater during construction in accordance with the plans, including all notes and details on Sheets 4 and 6, last revised 09/25/2017. Contractors performing earth disturbing activities, including grading and landscaping, shall be provided with and abide by all applicable plans and specifications.
10. All signs and associated lighting must comply with applicable Village Code provisions. The Planning Board is only approving the locations of the proposed signs to the extent such signs are allowed under Village Code. The Applicant shall obtain all requisite approvals and sign permits from the Building Inspector prior to erecting any sign on the property.
11. Prior to the issuance of a certificate of occupancy, the Building Inspector shall review the plans and certify that the parking being provided by the Applicant in the Water Street Market parking lot complies with all applicable Village Code and State Building Code requirements.
12. To the extent that this approval, including its specific and general conditions, requires modifications to the site plan of the adjoining Water Street Market property, in the opinion of the Building Inspector, then, prior to the issuance of a certificate of occupancy to the Applicant for the proposed theater, the Water Street Market property shall be required to return to the Planning Board to obtain an amended site plan approval, modified as necessary to be consistent with this proposed theater site plan approval.
13. This Special Use Permit shall be subject to all of the provisions within Article VII of the Zoning Law of the Village of New Paltz (Chapter 212 of the Village of New Paltz Municipal Code).

### **General Conditions**

1. This Resolution of Approval is conditioned upon the Applicant submitting all necessary final copies of the plans, reports and documents to the Village of New Paltz Building Inspector.
2. 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 in the Specific Conditions of this Resolution, 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.

3. The site plan as approved by the Planning Board shall be binding upon the Applicant and any subsequent owner. Any changes from the approved plan shall require resubmission and re-approval by the Planning Board. No deviation from the plans, reports or other documents that form the basis for this approval are effective unless and until an amendment to this Resolution is secured from the Planning Board in writing. The Village may stop work on this project, and/or revoke a building permit, and/or withhold a certificate of occupancy, and/or seek any other additional relief as authorized by law, if any term or condition of this Resolution is violated.
4. If no construction or other site improvements have been initiated at the site during the 12-month period following site plan approval, the approved plan shall require resubmission and re-approval by the Planning Board.
5. All fees regarding this Application must be paid in full, including all application fees, other fees required by the Village Code, and the fees of the Planning Board consultants, including all engineering, planning, and legal fees. Any bonds or other security required by this Resolution shall be submitted in a timely manner as required by the Village Code or Building Inspector. No building permit may be issued by the Building Inspector unless and until such fees have been paid in full and such bonds or other security, if any, shall have been filed with the Village.
6. Any bonds necessary for the performance of the work shall be in such form and in such amounts as required by the Village Board of Trustees, in consultation with the Village Engineer, the Superintendent of the Village Department of Public Works, and the Village Attorney.
7. Any special use permit not exercised within one year of the date of issuance shall expire without further hearing by the Planning Board. A special use permit shall be deemed to authorize only the special use or uses specified in the approval resolution and shall expire if the authorized special use shall cease for more than 6 months for any reason.

<b>Name</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</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:	3	2		

Moved by: Mr. Steffens

Seconded by: Mr. McGee

Date of Approval: November 21, 2017

Date Filed in the Office of the Village Clerk: November 28, 2017

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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.

Mr. Steffens moves to approve the resolution for PB17-15, 12 Water Street, W. L. Holdings/Theater as amended. Mr. McGee seconds. Chair Zierler, nay. Mr. Litton, nay. 3 ayes. Motion carried.

#### *4. Pre-Application*

PB17-32: 19 North Front Street

Applicant: Jeremiah Pitkin

Zoning District: B-2

SBL: 86.127-1-1

8:24

Mr. Pitkin is not present. The Board will move his application to the 12/5/17 Meeting.

#### *5. Special Use Permit/Site Plan/Subdivision*

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

Applicant: Net Zero Development LLC/Shepler

Zoning District: NBR

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

8:25-9:33

Chair Zierler begins a review of the punch list:

1. Stormwater Review. Mr. Shepler notes that Hudson Land Design and Medenbach and Eggers are targeting having the results in time for the Board's 12/19/17 Meeting.
2. Landscaping. Mr. McGee, Ms. Waltermaurer, Chair Zierler and Planner Gilmour went on site visits to four neighbors near Net-Zero.

Planner Gilmour notes that there is a fair amount of existing landscaping as viewed from west toward east. Planner Gilmour mentions that ambient sound from Route 32 was evident and there was discussion as to whether a building might mask some of these sounds.

Ms. Waltermaurer agrees that existing landscaping provides cover, but that the second house in the site visit has some clearing to the Net-Zero site when the leaves are off the trees. Mr. Waltermaurer notes that this neighbor is concerned about having a view of two rows of illuminated windows at night which

can be helped, to some degree, by landscaping. Ms. Waltermaurer agrees that a building will probably block some of the ambient noise from Route 32.

Mr. McGee notes that the retail portion of the building creates a walkable destination for residents. Mr. McGee maintains that the more attractive the access to the Net-Zero site, the more appealing it will be for neighbors who see the site from their property. Mr. McGee notes that further north near BOCES, houses are very close to the Rail Trail and are looking directly into commercial buildings. Mr. McGee notes that Net-Zero has the potential to be an historic building.

Chair Zierler notes that each property has a view of a different portion of the Net-Zero site. Chair Zierler notes that the main goal is to create a fairly dense buffer that winters well and blocks the view of the site. Chair Zierler comments that in order to be less intrusive, light needs to be largely downward focused.

