

TOWN OF NEW PALTZ, ULSTER COUNTY, NEW YORK

A local law to amend Chapter 140 of the Town Code, Zoning, regarding the Route 299 Gateway Area.

Be it enacted by the Town Board of the Town of New Paltz as follows:

Section 1. Legislative Intent.

This local law is adopted to amend the applicable zoning regulations in the Route 299 Gateway Corridor to the Town of New Paltz, which is the primary entrance to the Town of New Paltz from the New York State Thruway and points east. This law implements the Comprehensive Plan Amendment for the Route 299 Gateway Corridor, which encourages the use of smart growth principles. The zoning amendments will maintain New Paltz's unique small-town character and quality of life while protecting environmentally sensitive areas and natural resources, encouraging higher density uses to locate in areas with adequate water and sewer infrastructure, preventing inefficient, uncoordinated development that impairs the mobility and safety of motor vehicles, pedestrians and bicyclists, and integrating infill development in a manner that reflects the Town's history, vernacular design patterns and elements and local economy, among other things. This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law.

Section 2. Legislative Findings.

The Town Board of the Town of New Paltz finds:

That the area along Route 299 from the Shop Rite Plaza/Empire State Bank eastward to and including the Ohioville Commercial Area, the Route 299 Gateway Area, includes several large sites and smaller areas that are ripe for revitalization and reuse; and

That the Route 299 Gateway Area is predominantly zoned as B-2, Highway Business; and

That the regulations in the B-2 District have not been thoroughly evaluated or amended in over 20 years; and

That the existing B-2 and I-1 zoning regulations do not adequately protect the community's interests and are inconsistent with the community's goals for redevelopment; and

That portions of the Route 299 Gateway Area are constrained to development due to an abundance of wetlands and limited utilities and infrastructure; and

That the creation of four new zoning districts and the extension of the R-1 District in the Route 299 Gateway Area will implement the policies and goals set forth in the Town's Comprehensive Plan and Comprehensive Plan Amendment for the Route 299 Gateway Corridor; and

That the creation of the Planned Resort District is consistent with the intent and objectives of Article V of Chapter 140, which include provision of more usable open space and recreation areas and the conservation and preservation of trees and groves of trees, outstanding natural topography, geologic features, biodiversity, water resources and prevention of soil erosion.

Section 3. Section 140-4 of the Zoning Law is amended to include the following new definitions:

Impervious Coverage: The area of a lot covered by impervious surfaces. To calculate a lot's impervious surface ratio, divide the area of impervious surfaces by the lot's gross area.

Impervious Surface: A hard surface area that prevents or substantially impedes the natural infiltration of water into the underlying soil, resulting in an increased volume and velocity of surface water runoff. Impervious surfaces include, but are not limited to, buildings, patios, decks, sidewalks, driveways, compacted gravel, pavement, asphalt, concrete, roadways, parking areas and hard-surfaced recreational areas.

Substantial Alteration: An alteration to a building which involves an area equal to or greater than 30% of the building's footprint. If a structure is nonconforming, the percentage of alteration is cumulative of all alterations made since the structure became nonconforming.

Dwelling, Mixed-Use: A dwelling unit on the upper floor of a mixed use building with a minimum area of 800 square feet. More than three such dwellings shall not be

considered a multi-family dwelling in the MSMU, GB and GH Districts.

Planned Resort: A mixed-use development of a site located within the Planned Resort District in compliance with the standards applicable to the Planned Resort use. Nothing in this definition, or the Planned Resort District regulations or supplemental use regulations applies to a “Vacation Resort,” as that term is elsewhere used in the Zoning Law.

Section 4. Section 140-4 of the Zoning Law is amended to delete the existing definition of “Height of Building” and replace it with the following new definition of “Height”.

Height: The vertical distance from the average elevation of the proposed finished grade along the wall or walls of the building or structure facing the street to: 1) to the highest point of the roof of a flat roof; or 2) the mean height between eaves and ridge of gable, hip, gambrel and other sloped roofs.

Section 5. Section 140-4 of the Zoning Law is amended to delete the existing definitions of “Yard, Front” “Yard, Rear” and “Yard, Side” and “District, More Restricted or Less Restricted” and replace them with the following new definitions:

Yard, Front: The space within and extending the full width of a lot from the front lot line to the part of the principal structure which is nearest to such front lot line.

Yard, Rear: The space within and extending the full width of a lot from the rear line to the part of the principal structure which is nearest to such rear lot line.

Yard, Side: The space within a lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the structure which is nearest to such side lot line.

District, More Restricted or Less Restricted: In the following list, each district shall be deemed to be more restricted than the districts which precede it: I-1, A, R-1, R-V, B-2, MSMU, GB and GH, RPO, F. The restrictiveness of districts not included in this definition will be decided on a case by case basis by the Building Inspector.

Section 6. Section 140-5 of the Zoning Law is amended to read as follows:

140-5. Enumeration of districts.

In order to fulfill the purpose of this Chapter, the Town of New Paltz establishes and is hereby divided into the following fifteen zoning districts:

A-1.5	Agriculture 1.5
A-3	Agriculture 3
R-1	Residence
R-V	Variable-Density Residence
B-2	Highway Business
I-1	Light Industrial
MHN	Mobile Home Neighborhood
WCF	Wireless Communications Facilities Overlay
FW	Floodway
FF	Flood Fringe
GF	General Floodplain
MSMU	Main Street Mixed Use
GB	Gateway Business
GH	Gateway Hamlet
PRO	Planned Resort Overlay District

Section 7. Section 140-6 of the Zoning Law, Zoning Map, is amended to read as follows:

The location and boundaries of said zoning districts are shown on the map designated “Official Zoning Map of the Town of New Paltz” which is declared to be an appurtenant part of this Chapter and is on file with the Town Clerk.

Section 8. Section 140-6 of the Zoning Law is hereby amended by replacing the Zoning Map prepared for the Town of New Paltz by David Clouser and Associates with a new Zoning Map which amends the existing Zoning Map as shown on the map attached hereto as Exhibit A. [Exhibit A appears in Appendix A]

Section 9. Subsection B of 140-8 of the Zoning Law, Use Regulations, is amended by deleting the existing schedule and replacing it with the schedule attached hereto as Exhibit B. [see Appendix B]

Section 10. The Density Control Schedule in Section 140-11 of the Zoning Law is amended by deleting footnotes 6 and 7 and replacing them with the following new footnotes 6, 7 and 8 to read as follows:

FN 6. In any B-2 Zone, the minimum setback requirements for front yards shall be 35 feet, except in those portions of the B-2 Zone lying west of the municipal boundary line of the Incorporated Village of New Paltz, wherein the minimum setback requirements for front yards shall be 65 feet.

FN 7. In the B-2 Zoning District, the minimum open space required shall be 10%.

FN 8. Dimensional Regulations for the MSMU, GB, GH and PRO Districts are set forth in Sections 140-22.1, -22.2, -22.3, -22.4 & -22.5 of the Zoning Law.

Section 11. A new Section 140-22.1 of the Zoning Law, Gateway Districts, is added to the Zoning Law to read as follows:

§140-22.1: Gateway Districts

The Gateway Zoning Districts are comprised of land formerly in the B-2 Zoning District located in the Main Street (Route 299) corridor, east of the Village of New Paltz to the Town of Lloyd. The three Gateway Districts are set forth on the Town Zoning Map. They are:

MSMU – Main Street Mixed Use

GB – Gateway Business

GH – Gateway Hamlet District

The pictures and diagrams included within the following sections provide examples of the application and interpretation of the zoning law.

In the event of any conflict between the standards for the Gateway Districts and other requirements in the Zoning Law, the standards in the Gateway District shall prevail.

Section 12. A new Section 140-22.2 of the Zoning Law, Main Street Mixed-Use District, is added to the Zoning Law to read as follows:

§140-22.2: Main Street Mixed Use District

A. Purpose: The objective of Main Street Mixed Use District is to knit together the Village and the Town, and transition away from auto-oriented strip commercial development and extend the

Village’s walkable, mixed-use, “Main Street” character into the Town as properties are improved and redeveloped over time. With the changing commercial real estate landscape, mixed-use development will provide more development options including opportunities for upper floor residential units that could offer the community much needed housing diversity and affordability. Physical, environmental, and economic constraints on the expansion of roadway infrastructure require that mobility options such as walking, bicycling, and public transportation be provided in the MSMU. The Empire State Trail will traverse this District, with pedestrians guided to Main Street and bicyclists directed up North Putt Corners Road to Henry W. Dubois Drive. Development in the MSMU should be organized and designed to support a multi-modal transportation system.

