

NBR Review Committee Findings and Recommendations

The NBR committee was appointed in February 2017 to address key zoning and planning issues in the Neighborhood Business Residence District (NBR) that became apparent as concerns were raised in the Zero Place SEQRA process. From March through August the committee met every other week. Meetings were videotaped and minutes were produced.

The NBR Review Committee was composed of representatives from key groups, and initially had 9 members, all from the Village of New Paltz. Two members were selected from the Village Board of Trustees, two from the Village Planning Board and one from the Historic Preservation committee. Two were selected from a group of four suggested by Mayor Rogers as representing the community at large, and two were chosen based on their background and expertise in planning and zoning. These members were, respectively, Don Kerr and Dennis Young (Village Board), William Murray and John Litton (Village Planning Board), Sue Wynn (Historic Preservation), Floyd Kniffen and Jacob Lawrence (New Paltz Community) Jo Margaret Mano (chair) and Brad Barclay (co-chair). Jo Margaret Mano taught Urban Planning at SUNY New Paltz from 1980-2014, and chaired the New Paltz Village and Town Comprehensive Master Plan committee from 1986-1990. Brad Barclay works as a Senior Planner for Dutchess County, where he has served since the 1980s. When William Murray was elected to the Village Board in May 2017, he was replaced by Michael Zierler. John Litton was unable to attend meetings due to other commitments.

On April 27 a public workshop was held, facilitated by Michael Allen of Behan Planning and Design. Mr. Allen led an interactive program where more than 70 participants responded to visual choices for building design, heights and setbacks. This introductory exercise was followed by a lengthy and thoughtful discussion by the audience on planning and zoning concerns for this area of the Village. Michael Allen tabulated and assessed the survey answers and summarized the discussion. Mr. Allen then submitted the workshop findings and suggestions for changing the NBR zoning to the committee. The committee agreed with a majority of suggestions and disagreed with some others. These findings, together with extensive review of zoning materials and research informed the committee's decisions.

The Village of New Paltz funded Behan Planning and Design's consultant services for \$10,000 for the preparatory analysis by Michael Allen and his guidance to the Committee, running the public workshop, analyzing the community input and providing key code change suggestions. However since funds were not available to rewrite the zoning code, so the committee undertook that task. The suggested new code is a separate document. (Mixed Use Residential District) which is a redline of the existing code.

2. Background of Zoning Changes 2013 & 2015

The two recent zoning ordinances for the current NBR zone were passed in 2013 and 2015. In July 2013 the North Chestnut Gateway district replaced the then B3 Highway Business District on Route 32N. The rationale for this change was based in part on a July 2007 Behan Planning Associates Study that analyzed the B3 zoning district and suggested changes.ⁱ These included changing the zoning of this area to allow residential uses, thus creating a mixed-use district instead of a solely commercial highway strip. Other suggestions recommended raising the building height limit from 25' to 40', modifying parking regulations, decreasing front yard setbacks, increasing lot coverage from 50% to 70%, modifying the sign ordinance, updating the zoning code to eliminate confusion in uses, establishing architectural design standards, making more and safer pedestrian crossings on Route 32N, and enhancing the streetscape. Although the Village did not adopt these 2007 draft changes at that time, these suggested changes were factors influencing the 2013 zoning change. The 2013 ordinance stated the legislative intent was to "augment the supply of housing opportunities " and the mix of uses would "provide a symbiotic relationship between residential, retail and service/professional uses, while reducing automobile trips and overbuilding of parking facilities." However, these last two goals were not supported by any specific action. The B3 uses were retained in the code, but no updated build -out or other analysis seems to have been done for this district, other than the very limited one performed in 2007 by Behan as part of the Open Space Planⁱⁱ and a section in the November 2006 Resource Systems Group, Inc. *Phase C Report New Paltz Transportation/Land Use Project*.ⁱⁱⁱ

The 2013 zoning did mention the Village's Comprehensive Plan design standards in noting: "The sustainability of site design, construction methods and infrastructure is also incorporated into the District regulatory scheme. The overlay of a Village-wide set of standards during review of new construction is a vital feature of the District."^{iv}

Some key changes in this 2013 zoning action were

- a) Required mixed use in developments of more than 1 story. It allowed the ground floor to have "general and professional uses, and all principal and permitted uses previously allowed in the B3 district allowed, except for drive-through retail, restaurant, laundry (dry cleaning) or commercial group,"
- b) Allowed a minimum of 2 stories, and a maximum of 4 stories, and raised allowed height to 45' from 25'
- c) Reduced the required parking to 0.5 spaces per bedroom and increased lot coverage to 85%.
- d) Required reservation of parkland unless the Planning Board determined there were already nearby available park /playground areas.