Chair Zierler notes that the Board will contact a landscape architect to work with Mr. Shepler's landscape architect to review plantings, soil specs for trees, easements with the Wallkill Valley Rail Trail and overall landscaping issues.

The Board agrees to forward questions from Mr. Barclay's letter and comments regarding Mulberry Street to Ms. Lindsay Zefting of Alta Planning & Design so that she can address specific issues and provide a brief response.

Mr. Shepler responds that his Team had considered placing handicapped parking on Route 32 North and in the north parking lot, as noted in public comments, rather than placing it along Mulberry Street. Mr. Shepler notes, however, that Route 32 is a busier and faster street and that more room exists on the south side to accommodate people who are disabled. Mr. Shepler notes that the north parking lot does not provide accessibility which is located on the south side of the building. Mr. Shepler offers to mark the area in whatever manner the Board decides.

Chair Zierler notes that the Board is attempting to come up with a solution to maximize safety and ensure that people with disabilities can access all parts of the building.

The Board and applicant discuss the remaining items on the punch list.

Mr. Souto notes that the punch list reviews versions of plans that he has since discarded and asks Mr. Shepler if he can project the images onscreen.

Mr. Shepler will do so.

Ms. Waltermaurer notes that an item that had been agreed upon is being reviewed again and asks if there's a mechanism for officially striking something off the list.

Chair Zierler agrees that the purpose of the list is to be marking off items, but notes that some items may need to be revisited at the Public Hearing.

Mr. Shepler offers to bring in his Engineer to finalize some of the non-controversial items on the list.

Chair Zierler agrees to the offer and notes that Mulberry Street will be reviewed at the 12/5/17 Meeting.

The Board and applicant discuss the rooftop deck. Mr. Shepler agrees to submit a revised proposal.

The Board discusses easements from the Rail Trail to the site. Chair Zierler notes that an opportunity may exist to create a management and maintenance agreement with the easement.

Mr. Shepler will reach out to the Village Board to see what they will consider regarding their right-of-ways.

Chair Zierler notes that the Fire Department Chief Weeks, Department of Public Works Superintendent Bleu Terwilliger and Village Engineer Ruth should also receive the revised site plans for review and comment. Chair Zierler notes that the Board can consider setting a Public Hearing for the 1/16/18 Meeting if the Board can get through more of the punch list. Chair Zierler reminds the Board that they will have 62 days from the close of the Public Hearing to make a decision.

Mr. Shepler notes that Ulster County Planning Board (UCPB) rendered their recommendation and that they noted that Net-Zero will provide something really special to the Village and is the type of project that Ulster County needs.

Chair Zierler responds that UCPB was very enthusiastic and would like the project approved, but notes that the Board has to deal with the details of the project as well as the risks and benefits while UCPB has the luxury of viewing the big picture.

#### *6. Site Plan Amendment*

PB17-13, 51 Main Street

Applicant: Dimitri Viglis

Zoning District: B-2

SBL: 86.143-1-9.200

9:34-10:03

Chair Zierler summarizes the application, notes that a previous application was approved in 2014 but that the applicant filed for a change in use in 2017. Chair Zierler notes that the applicant was granted a variance from the Zoning Board of Appeals (ZBA) for the use variance and asks the applicant if there's any reason for them to return to the ZBA.

Mr. Miller acknowledges that they have nothing pending before the ZBA.

Chair Zierler notes that the applicant now has some amendments to the site plan such as changes to parking in the rear, planter modifications and the roof mechanicals.

Mr. Miller notes that the HVAC has been removed from the front area of the roof and stacked in the back. Mr. Miller shows photographs of the roof complete with visual aids noting the height of the HVAC and the accompanying screening.

Mr. Miller explains that the original drawings showed two mushroom vents, but the actual specs were unknown at the time. Mr. Viglis then went on to purchase the highest tech and most non-polluting

venting system, Mr. Miller explains, but the system has two 25' long structures that are 5' high along with the additional height of their platform. Mr. Miller explains that they are proposing screening to block these HVAC structures.

The Board and applicant discuss whether there are height restrictions on the roof and if there is a square footage restriction as well.

Chair Zierler notes that the Board can discuss the HVAC height as an aesthetic issue as it is within the Board's general planning authority to require that the visual impact be reduced.

The Board discusses public concerns regarding the sight of the HVAC on the roof and the various types of potential screening. The Board notes that live screening will turn an unsightly brown during the winter and require a lot of maintenance. The Board discusses the possibility of having the screening painted a sky color and repositioning the mechanicals to make both less visible.

Chair Zierler notes that the other items, more extensive plantings and an enclosed waste receptacle are fine.

Mr. Souto notes that the applicant will need a variance from the Zoning Board of Appeals (ZBA) as it appears the rooftop mechanicals exceed the 10% coverage.

Chair Zierler recommends that the applicant speak with Building Inspector Arms to verify the coverage and then submit an area variance application to the ZBA.

### ***Administrative Business***

- *Approval of Minutes from November 9, 2017*

Mr. Souto moves to approve the 11/9/2017 Minutes. Mr. McGee seconds. Mr. Steffens abstains. 4 ayes. Motion carried.

- *Meeting Overview for December 5, 2017*

### ***2018 Schedule - 2 Thursday dates***

Chair Zierler notes that there are two Thursday Meetings in the 2018 Schedule - January 4th and November 8th.

### ***Adjournment***

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

The meeting adjourns at 10:05 p.m.

Respectively submitted by,

Christena Carp  
Planning and Zoning Secretary