B. Permitted Uses are set forth in § 140-8B. In addition to those listed, a parking structure accessory to a mixed use building and designed to be hidden from view from the street is permitted with site plan approval.

C. Area and Bulk Regulations – the area and bulk regulations for MSMU are set forth below:

(1) Minimum Lot Area 7,500 square feet

(2) Lot Width 75 feet

(3) Required Lot Frontage 75 feet

(4) Required Yards

(a) Front: On federal and state roads, a minimum 25 feet plus 1 foot additional for every foot of building height over 25 feet to a maximum setback of 40 feet. On local and county roads, a minimum 0 to 10 feet to a maximum setback of 20 feet.

(b) Side: Minimum 10 feet, except along the NYS Thruway right-of-way wherein the minimum setback is 50 feet.

(c) Rear: Minimum 25 feet, except along the NYS Thruway right-of-way wherein the minimum setback is 50 feet.

(5) Maximum Impervious Coverage: 85% for redevelopment of developed sites and 65% for development of undeveloped sites

(6) Maximum Building Footprint: 7,500 square feet. More than one building is allowed per lot provided other dimensional requirements are met.

(7) Building Height

(a) Stories: A minimum of 2 useable stories are required for principal buildings. A maximum of 3 stories, not to exceed 35 feet, is permitted for principal buildings. Accessory structures may be up to two stories and not to exceed 25 feet.

D. Design Standards. The Planning Board shall consider the following design standards and ensure that prior to approving projects in the MSMU, the intent of the design standards has been achieved by the applicant to the fullest extent practicable.

(1) For new development on a previously undeveloped lot, and for projects involving substantial alterations to structures on existing developed lots or substantial alterations to other improvements on the lot, full compliance with the design standards is required. In the case of minor alterations to an existing developed structure or lot, strict adherence to the design standards may not be feasible. In such a case, any alterations should bring the site into more conformance with these design standards and the purposes of the MSMU in §140-22.2A above.

In all cases where the standards cannot be met, the applicant shall be required to submit to the Planning Board a list of any design standards herein that it cannot meet, a written explanation of the difficulties in meeting the design standard, and a description of how the applicant proposes to satisfy the purposes of the MSMU District despite lack of compliance with the design standards. The Planning Board may waive individual requirements of the design standards if it finds, based on the applicant’s explanation, that adherence would be impractical and that the applicant has demonstrated compliance with the purposes of the MSMU District through alternative means.

(2) Site Organization

(a) New buildings:

- i. Buildings should be located adjacent to the street with prominent pedestrian connections to the sidewalk.
- ii. Off-street parking in the rear of buildings is preferred. Parking at the side of buildings, behind the front building line, shall only be permitted if there is insufficient space in the rear. Off-street parking in front of buildings is prohibited.



L30 Parking lot placement Preferred

The parking lot is in the middle of the block so that the impact on the street wall and sidewalk experience is minimized. The storefront is on the sidewalk.



L31 Parking lot placement Acceptable

The parking lot is oriented in a way that minimizes its impact on the street frontage and pedestrian experience. Some storefront is still on the sidewalk.



L32 Parking lot placement Unacceptable

The parking lot destroys the continuity of the pedestrian experience. The parking lot has to be crossed to get to the storefront.

- iii. If parking is located at the side of a building, a landscaped buffer of up to fifteen (15) feet in width, but in no case less than five (5) feet, of a density to disrupt visibility, shall be required by the Planning Board between the parking area and the back edge of the sidewalk. The landscape shall include a mixture of trees, hedges or shrubs, with optional hardscape of low walls or fences made of brick, stone, wrought iron, or an acceptable substitute. Examples are shown below.



Above: low level decorative fences and walls are an appropriate tool of framing the street edge where there gaps in the building edge along the street.



A low hedge and shade trees enhance the public sidewalk and parking lot edge

Courtesy of Toronto City Planning

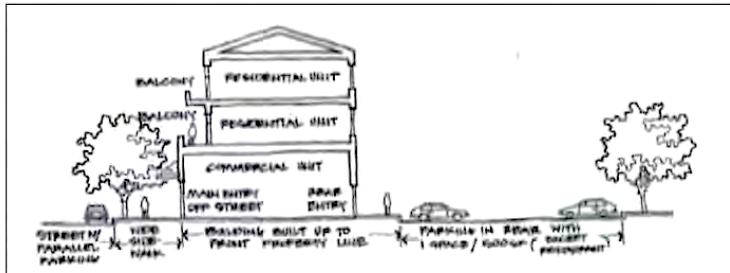
(b)

Redevelopment of existing sites:

Alteration of an existing developed lot shall bring the site into greater conformance with the standards of the MSMU District. For example, if an existing commercial site with parking in front [see panel 1] is proposed to be redeveloped, improvements should be provided up to the edge of pavement of the road fronting the lot. If the alteration is minor, bringing the façade closer to the sidewalk, or improvements such as a low wall or decorative fence with plantings at the sidewalk edge, should be provided [panel 2]. Any new buildings shall be located closer to the street (see yard requirements) with prominent pedestrian connections to the sidewalk [panel 3] and sidewalks provided where needed.



(c) Mixed-use buildings of two to three stories, with active uses (such as commercial, restaurant, personal service) on the ground floor and residential or office uses on the upper levels, are preferred.



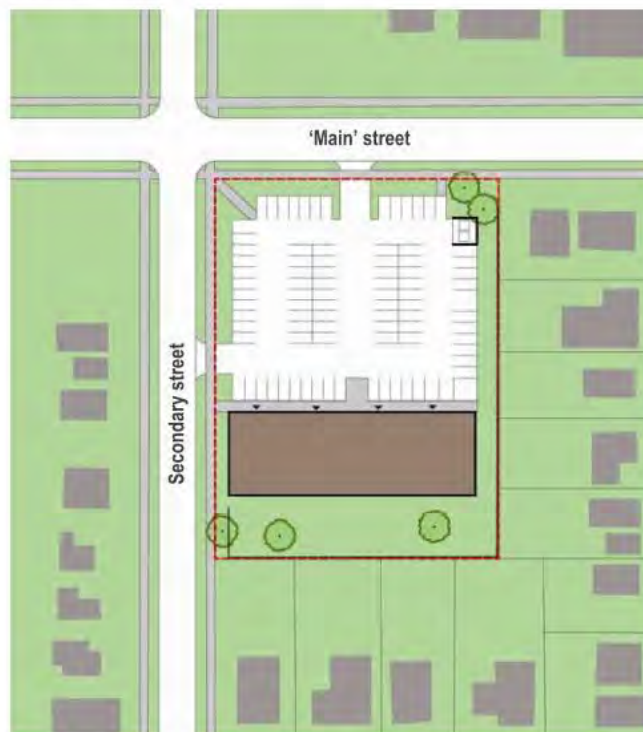
C12 Mixed-use building

Neighborhood scale mixed-use buildings can have convenience commercial uses on the ground floor with parking behind and one or two floors of apartments above.

(d) The site organization standards above are intended to provide some design flexibility. As the example below demonstrates, within the framework of design standards such as these, there are still numerous design options that exist.

The image below shows a conventional, suburban approach to commercial development. Except for existing developments, which will incrementally evolve toward the new standards, this auto-oriented approach is no longer permissible in the MSMU.

Below: A typical contemporary form of development with buildings set back and front yard parking resulting in limited street edge definition. The demonstration examples illustrate better alternatives for higher quality design in keeping with the Design Guidelines.



THIS LAYOUT IS NO LONGER PERMITTED

The images below and on the next page illustrate three different design concepts for the same site that would all conform to the new design standards.



- ① Building set close to main street edge with the majority of frontage occupied by a built form.
- ② Parking located to the rear of the building.
- ③ Vehicular accesses from the secondary public street and spaced from the intersection.
- ④ Garbage area located in an enclosure away from the public street edge.
- ⑤ Covered (or uncovered) walkway through building connecting rear parking to store entrances.
- ⑥ Planting material in the front of the building to accent the storefront.
- ⑦ Privacy fence screen the site to abutting residential properties.
- ⑧ Plantings and decorative walls screen the parking lot from the public street edge.
- ⑨ Plantings buffer between the parking area and abutting residential properties.
- ⑩ Landscaped and curbed parking islands physically divide the parking area.
- ⑪ Drive aisles oriented perpendicular to the building for pedestrian movements.