In October 2015, the zoning of this area was again changed to the Neighborhood Business Residential District (NBR). The footprint was also enlarged, adding more acreage (approx 15.3 acres) in the north and northeast to the original B3 footprint. This change also made all uses subject to obtaining a special permit from the Planning Board, instead of having some principally permitted uses as in the previous 2013 code, and raising the height limit to 50'. Much of the rest of the text was retained, although

the design guideline section was omitted and the provision for recreation areas also dropped. The 0.5 parking spaces per bedroom became a "guideline" rather than a requirement. Changes between the 2013 and 2015 codes for this area were analyzed using the redline version of the code in the Village records (Redacted packets and agendas for 2015-09-16, 2015-10-14 and 2015-10-21 and Draft Minutes and redacted packet and agenda for 2015-10-28).

In evaluating the proposed change (as required by NY GMU 239-m), the Ulster County Planning Board (UCPB) commented on the flaws in this review process in their letter of 10/07/15 and required a modification to the process that is "less onerous" to developers by allowing apartments above the first floor as principally permitted use. The UCPB also added 3 advisory comments.

These were:

- 1) To include other principally permitted uses for the ground floor, specifically first floor office and retail uses,
- 2) Suggested the Village adopt a form-based code and provided an attached example of Town of Lloyd's Walkway/Gateway District (adopted 2013) and
- 3) Requested a GIS or CAD file for inclusion in the Countywide zoning database.

These recommendations were not followed. The zoning code now being suggested for the southern part of the current NBR follows the suggestions made by the Ulster County Planning Board.

3. Research, materials consulted, challenges

In studying the NBR district the committee drew on a variety of planning studies for New Paltz (already referenced, see endnotes). We also reviewed zoning codes, particularly the Town of Lloyd's Walkway/Gateway District zoning code recommended by the UCPB, the New Paltz Village prior North Chestnut Street 2013 zoning ordinance and current NBR code together with the zoning maps, density and use schedules. We also examined other communities' zoning codes for relevant topics, including among others, the City of Poughkeepsie's Walkway District, Rhinebeck's code, Warwick's code as well as a study of zoning height limits for villages in Dutchess, Orange and Ulster counties. The committee reviewed the history of recent zoning changes, as described above. We discussed at length each of the key elements which have proved particularly troublesome since the October 2015 zoning change. We spent considerable time in investigating the most current thinking in bike lane planning and safety issues, with the guidance of WVRT President Michael Reade. He shared many materials to help with identifying key rail trail issues, as well as bike lane infrastructure studies.^v We gathered information from other communities approaches to shared parking between different uses and adopted a widely used planning diagram for this (see Appendix). The committee as a whole did a site visit, and individual members did their own visits at different times to collect information about a variety of concerns, and shared their insights. These included concerns about the traffic issues, and the need to protect the adjacent WVRT and Historic Huguenot Street. The committee was not able to review all the

necessary data, as it was not available, particularly in the area of community infrastructure and any plans in progress by the Village for transportation or infrastructure studies.

4. Critical Issues

Rail Trail -- The Wallkill Valley Rail Trail is a key community asset and tourism draw and is the western boundary of the current NBR zone. It is very important that this trail be protected, and adequately buffered with natural and enhanced landscaping. Every effort must be made to increase the safety of all trail users. For this reason, and associated liability issues, we recommend access to the trail be limited to the current road intersections in this area.

