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Committee Members:

Susan Blickstein, AICP/PP, PhD, Citizen Member  
Laura deNey, Town of New Paltz Environmental Conservation Board  
Peter Kaufman, New Paltz Bike/Pedestrian Committee  
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Lagusta Yearwood, Town of New Paltz Planning Board

**TO:** TOWN BOARD, TOWN OF NEW PALTZ

**FROM:** AD-HOC COMMITTEE TO STUDY EXIT 18 GATEWAY AREA  
MORATORIUM POTENTIAL

**RE:** RECOMMENDATIONS

**DATE:** JUNE 10, 2016

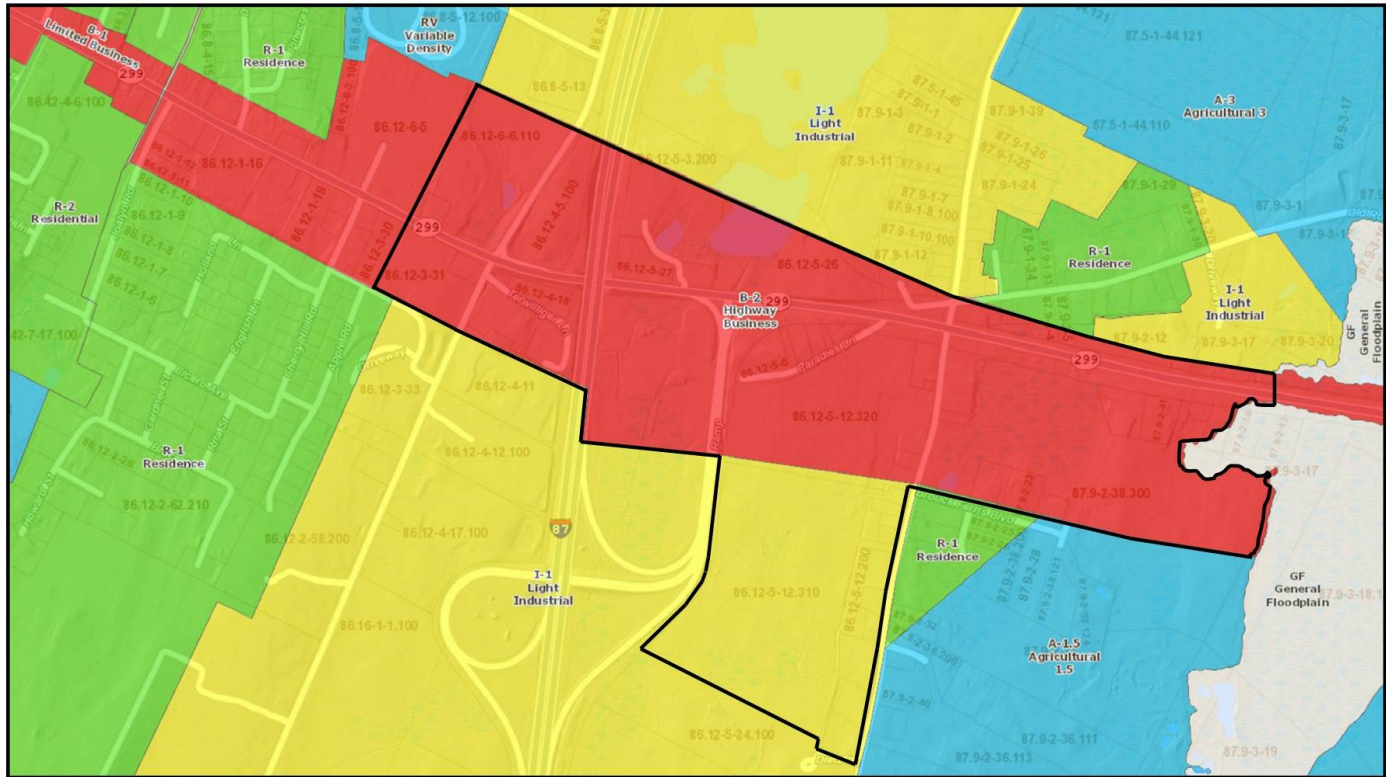
## INTRODUCTION

The Committee met weekly to discuss, debate and develop recommendations that we hope you find useful in informing your decision-making on behalf of New Paltz. What follows are our recommendations for how a moratorium law could be structured to enable the amendment/creation of more appropriate and contemporary zoning tools for the focused area that we evaluated. In developing these recommendations we also considered the downside of a land use moratoria and structured our recommendations in a manner to address and minimize those effects. We thank you for the opportunity to work together on this important issue.