- ① Building set close to main street edge with the majority of frontage occupied by a built form.
- ② Parking located to the rear of the building.
- ③ Vehicular accesses from the secondary public street and spaced from the intersection.
- ④ Garbage area located in an enclosure away from the public street edge.
- ⑤ Front yard setback space used for additional street activity space (sidewalk shopping or cafes)
- ⑥ Planting material used to screen the side of building abutting the public street.
- ⑦ Privacy fence screen the site to abutting residential properties.
- ⑧ Plantings and decorative walls screen the parking lot from the public street edge.
- ⑨ Plantings buffer between the parking area and abutting residential properties.
- ⑩ Landscaped and curbed parking islands physically divide the parking area.
- ⑪ Pedestrian crosswalks defined through the parking area.



(3) Site Design

(a) Landscape buffer. A minimum landscape buffer of 15 feet consisting of native plantings that provide year-round screening is required along property boundaries adjoining a residential zoning district.

(b) A minimum of 10% of the parking lot shall be comprised of landscaping. A landscaped island equal to one parking space for every ten spaces is required to break up continuous areas of pavement within a parking lot. A minimum of one shade tree, at least 2.5” DBH at planting, is required to be planted in a landscaped island for every 15 parking spaces proposed. A well-designed lot is shown on the next page.

(c) Curb cuts shall be consolidated where feasible. Cross-easements to provide shared access through side and rear parking areas of adjoining sites may be required by the Planning Board.



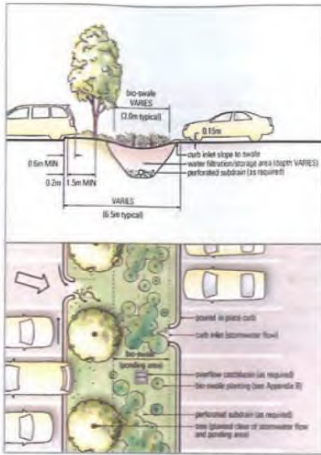
(d) Pedestrian and bicycle connections through parking areas shall be provided. Examples are shown to the right and on the next page (right side).

(e) Use of green infrastructure and low impact development techniques for stormwater management in parking areas is required to the extent practicable. Examples of green infrastructure are shown on the next page. Additional design options are presented in Appendix C.



(f) Properties adjoining the NYS Thruway (I-87) must maintain, establish, or enhance as needed a substantial vegetated natural buffer, which may be

N50 LID applications – commercial

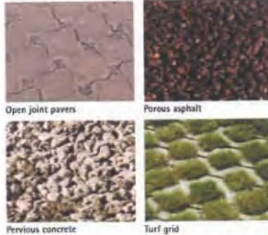


Design concept for bio-retention swale with tree planting

N51 Parking lot bioswales

Large volumes of polluted water run off of commercial parking lots. To the greatest extent possible this water should be captured and cleaned in bio swales with plants before being released into the ground. (photo, top center)

Examples of permeable paving:



N52 Permeable pavings

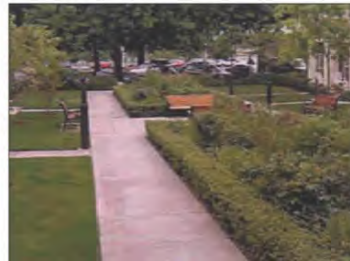
Permeable paving materials can help reduce run-off as well.



Courtesy of Nevue Ngan Associates



Courtesy of Kevin Robert Perry, City of Portland



Courtesy of Tom Lipman, City of Portland

Photos above
Green streets can work in urban conditions.

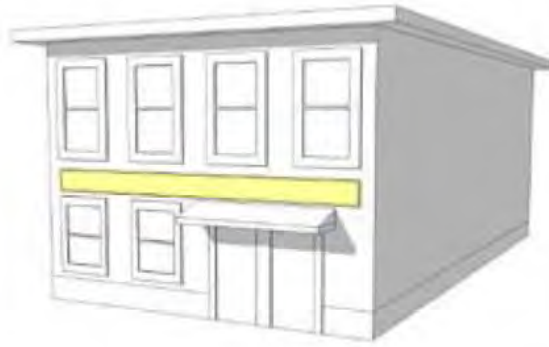


supplemented with evergreens. The landscape buffer must have a minimum depth of 30 feet from any property line along the Thruway.

(g) On previously undeveloped sites, all trees 7” DBH or greater must be inventoried, and the design of the site shall consider opportunities to leave these trees undisturbed. The Planning Board may request alternative site layouts that protect significant trees.

(h) On previously undeveloped sites, existing grades shall be preserved to the extent practicable to reduce necessary cut and fill and to retain existing vegetation and topography.

(i) Signs: Signs should be scaled and oriented to the pedestrian environment. For example, wall signs should be located in a sign band on the façade, a horizontal section that divides the storefront windows from the upper façade. They should be located so as to avoid



Recommended Practice: By placing signage on buildings in a way that complements the architecture creates a more aesthetically pleasing affect. Sign bands that accommodate all sings for a building work best.



Practice to Avoid: Signs on buildings that interfere with the architectural patterns of fenestration and facade design appear visually discordant.



A Rite Aid pharmacy sign in Camden, Maine. This new sign was designed to fit the historic building on which it is placed. The aesthetic harkens to historic, gilded signs, and the size and details compliment rather than detract from the architecture of the building.

obscuring or covering façade features, including windows, doors, storefronts, building entrances, cornices, and columns. Upper floor signage is not permitted for ground floor uses. Well-designed projecting signs and window signs are also appropriate. Monument signs, as defined in §140-98 are preferred to other types of freestanding signs. Pole signs as defined in §140-98 are prohibited.





This understated sign is constructed of the same quality materials utilized on the buildings and is contextually appropriate. This is an example of how a regional chain can fit its sign to match the local character.

(j) Lighting

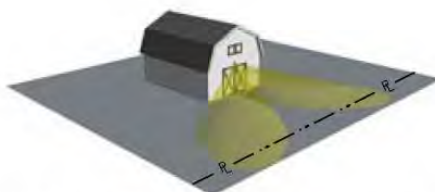
(i) External sign illumination, designed to limit light spill, is preferred to internal sign illumination.

(ii) Lighting in parking lots shall use a pedestrian scale light fixture, no more than 20 feet in height, with an even, overlapping lighting arrangement.

(iii) Lighting shall be glare free and shielded from the sky, and adjacent properties using cut-off technology that controls light spread. [TB members: note that in the Gateway report it specifies, "...technology that controls light spread to emit a maximum of 0.1 footcandle at the property line.]



Best Practice: Lighting, whether on buildings, along streets or on signs, should always be designed in such a way as to minimize light spilling outside the intended area, especially across vistas or directly into driver's eyes. By encasing the light elements within a fixture, the light is directed to where it is needed, rather than in any direction the bare bulb will shine.

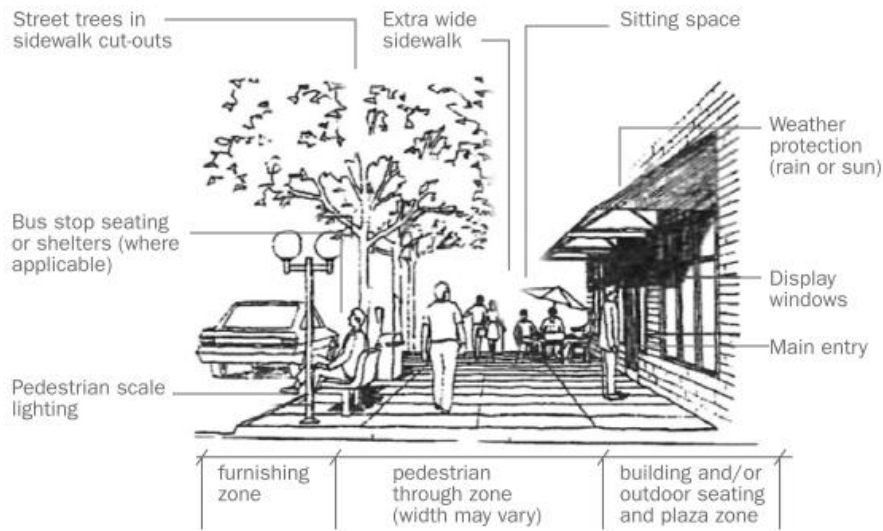
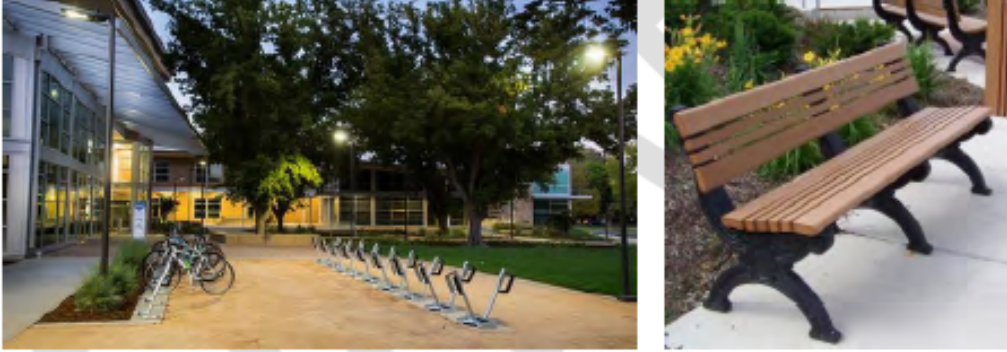


Practice to Avoid: Typical flood light type fixtures have no shield and spill bright pools of light and glare outside the intended area, potentially onto adjacent properties.