Historic Resources -- Historic Huguenot Street borders this zone on the west. It is a National Historic landmark and a unique treasure which is both a tourist destination, and a center for community celebrations. It is imperative that this area be buffered from negative impact of developments in the adjacent current NBR zone, particularly from traffic, noise and light intrusions. Furthermore, since the southern part of the zone is the major gateway to Historic Huguenot Street that factor is a key element in planning decisions and opportunities to enhance visitors' experiences, particularly on Broadhead Avenue and Mulberry Street.

Transportation Planning Needed--There is a critical need for a detailed transportation plan for this zone outlining streetscape requirements for developers as part of the adopted Complete Streets Policy. (See proposed zoning for MUR and appendix to this document.)

A major critical challenge in the southern part of the zone is the busy intersection of Henry W Dubois Drive with Rt.32 North. This intersection is expected to be a key part the Empire State Trail. It is already plagued with turning challenges and long wait times, which will be exacerbated by increased traffic. In order to mitigate this situation and allow for denser development, traffic management techniques must be employed to provide gaps in traffic for pedestrians and bicycles to safely cross Rt.32N. The Committee recommends that traffic issues involving pedestrians, bikes and vehicle safety be a key priority in transportation plans.

Comprehensive Infrastructure Plan Needed -- In studying the constraints to future development we have become deeply aware of the lack of infrastructure in the section of the NBR north of Millbrook/Tributary 13, particularly sewer provision. The only properties that are serviced by the sewer system (north of Trib. 13 and on the west side of Route 32) pump their sewage across Route 32 to the pump station in front of My Market. The pump station is already near maximum capacity and is on a watch list for needing replacement. The sewer infrastructure in this area could not handle the additional load from any new multi-story, mixed-use development in this portion of the NBR zone. New sewer service for this area would have to be designed on a comprehensive basis to ensure that it could accommodate the increased flow rates anticipated. It could then be constructed either at one time or piecemeal, as long as, the

improvements are sized to handle the anticipated flow. To create the type of bike/pedestrian friendly streetscape that was envisioned when the NBR district was created, the major bottleneck created by the narrow, Route 32 Bridge over Tributary 13 needs to be remedied. The existing bike lanes that cross the bridge are too narrow to be used safely and there is no pedestrian crossing of the tributary on the west side of Route 32. Once this key piece of the needed bike/pedestrian infrastructure is completed, then a streetscape for the northern section can be completed.

5. Zoning Change Recommendations

1. Return parcels in the north and north east part of the current NBR to the R-1 Zone.

These parcels are either a) residential with onsite water and sewer provision (north) or b) partial lots on the eastern edge of the Village bordering the Town of New Paltz. They do not belong in a higher density district. They were added to the extension of the NBR that took place in fall 2015, without consideration as to the infrastructure or other concerns (SBLs: 78.82-2-1, 78.82-2-2.100, 78.82-2-3.100, 78.82-2-4, 78.82-2-28, 78.82-2-27, 78.82-2-26, 78.82-2-25, 78.82-2-24.200, 78.82-2-24.100--a total of approx 4.47 acres).

BOCES and its parking lots can be included in this R1 zone or in the northern section of the reverted B3 zone, since it could be in either zone.

BOCES and the associated parking lots comprise SBLs 78.82-1-15, 78.82-1-14, 78.82-1-13, 78.82-2-5-- a total of approx. 10.5 acres.

2. The remaining NBR District should be divided by Millbrook/ Tributary 13 into two sections.

The southern section has central water and sewer connections and can be seen as a logical northern extension of the Downtown core district and appropriate for the "original intent" of the rezoning of this area to allow and promote Mixed use, with residential in the upper floors, and business uses compatible with apartments. This section should be renamed Mixed Use Residential (MUR) to distinguish it from prior zoning nomenclature. (SBLs 86.26-1-14.210, 86.26-1-14.110, 86.26-1-13, 86.26-1-12, 86.26-1-11, 86.26-2-34.100, 86.26-2-20, 86.26-2-19, 86.26-2-21, 86.26-2-22, 86.26-2-28, 86.26-2-27, 86.26-2-29, 86.26-2-30, 86.26-2-31-- a total of approx. 8.56 acres).