### Overview

Moratoria on land use approvals are effective tools that 'pause' the development approval/permit process to enable communities to revisit zoning and comprehensive plans to better respond to community objectives. This memorandum summarizes our collective wisdom and recommendations for a potential moratorium around the Exit 18 NY State Thruway/Route 299 area.

## Gateway Study Area



May 15, 2016

0 0.1 0.2 1:9,028 0.4 mi

### Why this Area and Why Now?

The area outlined in the above map (along Route 299 from the Shop Rite Plaza/Empire State Bank eastward to and including the Ohioville commercial area) includes several large sites with active development proposals, as well as additional areas that are being prepared for revitalization and/or reuse. With the exception of one parcel that is part of a major development proposal and is industrially zoned, this area is zoned B-2. Taken together, these current and future projects have the potential to *significantly* alter our community's unique character, transportation patterns/infrastructure, mobility, and environment. At the same time, the B-2 District that encompasses this area has not been thoroughly evaluated or amended for well over twenty years. While there are individual examples of recent positive development due to the community-mindedness of key businesses like Ulster Savings Bank and the Hampton Inn, our Town's codes have no requirements to ensure that this type of coordination and design input occur. Furthermore, this area is the primary gateway to our community. Virtually all of us who live, work/commute, go to school and visit New Paltz routinely navigate the Route 299 corridor from Ohioville to Putt Corners -- simply put, how this part of our community develops affects us all. A moratorium would provide our

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community's leaders with the necessary time and opportunity to formulate a comprehensive regulatory approach for this critical part of New Paltz before it is too late.

In our meetings, we also considered the typical 'cons' associated with a land use moratorium and structured our recommendations to minimize any negative effects. Generally speaking, the downside of a moratorium typically include the following assertions/concerns:

- Land use moratoria can be viewed as 'anti-development'. To address this concern, we have clearly identified a focused area that encompasses a critical part of the community that has broad effects on New Paltz as a whole. In addition, we have specified objectives to be considered in any planning study that might be undertaken to develop recommended regulatory changes. We recommend that the Town commence any work on zoning amendments as soon as possible to limit the amount of time a moratorium would need to be in place to the shortest timeframe possible. Further, we fully understand that properties are entitled to reasonable development opportunities and that it is not legally defensible to zone properties into disuse. We favor an approach that balances development opportunities with preservation of our community's character, enhancing transportation safety and mobility for all travel modes, and natural resource protection. Modern zoning tools exist to effectively address such concerns. Having clear and predictable zoning in place is 'pro-development' in the sense that it has the potential to reduce the time and cost associated with the development review process for projects later on. Having high standards in place is not 'anti-development' as long as those standards are explicit.
- Cost. There will be a cost associated with undertaking the necessary studies and process to develop regulatory changes. This is a one-time cost, unlike infrastructure investments or even operating community facilities, like our library. We believe that this cost is justified by the risk of uncoordinated, poorly planned development that impairs our quality of life, could detract tourists and other visitors to our community, would likely result in unintended transportation impacts, and would negatively impact water resources and air quality.

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## KEY ELEMENTS OF A MORATORIUM: RECOMMENDATIONS

The key elements of any land use moratorium law are: identifying the primary purpose/community objectives to be achieved; specifying the applicability of the law and any exemptions; identifying the zoning district(s) and/or geographic area subject to the law; and, providing the time frame for the moratorium. Clearly addressing these elements in a moratorium law generally protects communities from legal challenge.