Recommended Practice: Outdoor lights, such as those found on a garage or barn, can use simple fixtures to encase the light element, reducing light spill, and motion sensors or timers to turn lights off when not needed.

(k) Site Furnishings: Bicycle parking, benches, trash receptacles, and other appropriate site amenities shall be incorporated into the site design.



(l) Parking Requirements. The required off-street automobile parking spaces listed in §140-34 shall be the maximum allowable in the MSMU District. To ensure the overall efficiency of parking development in the MSMU District, applicants proposing more than ten (10) spaces associated with non-residential, residential or mixed-use developments shall include with their applications an analysis of the opportunities to reduce parking requirements further by using the applicable reduction strategies below. The Planning Board shall require the maximum reduction available under Section [a] and [b] below unless it determines that:

- (i) A surplus of spaces on a particular site will benefit the MSMU District as a whole by providing off-site sharing opportunities for other sites in the MSMU District; or

(ii) The techniques for reduction of the number of off-street or on-site parking spaces available to the applicant are infeasible or would impose an undue hardship on the applicant.

[a] Shared On-Site Parking: To implement shared on-site parking, the applicant shall provide an analysis as part of site plan review to demonstrate that proposed uses are either competing or non-competing.

(i). Non-competing uses. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for non-competing uses. Up to 75% of the requirements for the predominant use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for two uses do not overlap. An applicant may use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other source acceptable to the Planning Board.

(ii). Competing uses. In mixed-use developments, applicants may propose a reduction in parking requirements where peak demands do overlap to some extent. In these cases, the Planning Board may reduce the parking requirements of the predominant use by up to 30%.

[b]. Off-Site Parking: Separate from, or in conjunction with shared parking provisions, an applicant may use off-site parking to satisfy parking requirements. As part of site plan review, the applicant shall provide the necessary information to comply with the following standards:

(i). Off-site parking shall be located within five hundred (500) feet of the subject property.

(ii). Off-site parking may only be provided if the off-site parking lot has an excess number of spaces or if the applicant can demonstrate that the on-site and off-site uses which use the parking lot have non- competing peak demands.

(iii). The amount of required parking spaces being reduced on-site shall be equal to the amount being provided off-site and can account for up to 100% of the required on-site parking.

(iv). Off-site parking spaces provided by a separate private property owner shall be subject to a legally binding agreement that will be presented to and approved by the Planning Board during the site plan review process or as a condition of approval. If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, it will constitute a violation of the site plan for any use approved expressly with shared parking. If shared parking is discontinued, the applicant or property owner shall provide

written notification of the discontinuance to the Building Inspector and, within 60 days of that notice, provide a remedy satisfactory to the Planning Board to provide adequate parking or discontinue the use.

(v). Uses sharing a parking facility shall provide for safe, convenient pedestrian connections between uses and parking, including well-marked pedestrian crossings, signage, and pedestrian-scale lighting.

(4) Architecture

(a) Buildings shall have at least two useable stories.

(b) Per 140-22.2D(6), the maximum permitted building footprint 7,500 square feet.

(c) The main building façade and main entrance shall face the public street. On a corner lot, main facades shall be designed to face both streets. A secondary building entrance facing a rear parking lot is strongly encouraged.

(d) A drive-thru window for retail and service uses is permissible if: 1) it is located behind the building; 2) it is integrated architecturally into the building; and 3) it does not require additional curb cuts and/or a separate curb cut for ingress and egress to the street. Drive-thru windows for food and beverage service uses are prohibited.

(e) Building transparency is important at the street level; consequently, the ground level of buildings shall have a minimum 50% glass surface that is oriented vertically.





(f) Floor to ceiling windows are prohibited.

(g) First story height shall be a minimum of 12 feet measured floor to floor.

(h) Upper floor windows shall relate to the first in shape, form, and pattern.

(i) Upper floor windows shall make up at least 30% of the façade on each floor.

(j) Building entranceways shall be designed to ensure that doors do not swing out and obstruct the sidewalk.

(k) Building styles and materials traditionally found in New Paltz are required.

- (i) Wood siding and/or earth-based materials such as brick, stone, bluestone, cement reinforced clapboard siding and/or stucco are acceptable materials. Fiber-cement siding is an acceptable material for new construction when it holds a similar texture, reveal, and appearance to wood siding. Vinyl, plastic and metal siding are prohibited.
- (ii) Building shape and massing. New buildings should replicate the massing of structures within the Village of New Paltz. Mass is the overall bulk of a building and footprint is the land area it covers.
- (iii) Using compatible roof forms and shapes is another way to incorporate features from buildings within the Village of New Paltz.



Additional photos and illustrations of desirable architecture are shown in Appendix C.

[text from Gateway report: TB members, please compare with (k) here and comment on the differences.

Building styles, textures and materials should be based on those common to local vernacular (late 1800's styles such as Mohonk Mountain House, Historic Huguenot Street, Arts & Crafts style, and rural farm/barn vernacular forms) encouraging uniqueness and connectivity among structures with no cookie-cutter development and facades in earth tones or natural colors using real design elements, such as cedar shake, barn wood, shale, quartz, and river rock. Modern interpretations of vernacular styles may be considered, provided that textures and materials are real design elements, as noted above, rather than imitations.]

Section 13. A new Section 140-22.3 of the Zoning Law, Gateway Business, is added to the Zoning Law to read as follows:

§140-22.3: Gateway Business District

- A. Purpose: As the primary entranceway to New Paltz and a gateway to the Shawangunk Mountains from the NYS Thruway and points east, this portion of the Route 299 corridor is home to a small number of small-scale commercial establishments. Much of the area is vacant and constrained to development due to an abundance of wetlands and limited infrastructure. The importance of NYS Route 299 as a regional east-west highway and the intersection of Route 299 with Exit 18 of the NYS Thruway require that vehicular access to Route 299 be carefully managed. With the development of New York State’s Empire Trail through this area over the next few years, the long awaited connection between the Hudson Valley Rail Trail and the Wallkill Valley Rail Trail will become a reality. The Empire State Trail will be a tremendous recreational asset for residents and visitors and a catalyst for economic growth in New Paltz.

The objective of the GB District is to create standards that improve the aesthetic quality of development in the corridor, ensure that environmental resources are protected, and that manage access to NYS Route 299 for the safety of drivers, bicyclists, and pedestrians who will utilize this corridor in the future.

- B. Permitted Uses are set forth in §140-8B.
- C. Area and Bulk Regulations – the area and bulk regulations for the GB District are set forth below:
- (1) Minimum Lot Area: 7,500 square feet
 - (2) Lot Width: 75 feet
 - (3) Required Lot Frontage: 75 feet
 - (4) Required Yards
 - (a) Front: Minimum 35 feet
 - (b) Side: Minimum 20 feet, except along the NYS Thruway right-of-way wherein a minimum of 50 feet is required.
 - (c) Rear: Minimum 25 feet, except along the NYS Thruway right-of-way wherein a

minimum of 50 feet is required.

(5) Maximum Impervious Coverage: 65%

(6) Maximum Building Footprint: 10,000 square feet

(7) Building Height: A minimum of 2 useable stories not to exceed 30 feet is required. A third story, not to exceed 35 feet, is permitted if the building is designed and built to meet US Green Building Council's LEED requirements at the level "silver" or higher.

E. Design Standards. The Planning Board shall consider the following design standards and shall ensure that prior to approving projects in the GB District, the intent of these design standards has been achieved by the applicant to the fullest extent practicable.

