



Village of New Paltz Planning Board
Regular Meeting of Tuesday December 19, 2017
Village Hall-7:00p.m.
Approved MINUTES

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

Absent: Eve Waltermaurer, Alternate

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

Welcome

7:04-7:05

Chair Zierler amends the Agenda to include the closing of an additional Trust and Agency account, PB16-11, 58 Main Street, Interzone.

Public Comment (15 minutes)

No one comes forward to speak at Public Comment.

Application Review

1. 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

7:05

The Board and Village Trustee, William Murray; Executive Director of the Wallkill Valley Land Trust (WVLT), Christie DeBoer; and Applicant, David Shepler discuss various issues related to how the proposed project might interface with the Rail Trail and right-of-way, landscaping, stormwater concerns, ongoing maintenance and overall care of any access points.

Ms. DeBoer notes that the Village owns the Rail Trail section adjoining Mr. Shepler's proposed project and that permission must be given by the Village as the conservation easement doesn't speak

directly to restrictions or permission regarding access points along the Rail Trail. Ms. DeBoer notes that the WVLT is interested in creating a policy for accessing the Rail Trail as they own some of the northern section in Rosendale. Ms. DeBoer notes that there are issues such as liability, maintenance and overall care that need to be addressed. Ms. DeBoer observes that developing an agreement for the two informal access point at the Net-Zero project could serve as a model for access concerns going forward.

Trustee Murray notes that the Rail Trail access points are forever public and not private.

Attorney Golden observes that the discussion represents a very good step toward identifying the issues, goals and responsibilities regarding access to the Rail Trail. Attorney Golden notes that insurability is always an issue. Attorney Golden cautions that, as soon as an accident occurs, insurance companies search for exclusions so that they don't have liability and notes that the party assuming liability must have an insurable interest.

Mr. Shepler notes that the project is no longer requesting two access points, but just the existing land bridge located at the southwestern end of the property near Mulberry Street.

Mr. Litton asks who will be responsible for removal of the bridge located at the access point located at the northwestern corner of the property.

Mr. Steffens asks if the Certificate of Occupancy (C/O) can be issued without everything on the site plan completed.

Attorney Golden responds that a Planning Board typically delays site plan items that they know will be completed. Attorney Golden cautions that if the Board delays working with the Rail Trail access point issue, then it may affect Board decision regarding safe pedestrian way, traffic flow, etc. Attorney Golden explains that the issue of what happens to an access point is clearly within the purview of the Village Board as the conservation easement does not give WVLT the right to dictate access. Attorney Golden notes that after the Village Board reviews the site plan, they will most likely work with the WVLT on the issue of access in order to arrive at an agreement.

Mr. Litton asks how the Planning Board should be involved in assisting in the process of coming to an agreement regarding access points.

Chair Zierler notes that the Board will need to stay in touch with liaison, Trustee Murray, and attend Village Board Meetings in order to stay current with the process.

Mr. Litton asks Mr. Shepler how he plans to improve and maintain the land bridge access point near Mulberry Street.

Mr. Shepler responds that they currently plan to place item#4 gravel and sculpt the 10' wide space in order to define it as a path. Mr. Shepler notes that it will be maintained year round.

Chair Zierler notes that Stewarts paid for the pre-built bridge, and the installation, that accesses the northwestern corner of Mr. Shepler's property, but that no paper trail exists documenting who is to maintain the bridge and who holds the insurance.

Ms. DeBoer recalls that she has heard that some access point agreements existed, but she is not aware of any copies. Ms. Christie notes that, going forward, she would like to see official agreements between landowners and the WVLT.

Ms. DeBoer would like to see information regarding proposed plantings along the access point.

Trustee Murray notes the need for considerations such as line of sight, overall maintenance and future care and safety.

The Board, Attorney Golden and Mr. Aebi discuss liability issues with the wooden bridge at the northwestern corner of the property.

Attorney Golden notes that the Village has liability as they have ownership of the bridge and will have to determine how they want to use an access point that will not lead anywhere. Attorney Golden cautions, however, that if someone can use the bridge to cross onto the applicant's property, and an incident occurs on the applicant's property, then it would be the applicant who would get sued. Attorney Golden notes that the Board can determine whether bushes/landscaping should be required to discourage use of the bridge access.