2a. Buildings should be limited to 3 stories, 35' for the structure, with a 40' maximum to allow for peaked roofs. The 35' limit is almost universal in Hudson Valley Villages.

2b. Developments should provide appropriate streetscape infrastructure requirements (broad sidewalks, bike lanes, tree lawns etc.) that encourage pedestrian and bicycle traffic. Detailed design guidelines with illustrations will provide guidance for the Village Planning Board, applicants/developers and the

New Paltz Community of the desired outcomes as this district is developed/redeveloped.

2c. Parking requirements for residential uses need to be more realistic than the 0.5 spaces per bedroom required in both 2013 and 2015 rezonings. 1 bedroom apartments should require 1.5 parking spaces, 2+ bedroom apartments should require 2 spaces. Parking for business/office uses should have a sliding scale from 1 space per 200-500 square feet, with an extra space for the owner/manager.

3. The northern section has severe constraints in infrastructure, particularly in sewer infrastructure and sidewalks. It is not "ripe" for the sort of increased density possible in the southern section without this infrastructure. **We recommend this section be returned to the B3 zoning designation or a new designation (MUC) with similar requirements, until infrastructure is in place to support greater density.** In order for there to be orderly development of this section of the corridor, infrastructure development must be planned and coordinated. This cannot be achieved by a simple rezoning or name change. As the southern MUR section becomes redeveloped under the new guidelines, this district could be extended northwards as carefully planned infrastructure improvements take place. Just as the western Gateway District has recently been expanded along Water Street, this southern MUR district could gradually be expanded northwards. (The SBLs for this zone are 78.02-12.100, 78-1-20, 78.82-1-19.110, 78.82-1-19.200, 78.82-1-18.100, 78.82-1-18.200, 86.26-1-17, 86.26-1-16, 86.26-1-15-- a total of approx 17 acres).

3a. The Committee had a significant amount of discussion as to how this portion of the existing NBR zone is different from the proposed MUR section of the district and created a framework for the extension of multi-story, mixed use development here. In this section of the zone, Tributary 13 runs between the WVRT and the involved properties. The committee recommends that a 30-foot buffer be required on each side of Tributary 13, to provide protection for the stream and the adjacent WVRT. Two different site layout patterns were also discussed for this area. The preferred layout would depend in part on whether on-street parking was proposed adjacent to the parcel in question.

3a1. In areas with on-street parking, the zero front setback scheme would continue from the MUR zone with the associated storefront requirements.

3a2. Where no on-street parking is permitted, the bike lane and sidewalk would still be required, but the front setback would include a required landscape strip.

3b. There has also been some discussion over whether this area should be exclusively mixed-use with up to three stories or whether the area could also allow some two-story, light manufacturing buildings or other uses that could provide needed jobs, while not creating impacts that would negatively impact the Route 32N corridor or adjacent residential districts. This option needs to be further discussed in relation to what the Village's needs are and in terms of the implications for required infrastructure capacity improvements.

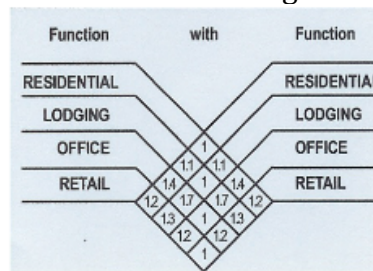
Endnotes--Selected References

- ⁱ Behan Planning Associates, *Village of New Paltz: B3 District Zoning Regulations Draft*- July 2007
- ⁱⁱ Behan Planning Associates, *New Paltz Build-out and Fiscal Analysis For the Town and Village of New Paltz, New York*, February 2007
- ⁱⁱⁱ Resource Systems Group, Inc. *Phase C Report New Paltz Transportation/Land Use Project*, November 2006.
- ^{iv} *Local Law No.7 of 2013 Amending Chapter 212 of the Code of the Village of New Paltz to Establish the North Chestnut Street Gateway District.*
- ^v NACTO (National Association of City Transportation Officials) *Urban Bikeway Design Guide*, 2nd edition, Island Press, 2014.

Appendix

Planning Diagrams included in the suggested code

Shared Parking



Streetscape Design