(1) For new development on a previously undeveloped lot, and for projects involving substantial alterations to structures on existing developed lots or substantial alterations to other improvements on the lot, full compliance with the design standards is required. In the case of minor alterations to an existing developed structure or lot, strict adherence to the design standards may not be feasible. In these cases, alteration of existing sites should seek to bring the site closer to conformance and make the site better serve the purpose of the Gateway Business District as described in §140-22.3A above.

In all cases where the standards cannot be met, the applicant shall be required to submit to the Planning Board a list of any design standards herein that it cannot meet, an explanation for why, and a description of how it proposes to satisfy the purpose of the GB District short of adhering to the design standards in their entirety. The Planning Board may waive individual requirements if it finds, based on the applicant's explanation, that adherence would be impractical and if it is satisfied with the applicant's proposed alternative for satisfying the purpose of the GB District.

(2) Site Organization and Site Design

Drawings and photos that illustrate required and desirable elements of site organization, site design, and architecture can be found in §140-22.2: Main Street Mixed Use District and in Appendix C.

(a) Off-street parking shall be provided on the side or in the rear of buildings.

(b) Screening with native vegetation shall be provided along the roadway to reduce the visual impact of parking and storage areas.

(c) Landscape buffer. A minimum landscape buffer of 15 feet consisting of native plantings that provide year-round screening is required along property boundaries adjoining a residential zoning district.

(d) Properties adjoining the NYS Thruway (I-87) must maintain, establish, or enhance as needed a substantial natural vegetated buffer, supplemented with evergreens. The landscape buffer must have a minimum depth of 30 feet from any property line along the Thruway.

(e) On previously undeveloped sites, all trees 7" DBH or greater must be inventoried, and the design of the site shall consider opportunities to leave these trees undisturbed. The Planning Board may request alternate site layouts that protect significant trees.

(f) On previously undeveloped sites, existing grades should be preserved to the extent practicable to reduce necessary cut and fill and to retain existing vegetation and topography.

(g) Curb cuts shall be consolidated where feasible. Cross-easements to provide shared access through side and rear parking areas of adjoining sites may be required by the Planning Board.

(h) A minimum of 10% of the parking lot shall be comprised of landscaping. A landscaped island equal to one parking space for every ten spaces is required to break up continuous areas of pavement within a parking lot. A minimum of one shade tree, at least 2.5" DBH at planting, is required to be planted in a landscaped island for every 15 parking spaces proposed.

(i) Use of green infrastructure and low impact development techniques for stormwater management in parking areas is required to the extent practicable.

(j) Bicycle and pedestrian connections from the Empire State Trail to building entrances shall be provided where possible. Pedestrian connections shall be delineated and defined in parking areas.

(k) Signs: Signs should be scaled and oriented to the pedestrian environment. For example, wall signs should be located in a sign band on the façade, a horizontal section that divides the storefront windows from the upper façade. They should be located so as to avoid obscuring or covering façade features, including windows, doors, storefronts, building entrances, cornices, and columns. Upper floor signage is not permitted for ground floor uses. Well-designed projecting signs and window

signs are also appropriate. Monument signs, as defined in §140-98 are preferred to other types of freestanding signs. Pole signs as defined in §140-98 are prohibited.

(l). Lighting

- (i) External sign illumination, designed to limit light spill, is preferred to internal sign illumination.
- (ii) Lighting in parking lots shall use a pedestrian scale light fixture, no more than 20 feet in height, with an even, overlapping lighting arrangement.
- (iii) Lighting shall be glare free and shielded from the sky, and adjacent properties using cut-off technology that controls light spread.

(m) Site Furnishings: Bicycle parking, benches, trash receptacles, and other appropriate site amenities shall be incorporated into the site design.

(3) Architecture

(a) Building styles and materials traditionally found in New Paltz are required.

- (i) Wood siding and/or earth-based materials such as brick, stone, bluestone, cement reinforced clapboard siding and/or stucco are acceptable materials. Fiber-cement siding is an acceptable material for new construction when it holds a similar texture, reveal, and appearance to wood siding. Vinyl, plastic and metal siding are prohibited.
- (ii) Building shape and massing. New buildings should replicate the massing of structures within the Village of New Paltz. Mass is the overall bulk of a building and footprint is the land area it covers.
- (iii) Using compatible roof forms and shapes is another way to incorporate features from buildings within the Village of New Paltz.

(b) Building footprint: 10,000 square foot maximum.

(c) The front building façade and main entrance shall face the public street. A secondary building entrance facing a rear or side parking lot is strongly encouraged.

(d) A drive-thru window is permitted if: 1) it is located at the rear of the building; 2) it is integrated architecturally into the building; and 3) it requires no separate access to a public street or additional curb cuts.

Section 14. A new Section 140-22.4 of the Zoning Law, Gateway Hamlet District is added to the Zoning Law to read as follows:

§140-22.4: Gateway Hamlet District

A. Purpose: The Hamlet of Ohioville is a traditional crossroads settlement that was established years ago at the intersection of Ohioville Road and Old Route 299 (New Paltz Road). Construction of Exit 18 of the NYS Thruway and the reconstruction of NYS Route 299 changed its context but characteristics of the old mixed-use hamlet remain and are worthy of preservation. In other words, Ohioville is different than other parts of the Gateway corridor.

The objective of the Gateway Hamlet District is to provide land use regulations and design standards that ensure that the unique characteristics of the Ohioville Hamlet are preserved and enhanced. The traditional hamlet settlement pattern found in Ohioville is characterized by smaller lots and mixed uses in a compact, walkable layout. Maintaining and extending this form to the south side of NYS Route 299 and reconnecting to Paradies Lane will establish Ohioville as a unique place on the road to New Paltz and create an opportunity for the Empire State Trail to make its crossing of the busy rural highway (NYS Route 299) in a logical and safe place.

B. Permitted Uses are set forth in Section 140-8B.

C. Area and Bulk Regulations - the Area and Bulk regulations GH District are set forth below:

(1) Minimum Lot Area 5,000 square feet

(2) Lot Width 50 feet

(3) Required Lot Frontage 50 feet

(4) Required Yards

(a) Front: Minimum is 15 feet; Maximum is 35 feet

(b) Side: Minimum is 10 feet

(c) Rear: Minimum is 25 feet

(5) Maximum Impervious Coverage 70%

(6) Maximum Building Footprint 5,000 square feet

(7) Maximum Building Height 2.5 stories, not to exceed 30 feet, except that 3 stories, not to

exceed 35 feet, is permitted when 10% of the multiple dwelling units in the project are Affordable Housing units as defined by and meeting the requirements of Chapter 132 of the Town Code. [TB members, please consider whether 3 stories should be allowed in the hamlet district.]

D. Design Standards. The Planning Board shall consider the following design standards and ensure that prior to approving projects in the GH District, the intent of these design standards has been achieved by the applicant to the fullest extent practicable.

(1) For new development on a previously undeveloped lot, and for projects involving substantial alterations to structures on existing developed lots or substantial alterations to other improvements on the lot, full compliance with the design standards is required. In the case of minor alterations to an existing developed structure or lot, strict adherence to the design standards may not be feasible. In such a case, any alterations should bring the site into more conformance with these design standards and the purposes of the GH in §140-22.4A above.

In all where cases where the standards cannot be met, the applicant shall be required to submit to the Planning Board a list of any design standards herein that it cannot meet, a written explanation of the difficulties in meeting the design standard, and a description of how the applicant proposes to satisfy the purposes of the GH District despite lack of compliance with the design standards. The Planning Board may waive individual requirements of the design standards if it finds, based on the applicant's explanation, that adherence would be impractical and that the applicant has demonstrated compliance with the purposes of the GH District through alternative means.

(2) Site Organization

Drawings and photos that illustrate required and desirable elements of site organization, site design, and architecture can be found in §140-22.2: Main Street Mixed Use District and in Appendix C.

(a) New buildings:

- i. Buildings shall be setback from the sidewalk no more than 10 feet.

- ii. Off-street parking shall be provided on the side or in the rear of buildings where required.

iii. If parking is at the side of a building, a minimum landscaped buffer of up to fifteen (15) feet in width, but in no case less than five (5) feet, of a density to block visibility, may be required by the Planning Board between the parking area and the back edge of sidewalk. The landscape shall include a mixture of trees, hedges or shrubs, with optional hardscape. Acceptable landscape materials include: trees, hedges, shrubs, or low walls of brick, stone, wrought iron, or an acceptable substitute.