The Board continues to discuss the processes involved in coming to an agreement.

Attorney Golden explains that the site plan can include improvements that are off-site. Attorney Golden continues that the type of access and specifications of said access can be included on the site plan and that the potential agreement with the Village Board and WVLT will be part of the approval process as well.

Chair Zierler notes that landscaping along the western length of the property may be needed as a noise and light buffer.

Attorney Golden notes that, before the Board can go any further with making an access point to the Rail Trail part of the site plan, the applicant should submit a drawing of the access area showing details of improvements, maintenance issues, etc. so that it will be much easier for the Board and WVLT to come to an agreement.

Attorney Golden notes that, in order for the applicant to make improvements on Village property, a developer's agreement will need to be signed that contractually enforces the agreed-upon maintenance.

Chair Zierler notes that Village Engineer Ruth and Department of Public Works Supervisor Terwilliger reviewed the latest site plans and are requesting data for stormwater retention. Chair Zierler comments that there's a certain amount of stormwater runoff that will go into the drainage channels on either side of the Rail Trail that feed into the Walkkill.

Affordable Housing Chair Guy Kempe is invited to speak regarding affordable housing laws. Mr. Kempe observes that the Affordable Housing Board lays out some specific requirements about unit sizes and the number of units, but doesn't require anything specific about how those units are distributed within a structure. Mr. Kempe notes that he believes the Planning Board's goal is to reach

those decisions with each applicant.

The Board and Mr. Kempe discuss the definition of affordable income. Chair Zierler notes that Chapter 132 of local code provides these, and other pertinent, details.

The Board discusses tracking units. Attorney Golden notes that the code states that all affordable housing units have deed or share restriction so that affordable housing units cannot be flipped to make a lot of money.

Mr. Kempe leaves at 8:30 p.m.

The Board reviews the 10 items listed in the letter from Village Engineer Ruth.

Architect David Toder reviews the proposed generic signage plan.

Justin Dates of Maser Consulting reviews the accessory structures, i.e. bicycle racks, benches and trash receptacle placements.

Chair Zierler notes that by the next Meeting, January 4th, the Board should have the stormwater review, and hopes to have the landscaping review from Eileen Travis and feedback from Alta Planning regarding the Mulberry Street parking. Chair Zierler comments that it will be important for the Board to talk about recreation fees and notes that he will have some rooftop management recommendations.

The Board discusses setting the Public Hearing.

Attorney Golden comments that the Board will open the Public Hearing when they have a well-developed application that they feel is ready for public input. Attorney Golden notes that after the Public Hearing is closed, the Board has 62 days to make a decision on the application. If a decision is not made within 62 days, Attorney Golden cautions, the applicant can obtain an approval for the subdivision and site plan merely by filing a request at the Village Clerk's office. Alternatively, Attorney Golden notes, the Board can obtain a waiver from the applicant that extends the decision-making period so that all of the details can be finalized.

The Board discusses the option of obtaining a waiver. Chair Zierler notes that the Board will need an opinion from Building Inspector Arms on how to address the special use permits required for each retail use and the attendant concerns regarding parking.

Attorney Golden notes that the Board will need some kind of matrix for Building Inspector Arms to approve.

Mr. Shepler agrees to extend the 62-day default deadline by another 60 days so that Board will have 122 days to make a decision.

Mr. Litton moves to set a Public Hearing for January 16, 2018 at 7 p.m. recognizing that once the Public Hearing closes, the Board will have 122 days in which to make a decision. Mr. McGee seconds. 5 ayes. Motion carried.

2. Site Plan

Addition of 2 bedrooms

PB17-34: 68 Plattekill Avenue

Applicant: Bassam Serdah

Zoning District: R-2

SBL: 86.42-4-35

9:28-9:44

Chair Zierler reviews the project and notes that the ZBA approved the variance for a 4th bedroom. Chair Zierler notes that in order to have 4 bedrooms, the applicant will need 4 parking spaces. Chair Zierler observes that the current configuration includes a garage and driveway that could potentially handle 4 parking spaces.