(b) Redevelopment of existing sites:

Alteration of an existing developed lot shall bring the site into more conformance with the standards of the GH District. For example, if an existing commercial site with parking in front is proposed to be redeveloped, improvements to the street edge should be provided. For example, if an existing commercial site with parking in front is proposed to be redeveloped, improvements should be provided up to the edge of pavement of the road fronting the lot. Any new buildings shall be located closer to the street (see yard requirements) with prominent pedestrian connections to the sidewalk and sidewalks provided where needed.

(c) Mixed-use buildings of two to three stories, with commercial uses on the ground floor and residential or office uses on the upper levels, are encouraged in the commercial portions of the hamlet. Small-lot single-family homes should continue to be the predominant building type in the neighborhood areas of the hamlet.

(3) Site Design

(a) A minimum landscape buffer of 15 feet consisting of native plantings that provide year-round screening is required along property boundaries adjoining a residential use.

(b) A minimum of 10% of the parking lot shall be comprised of landscaping. A landscaped island equal to one parking space for every ten spaces is required to break up continuous areas of pavement within a parking lot. A minimum of one shade tree, at least 2.5" DBH at planting, is required to be planted in a landscaped island for every 15 parking spaces proposed.

(c) Use of green infrastructure and low impact development techniques for stormwater management in parking areas strongly encouraged.

(d) Curb cuts shall be consolidated where feasible. Cross-easements to provide shared access through side and rear parking areas of adjoining sites may be required by the Planning Board.

(e) Pedestrian and bicycle connections through parking areas shall be provided.

(f) On previously undeveloped sites, all trees 7" DBH or greater must be inventoried, and the design of the site shall consider opportunities to leave these trees undisturbed. The Planning Board may require alternate site layouts which preserve significant trees.

(g) On previously undeveloped sites, existing grades shall be preserved to the extent practicable to reduce necessary cut and fill and to retain existing vegetation and topography.

(h) Signs: Signs should be scaled and oriented to the pedestrian environment. For example, wall signs should be located in a sign band on the façade, a horizontal section that divides the storefront windows from the upper façade. They should be located so as to avoid obscuring or covering façade features, including windows, doors, storefronts, building entrances, cornices, and columns. Upper floor signage is not permitted for ground floor uses. Well-designed projecting signs and window signs are also appropriate. Monument signs, as defined in §140-98 are preferred to other types of Freestanding Signs. Pole Signs as defined in §140-98 are prohibited.

(i) Lighting:

i. External sign illumination, designed to limit light spill, is preferred to internal sign illumination.

ii. Lighting in parking lots shall use a pedestrian scale light fixture, no more than 20' in height, with an even, overlapping lighting arrangement.

iii. Lighting shall be glare free and shielded from the sky, and adjacent properties using cut-off technology that controls light spread.

(j) Site Furnishings: Bicycle parking, benches, trash receptacles, and other appropriate site amenities shall be incorporated into the site design.

(4) Architecture

(a) Building styles and materials traditionally found in the Ohioville Hamlet or from other areas of New Paltz are required.

(b) Wood siding and/or earth-based materials such as brick, stone, bluestone, cement reinforced clapboard siding and/or stucco are acceptable materials. Fiber-cement siding is an acceptable material for new construction when it holds a similar texture, appearance and reveal dimension to wood siding. Vinyl, plastic and metal siding are prohibited.

(c) Maximum Building footprint: 5,000 square feet

(d) The main building façade and main entrance shall face the public street. A secondary building entrance facing a rear or side parking lot is strongly encouraged.

(e) A drive-thru window is prohibited.

Section 15. A new Section 140-22.5 of the Zoning Law, Planned Resort Overlay District, is added to the Zoning Law to read as follows:

§ 140-22A. Planned Resort Overlay District.

A. Purpose: It is the purpose of the creation of the Planned Resort Overlay District:

(1) To further the goals of the Town Comprehensive Plan, which recognizes that recreation and tourism are important drivers for the Town, and also promote the consideration of the Town of New Paltz as part of a larger environmental region, by encouraging recreation tourism, which supports the local economy since tourist visitors who stay overnight contribute substantially to the local economy, and also promotes healthy recreational and entertainment activities.

(2) To facilitate appropriate development at the Town's Gateway, close to the Thruway interchange, thus minimizing impacts on vehicular, pedestrian, and bicycle traffic in downtown and other congested parts of the Town and Village.

(3) To encourage development that meets the design standards of the Town's Gateway Committee report, including connectivity with bike and pedestrian connections to the Empire Trail and Ohioville Hamlet.

(4) To contribute to the creation of diverse full and part-time employment opportunities for residents of the Town, County, and region by providing for development at a Gateway location that will not compete with existing local merchants.

(5) To capitalize on the Town's location near major existing regional historic, educational, and tourism attractions, such as Historic Huguenot Street, Mohonk Preserve, Minnewaska State Park, the Catskill Mountains, the Appalachian Trail, West Point, the Franklin D. Roosevelt and Eleanor Roosevelt National Historic Sites, Vanderbilt Mansion National Historic Site, the Walkway over the Hudson, and the Culinary Institute of America; and to enhance the stature of the community as a tourist and outdoor recreation destination.

(6) To provide for Planned Resort development in a manner that is consistent with the character of the Town of New Paltz, that enhances the aesthetic aspects of the proposed development and its community context, and that encourages a plan of development that will meet design objectives to suitably protect environmentally sensitive resources, community character and natural features to the extent feasible.

(7) To encourage connections between tourists, local residents, and existing local recreational and tourist support providers.

B. Permitted Uses in Planned Resort Overlay District: Principal permitted uses include the following.

- (1) Planned Resort,
- (2) Hotel, restaurant, and meeting facilities
- (3) Cultural facilities (library, art gallery, museum etc.)
- (4) Transportation oriented uses and accessory parking related thereto, such as facilities to interface with public and commercial transportation, charter tourism, bicycle and other non-motorized transportation, walking trails, and similar tourism related transportation.
- (5) Public utility
- (6) Minor wireless communication facility
- (7) Small agricultural retail (farmers market)
- (8) Campground / nature center

Uses accessory to a Planned Resort include the following.

- (1) General and professional office
- (2) Banking institutions
- (3) Specialty retail or business
- (4) Veterinarian's office, hospital, or kennel

C. Area and Bulk Regulations: The following area and bulk requirements apply in the Planned Resort Overlay District and supersede any requirements of the underlying zoning districts in accordance with Section E below.

Minimum lot area 50 acres

Lot width 200 feet

Lot depth 500 feet

Frontage on state highway 200 feet

Front setback (all buildings) 100 feet

Front setback (outdoor recreation facilities such as tennis courts) 50 feet

Setback from side and/or rear lot lines (all buildings) 50 feet, except 100 feet when adjoining a single-family residence zoning district. [May be reduced by the Planning Board to a minimum of 25 feet along any boundary adjoining an existing single-family residence or residential district, and to a minimum of 5 feet in all other cases, upon a finding that existing or proposed topography or vegetation provide suitable screening to soften views and suitable separation of uses.]

Setback from side and/or rear lot lines (parking) 20 feet

Setback from side and/or rear lot lines (outdoor recreation facilities, such as tennis courts) 25 feet except 100 feet when adjoining a single-family residence district

Maximum height of principal buildings 60 feet (5 stories) [Height of building will be measured from average grade at the building line to the highest point of the structure, not including the features excluded from height calculation as described below. The Planning Board shall conduct an analysis of all proposed structures more than 4 stories tall to assure that any visual issues relating to the height of the structures are suitably addressed and mitigated.] [TB members, please consider: possibly okay, but seems exceptional for our town. Given the size of the parcel, seems better to come down one story and spread out, if number of hotel rooms is the driving force.]

Maximum height of recreational feature/tower/aesthetic element 65 feet [The following exemptions apply in the Planned Resort Overlay District, in addition to those set forth in section 140-13: District building height regulations shall not apply to signature features within the Recreational facilities of the resort, such as stair towers for rides, or climbing towers, provided that: (1) such signature features shall, in total, occupy no more than 10% of the roof area; (2) such signature features shall, in no event, exceed a height of 75 feet; (3) such features shall in no event contain signage, flashing lights, or up-lighting calling attention to the height; and (4) the Planning Board must determine that any adverse visual impacts of the increased height have been suitably addressed and mitigated.] [TB members, please consider this height and the parenthetic details carefully.]

Water Storage Tank 125 feet [TB members, why is a water tower necessary and why so tall?]

Maximum building coverage 25% [TB members, please note that this term is not used elsewhere in the code except in the RV District. Shall find out from the developer why they included this here.]

Minimum Required Open Space 35%

Section 16. Subsection B of Section 140-26.1 of the Zoning Law, Shopping Centers, is hereby deleted and the remaining sections are renumbered accordingly.

Section 17. Article VI of the Zoning Law, entitled, Supplemental Use Regulations, is hereby amended to add Supplemental Use Regulations for Planned Resorts. These Supplemental Use Regulations will be applied by the Planning Board in reviewing the proposed Site Plan for a Planned Resort.

140-41.1. Planned Resort.

In any district where permitted, a Planned Resort shall be subject to the following regulations. Nothing in this section shall apply to “Vacation Resorts”, as that term is defined in the zoning law:

A. Elements of a Planned Resort:

(1) Mandatory elements:

- [a] Hotel facilities providing not less than 75 rooms and not more than 250 rooms. Guest rooms shall not include cooking facilities, but may include convenience-size small refrigerator, coffee makers, and similar convenience accessories.
- [b] Seasonal and year-round indoor and outdoor recreational, outdoor, and nature-oriented uses, such as indoor and outdoor water parks, pools, features and attractions; Indoor/outdoor conservatories, Indoor and outdoor tennis courts and seating facilities for same; indoor and outdoor climbing facilities; outdoor adventure facilities such as Zip Lines, ropes, and similar activities; Indoor and outdoor athletic and recreational facilities including court games; and similar recreational, outdoor, and nature-oriented uses.
- [c] Restaurants, cafes, and similar dining facilities primarily oriented to guests
- [d] Concierge services to connect hotel guests with local recreational and tourist-oriented service providers.

(2) Permissive additional components include:

- [a] Spa facilities; including fitness/weight rooms, yoga or similar use rooms, sauna facilities and related facilities
- [b] Catering and banquet facilities
- [c] Gathering spaces such as auditoriums, amphitheaters, meeting rooms and conference facilities, demonstration kitchens, exhibition space, or similar spaces developed for the purpose of accommodating groups of persons for exhibitions, festivals and other tourism or recreational and educational events providing services to the tourists at the hotel.
- [d] Additional recreation facilities, such as: swimming pools; tennis courts with or without spectator facilities; ice skating facilities; trails and tracks for runners; non-motorized bicycles; pedestrian walking trails; bowling alleys, arcades, and similar indoor recreation facilities; indoor

and outdoor athletic and recreational facilities including court games; miniature golf; and activities similar to the above.

[e] Botanical, horticultural and other greenhouse structures and facilities used for guest enjoyment, open year-round for tourist attraction.

(3) Permitted accessory/support uses:

[a] Uses and facilities accessory to any of the components of the permitted uses.

[b] Public and private utility structures and facilities serving the Planned Resort. Utilities which additionally serve areas outside of the Planned Resort may be permitted by the Planning Board as an accessory use provided that they do not interfere with the use of the property as a Planned Resort or conflict with the objectives of the PRO District.

[c] Residential accommodations for up to 10 employees performing supervisory work at the hotel

[d] Convenience services for guests, such as small gift/sundries; barber shops, newsstand services, travel service and car service to public transportation, and similar services.

[e] On-premises laundry facilities serving on-site uses.

[f] Animal exhibits structures and facilities such as small mammals and reptiles.

(4) Prohibited Elements and Uses:

[a] Motorized vehicle racing, including but not limited to automobiles, motorcycles, dirt bikes, and four-wheelers.

[b] Flashing lights

[c] Discharge of firearms

B. Development Standards and Objectives:

- (1) The massing of the buildings and the architectural design shall be appropriate for the site, considering views from off-site viewing points, including the surrounding residential properties, viewing points overlooking scenic viewsheds, and any views from the Thruway. Views into the site from adjoining residentially zoned properties should be softened by well-planned architectural and landscape materials.
- (2) Building styles and materials shall consist of those traditionally found in the New Paltz area. Wood siding and/or earth-based materials such as brick, stone, bluestone, cement reinforced clapboard siding and/or stucco are acceptable materials. Fiber-cement siding is an acceptable material for new construction when it holds a similar texture, appearance and reveal to wood siding. Vinyl, plastic and metal siding are prohibited
- (3) The project shall incorporate architectural design and site layout features that minimize glare, noise, and other inappropriate impacts from the development. Where possible, architecture shall draw from New Paltz and the surrounding region.
- (4) The development shall provide appropriate access to the surrounding State Highway network and Thruway interchange without undue interference with local traffic, and appropriate access for fire and other emergency service providers.
- (5) The development shall provide for bicycle and pedestrian travel and amenities within the site and provide connection points to existing adjacent public trails. The owners shall work with the Town and other public agencies to plan for and facilitate foreseeable future connection to the planned adjacent Empire State Trail and Western extension of the Hudson Valley Rail Trail systems.
- (6) The Site Plan design shall be sensitive to areas of environmental constraints and incorporate protection of environmental resources.
- (7) A Planned Resort may consist of more than one parcel. However, the entire project site shall collectively be deemed a single project site approved for a Planned Resort Use. Such zoning lot shall be planned, designed, developed, and operated as an integrated unit under a unified plan of operation, even if separate elements are owned or operated by separate legal entities.
- (8) The plan shall provide suitable building setbacks, open space, and, if the Planning Board deems it appropriate, landscaping, along any residential zoning district boundary lines to soften views into the site. Open space (pervious areas) provided along residential district boundaries may be either landscaped or open, and such open space may contain pedestrian or bicycle recreation trails. Where

the Planning Board determines that landscaping is required along residential boundaries, it should generally include a total of at least 20 feet of vegetated landscaping, whether contiguous or separated by a trail or walkway, to soften views of the site from adjacent residential homes. The site plan shall incorporate appropriate mitigation measures identified by a visual impact analysis of the proposed development. Such visual impact analysis shall consider landscaping throughout the proposed site.

- (9) Pursuant to the authority of Town Law 274-a (5), the Planning Board is authorized to waive the area and bulk requirements set forth in the district by reducing minimum requirements or increasing maximum requirements as set forth herein, upon a determination that the requirement is not requisite in the interest of the public health, safety or general welfare, or inappropriate to the particular site plan. The Planning Board shall set forth written findings supporting any such waiver or reduction, and is further empowered to impose appropriate conditions on any waiver or reduction.
- (10) Off-street parking areas shall be suitably landscaped with plantings as determined by the Planning Board. Interior parking area landscaping shall be provided to break up continuous areas of pavement. Landscaped island equal to one parking space for every ten spaces is the minimum requirement for all parking lots with ten or more spaces. Landscaped islands must equal two spaces if adjacent to two perpendicular spaces. Minimum of one shade tree, at least 3.0" DBH at planting, for every 12 parking spaces required. Parking areas shall be suitably separated from surrounding properties by vegetative landscaping materials meeting the standards of 140-34 (I) at least 20 feet deep and deemed satisfactory to the Planning Board to provide reasonable screening of parking areas.
- (11) Off-street parking shall not be located along Paradies Lane or Route 299. Parking may be located to the side or rear of buildings.
- (12) At least one point of access to a Planned Resort must be provided from a State or County Highway. All roads providing access to the project must be suitably improved, at the time of project implementation, to handle the anticipated traffic volumes created by the proposed development. Privately owned vehicular and pedestrian circulation routes, including internal sidewalks, internal pedestrian and bike circulation, pedestrian and bike access from the public road network or community trail facility, such as connections to the Empire State Trail and the Ohioville Hamlet, shall be suitably designed to carry the intended traffic and provide support facilities for such circulation, including bike racks for guests and employees. Access management shall be coordinated with the state and county for Route 299 and Ohioville Road.

- (13) Any streets on the site plan providing access to, the proposed Planned Resort and proposed to be offered for dedication as public streets shall meet the applicable municipal or state specification for such public street or highway.
- (14) Water supply and sewerage. The project shall be served by public or private central water supply facilities and wastewater treatment facilities as approved by the appropriate state and municipal agencies and the County Health Department.
- (15) Infrastructure facilities, such as roadways, parking areas, utilities, drainage, screening and other landscaping, and other facilities, such as storm drainage facilities, curbs, gutters, solid waste disposal facilities, lighting, signs shall be appropriately planned, designed and operated to serve all uses on the lot. Stormwater management shall incorporate green infrastructure techniques. Impervious surfaces shall be limited as much as reasonably possible.
- (16) Lighting. All outdoor lighting shall be glare-free and shielded from the sky, and adjacent properties using cut-off technology that controls light spread to a maximum of 0.1 foot-candle at the property line.
- (17) Signs: Only signs affecting outside vehicle and pedestrian traffic will be illuminated from a structure and avoid ground up lighting when feasible. There shall be no internally illuminated monument signage.
- (18) Project phasing. If the project is to be phased, then a phasing plan shall be submitted and approved as part of the site plan application.
- (19) Conditions. The Planning Board, upon review of the proposed development, may prescribe such additional conditions as are, in its opinion, necessary to secure the objectives of this chapter.
- (20) Waiver Review Criteria. In all cases, the applicant shall be required to submit to the Planning Board a list of any design standards herein that it cannot meet, supporting reasons and documentation as to why the standards cannot be met, how the public health, safety and welfare will be preserved, how the deviation will not detract from the intent and spirit of these design standards, and a description of how it proposes to satisfy the purpose of the Planned Resort Overlay District short of adhering to the design standards in their entirety. The Planning Board may waive individual requirements if it finds, based on the applicant's explanation, that adherence would be impractical and if it is satisfied with the applicant's proposed alternative for satisfying the purpose of the Planned Resort Overlay District.