Chair Zierler notes that the current site plan shows 2 additional parking spaces that are located in the setback, which will require another variance. Chair Zierler notes that it is reasonable to have the cars parked in the driveway.

Mr. Serdah notes that he currently has 3 people living in the house and only one has a car.

Mr. Steffens observes that if the applicant had used the attic as one big space, then a variance would not have been required for a 4th bedroom or for parking.

The Board and applicant discuss barriers to prevent cars from driving onto the grass in order to get around one another. Mr. Serdah will be producing a new site plan with post-rail fencing along both the western and eastern borders of the driveway.

Mr. Souto moves that PB17-34, 68 Plattekill Avenue, Serdah application is a Type II Action under SEQRA, does not require referral to the Ulster County Planning Board, and to set a Public Hearing for January 4, 2018 at 7 p.m. Mr. Steffens seconds. 5 ayes. Motion carried.

Jewish Congregation of New Paltz (JCNP) - Letter summary

9:45

Chair Zierler reviews the most recent letter from the JCNP regarding the tracking of public hearing notices that go out to the public.

Pre-Application, PB17-33, 31 Tricor, Johnson

9:46-9:47

Chair Zierler notes that if the Johnsons decide to pursue a full application, they can prepare their own site plan if they:

1. Submit a request for a waiver to the provision in Chapter 21.23(1) that reads, "The application shall be accompanied by a detailed site plan prepared by a legally qualified individual or firm, such as a registered architect or professional engineer..."
2. Review the entire list of Chapter 21.23(1) and indicate anything in that list that they are also requesting be waived.

Chair Zierler notes that he and the Building Inspector will review the request and reply to the Johnsons in writing about what provisions may be waived, and what will need to be included, in the site plan.

Administrative Business

9:48-9:54

- *212.23 Zoning Review*

Mr. McGee and Mr. Steffens are in the process of reviewing 212.23 and will raise any issues/concerns at the 1/4/18 Planning Board Meeting.

- *Recreation Set-Asides and Fee Review*

Mr. Litton notes that he and Ms. Waltermaurer will bring a list of questions, objectives and goals for the Board to review.

- *Request to authorize refund for PB17-25, 64 Plains Road, Discovery Institute/Crocitto*

Chair Zierler explains the circumstances surrounding the request to refund \$297.50 to Mr. Crocitto. Mr. Crocitto would not have come for the site plan amendment, Chair Zierler notes, except for the reassurance that he would not have to pay for anything else besides an application fee. A miscommunication occurred, Chair Zierler explains, and the application underwent legal review resulting in the \$297.50 invoice.

Chair Zierler recuses himself.

Mr. Litton moves to provide a refund of \$297.50 to Mr. Crocitto, 64 Plains Road, New Paltz, New York 12561. Mr. McGee seconds. Chair Zierler is recused. 4 ayes. Motion carried.

- *Closing Trust and Agency Account #51, PB17-12, 15 Mohonk Avenue, Sofer*
- *Closing Trust and Agency Account #96, PB17-02, 131 Main Street, Serdah*
- *Closing Trust and Agency Account #67, PB17-27, 3B Church Street, Arrowood Farms*
- *Closing Trust and Agency Account #75, PB16-11, 58 Main Street, Interzone*

Mr. Steffens moves to approve the closing of four Trust and Agency accounts, T/A#51, PB17-12, 15 Mohonk Avenue, Sofer; T/A#96, PB17-03, 131 Main Street, Serdah; T/A#67, PB17-27, 3B Church Street, Arrowood Farms; and T/A#75 PB16-22, 58 Main Street, Interzone. Mr. McGee seconds. 5 ayes. Motion carried.

- *Approval of Minutes from December 5, 2017*

Mr. Steffens moves to approve the 12/5/2017 Minutes. Mr. McGee seconds. 5 ayes. Motion carried.

- *Meeting Overview for January 4, 2018*

Adjournment

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

The meeting adjourns at 9:55 p.m.

Respectively submitted by,

Christena Carp
Planning and Zoning Secretary