Section 18. The heading of Section 140-109 of the Zoning Law, Highway Business Zoning Districts, is hereby amended to be “Highway Business, Gateway and Planned Resort Zoning Districts.”

Section 19. The first paragraph of Section 140-109 of the Zoning Law, “Highway Business, Gateway and Planned Resort Zoning Districts” is hereby amended to read as follows:

Each business establishment shall be permitted two signs. No establishment may have two of any single freestanding type of sign (e.g., two pole signs are not allowed; two wall signs are allowed). Individual business signs shall incorporate the street number(s) at the top center. The following signs are permitted unless otherwise indicated in the design guidelines for the district:

Section 20. Section 140-113 of the Zoning Law, Schedule of Sign Specifications, is amended to change the heading of the second column from “B-2 Highway Business” to “B-2, MSMU, GB, GH and PRO Districts”.

Section 21. Supersession.

This local law supersedes Sections 267, 267-a, 267-b, 274-a, 274-b and 276 of New York Town Law.

Section 22. Severability.

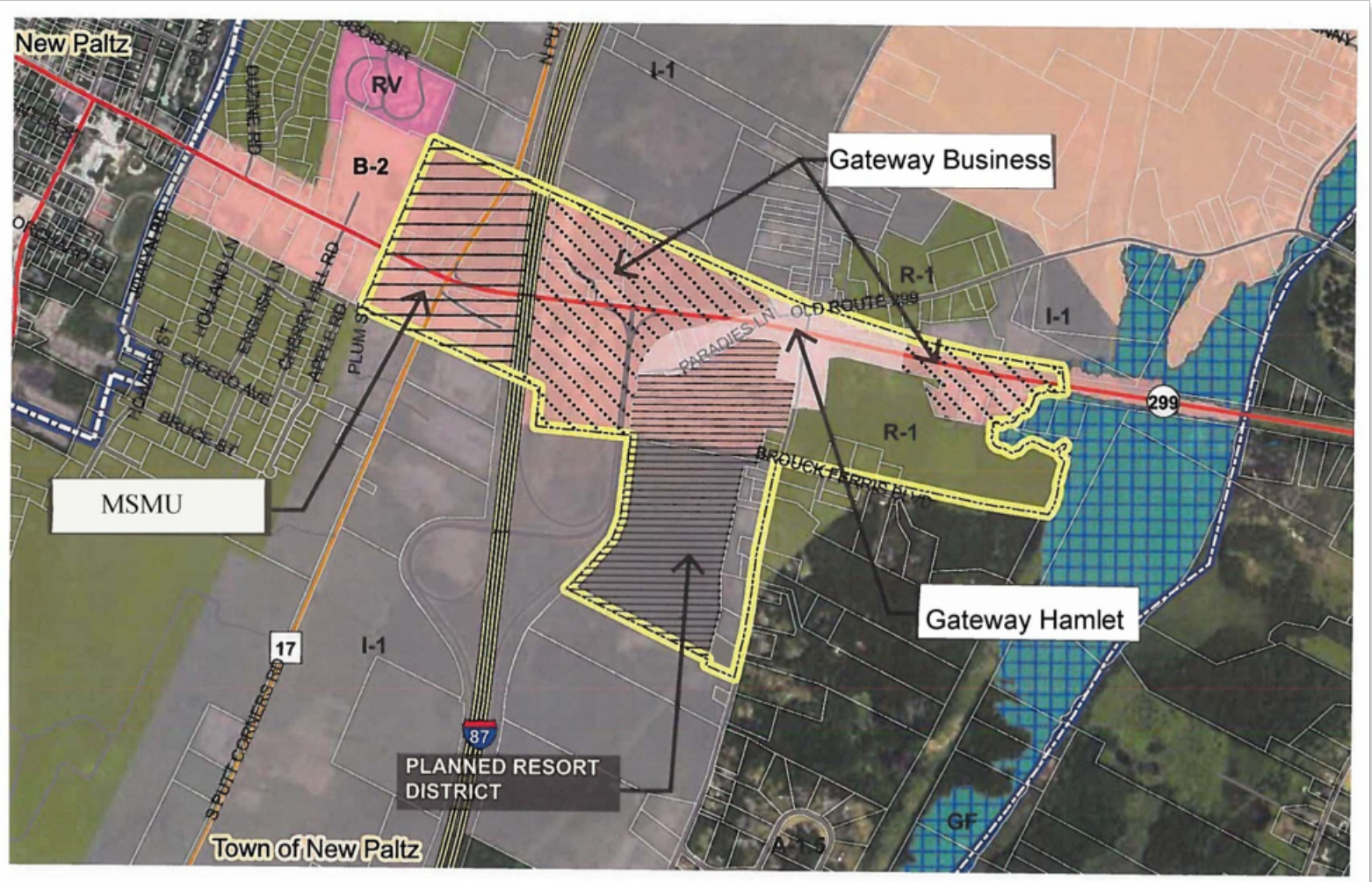
Should any sections or provisions of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 23. Effective Date.

This local law shall become effective upon its adoption and after filing in the Office of the Secretary of State of New York.

Appendix A

Route 299 Gateway Zoning Map



Appendix B

see separate file called, Exhibit B Town of New Paltz Use Table

Appendix C

Additional Site and Building Design Figures

1. Arrangement of parking lots



NOT PERMITTED

Existing Condition: In the typical parking arrangement, the pavement abuts the road and there is little room left for pedestrian circulation, signage or landscaping.



Improved Practice: Screening of the same parking area diminishes the visual impact of this use.



Best Practice: Combining the practice of orienting parking to the side or behind roadside development with the addition of screening along the roadway reduces the visual impact of parking and storage areas.

2. Buffering conflicting uses



NOT PERMITTED

Practice to Avoid: Without a buffer in place, the negative affects of incompatible uses which include light spill, noise and traffic impact adjacent properties and land uses.



Best Practice: Where disparate or incompatible uses exist adjacent to one another, wider buffers of woodland can be planted or preserved as effective screening that allows the different uses to coexist.

3. Curb cuts and traffic flow on a site



NOT PERMITTED

Practice to Avoid: Linear commercial and residential development has set the precedent of multiple curb cuts along the highway. This practice adds to the visual clutter, as well as increases traffic conflicts, leading to the potential for more accidents.



Best Practice: In new development or re-development projects, the number of curb cuts can be reduced by re-orientating the buildings, creating a shared parking lot, and by designing shared access to a neighborhood. As a result, the quality of the developed highway environment has been improved, traffic conflicts reduced, and a more attractive neighborhood and commercial center created.

4. Good-looking signs



The traditional detailing of this sign is in keeping with the architectural style of the building, and it is tastefully landscaped.



This highly legible sign is perfectly designed to match the character of the building facade, and downlighting prevents glare and light pollution.



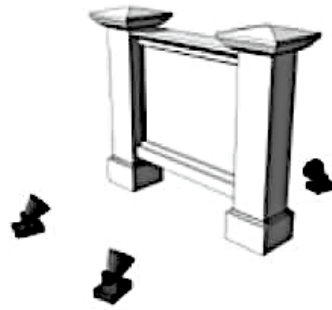
Multiple businesses are effectively displayed on this sign without clutter.

5. Lighting monument signs



Recommended Practice:

Mounting spotlights directly on freestanding signs reduces the amount of light that escapes the sign boundaries and can eliminate excess light spill. Lighting fixtures and the housing for the lights can be designed in a manner that provides uniform illumination for the sign surface.



Practice to Avoid:

Lighting signs with ground mounted spotlights results in excess light which can escape outside the sign boundary and cause unnecessary glare on roadways.