### Primary Purpose/Community Objectives:

The primary purpose of the moratorium is to enable the Town leaders the opportunity and time to update zoning regulations and land use policies to address circumstances not fully anticipated by the 1995 Comprehensive Plan and attendant zoning regulations. As noted in the introduction, this area has several large sites with active development proposals, as well as additional areas that are being primed for revitalization and/or reuse. Our committee discussed the elements of an initial vision and objectives that could guide such an effort, as follows:

- To ensure the New Paltz Exit 18 gateway area gives a sense of 'arrival' to visitors, commuters and locals alike, reflecting the unique natural resources and cultural assets of New Paltz, including New Paltz's small town, rural character.
- To prevent inefficient, uncoordinated development that impairs the mobility and safety of those who travel by car, on foot, by bicycle or via transit.
- To effectively integrate Complete Streets/rail trail connections given regional trail assets and the key link between the Walkkill Rail Trail and the Hudson Valley Rail Trail that traverses this area.
- To balance development with protection of our natural resources--trees, wetlands and clean air.
- To utilize "smart growth" principles, prioritizing redevelopment of existing altered areas and maximizing use of green infrastructure and sustainable design.
- To effectively integrate infill development in a manner that reflects our community's history, vernacular design patterns/elements, and local economy.
- To clearly communicate the land use objectives for this area for the benefit of property owners, residents and developers alike.

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Applicability (Thresholds) /Exemptions:

Moratoria laws can halt the review of projects currently before boards, acceptance of new development applications for site plan, subdivision or special permit approval, as well as issuance of building and other permits. Municipalities that adopt moratoria sometimes exempt certain activities, such as construction of modest structures and/or additions to existing structures under a certain size.

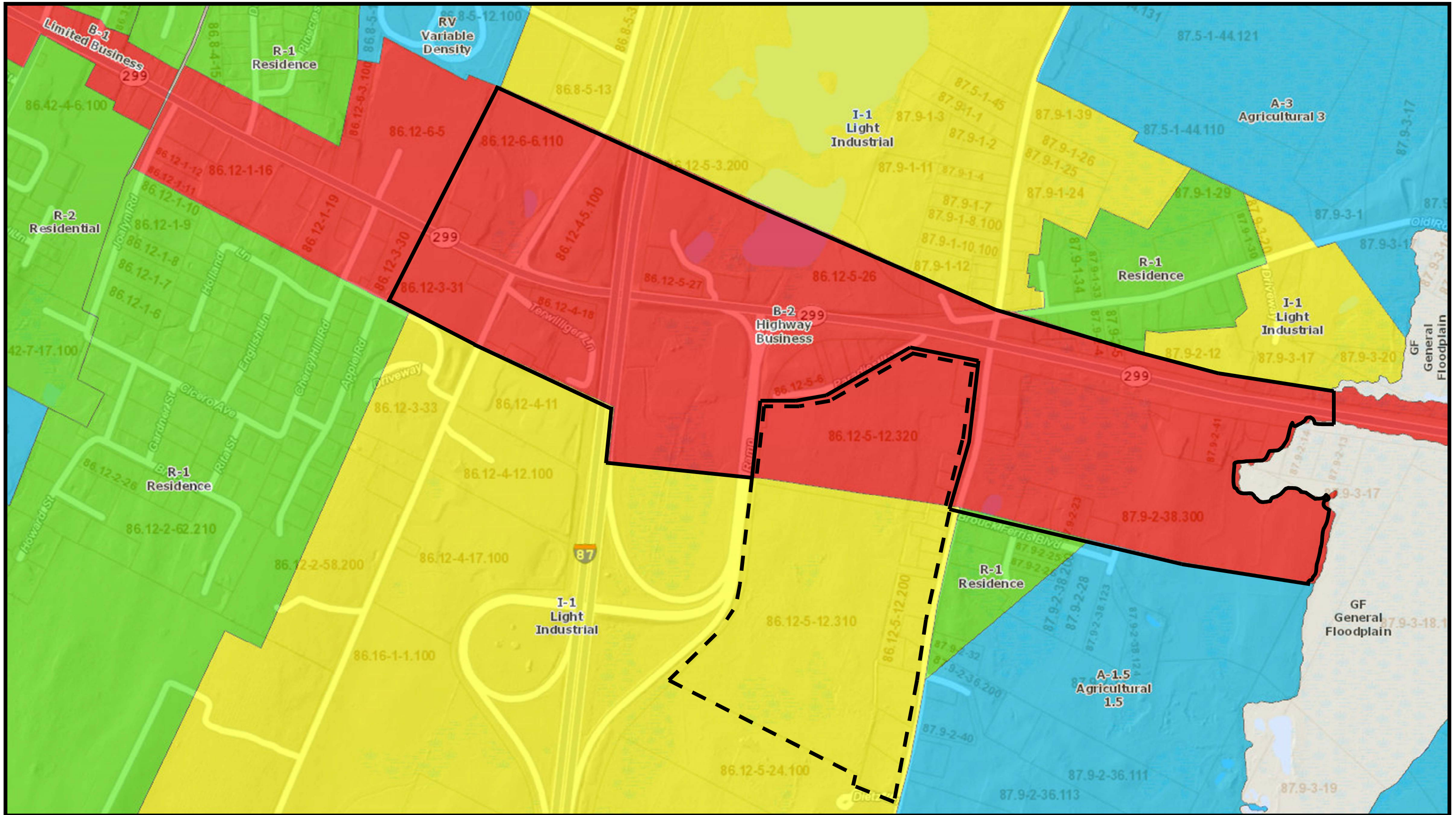
We recommend that a moratorium apply to all applications or proceedings for applications, to the issuance of site plan, subdivision or special permit approvals, and to the issuance of building permits, with the following exceptions:

- Residential development of no more than 5 residential units;
- New non-residential structures or additions of no more than 2,500 square feet;
- Buildings under construction at the time of adoption of the local law (with valid building permits); and,
- Re-occupancy of existing structures by permitted uses.

Geographic Area of Potential Moratorium:

Based on a detailed review of the existing conditions and zoning along the Route 299 corridor in the vicinity of Exit 18, the Committee identified the Ohioville hamlet area as the eastern end of the potential moratorium area. In thinking about the importance of a sense of cohesiveness and coordination of future development and revitalization, the Committee recommends that the western edge of the area covered by any moratorium include the Shop Rite Plaza to the south and the Empire State Bank to the north.

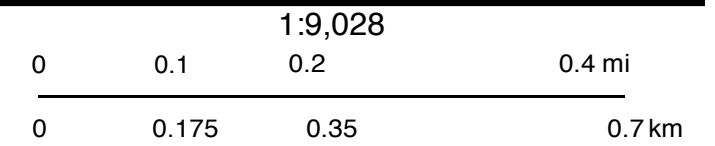
# Gateway District Proposal



May 15, 2016

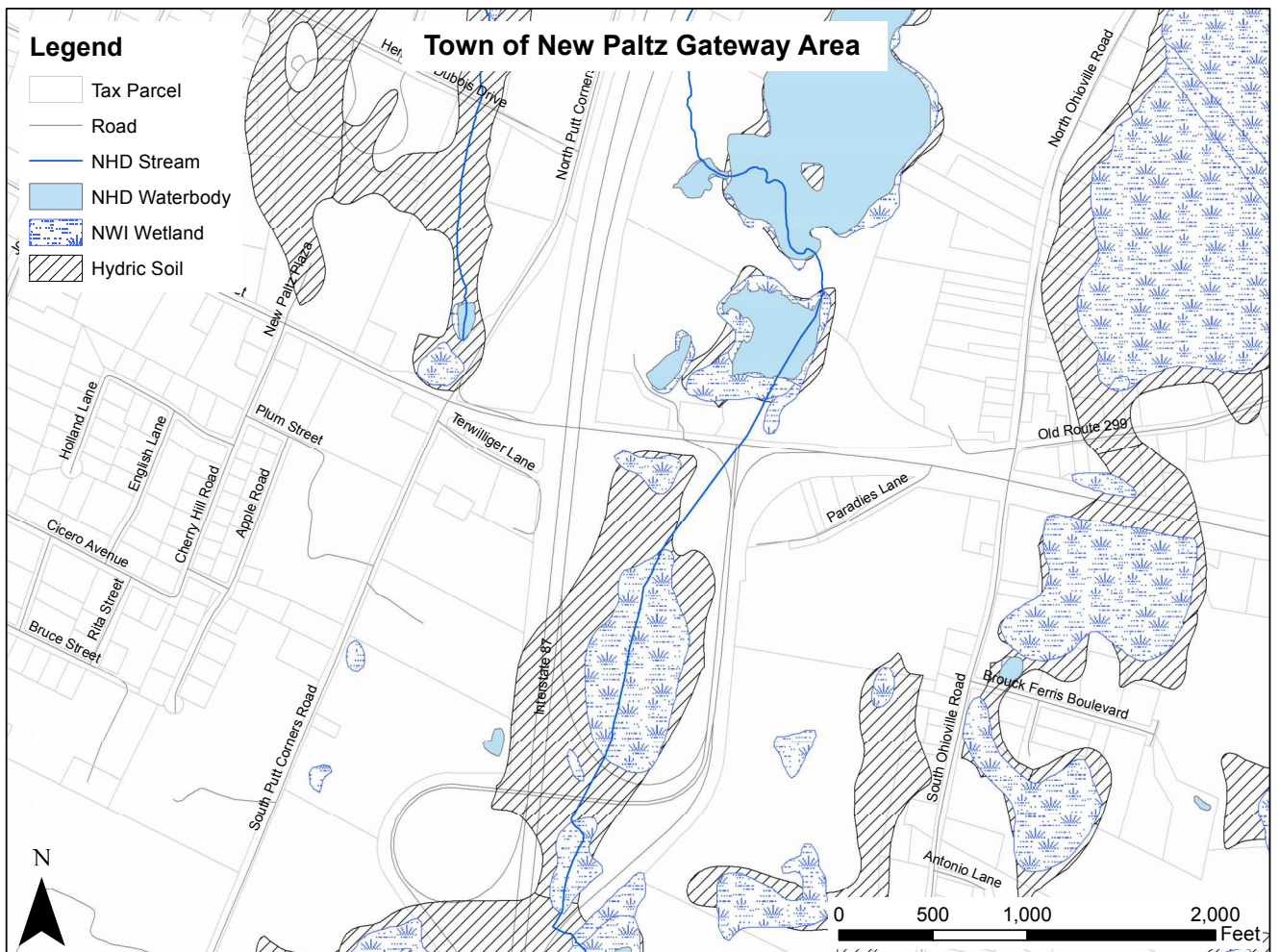
**Primary Area** —————

**Additional Area** - - - - -



In terms of zoning, the study area encompasses the B-2 Zoning District as shown on the previous map. The only parcel in the B-2 Zoning District along this stretch that is indicated by a dotted line for additional consideration is the area encompassed by the Wildberry Lodge proposal. Any future development of the area between Paradies Lane and Ohioville Road warrants careful evaluation and inclusion in any moratorium. Because including this area will require dedication of additional Town resources to properly study and analyze potential zoning options, we have shown this area in a dotted line for the Town Board's consideration.

We also considered the natural resources prevalent in the area under consideration. These are identified in the following map based on NYSDEC mapping.



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Term of Moratorium:

We recommend that the initial period covered by any moratorium law be 9 to 12 months to allow for the necessary planning process identified in the following section. The Town Board could also specify in the law that a limited number (up to two) of extensions (not to exceed 3 months per extension) be considered so that the entire term of any moratorium would be no more than 18 months.

## **NEXT STEPS**

As directed, we have identified the requisite steps that the Town Board would undertake, as well as the key components of a planning process to accomplish the objectives of a moratorium, should one be formally considered and enacted.

Town Board Next Steps:

- Attorney for the Town Board drafts moratorium in the form of a local law<sup>1</sup>; law is formally introduced (Note: the process for adoption of a moratorium is the same as the process for adoption of any zoning law);
- Law is properly noticed (including to adjacent municipalities) and referred to Ulster County Planning (Note: moratoria are not subject to SEQRA);
- Public hearing is held and Town Board votes. Filing procedures are followed, as relevant. (Note: it is feasible to commence a planning process prior to completion of formal adoption of a moratorium; in fact, illustrating progress towards achieving the goals of a moratorium has been viewed favorably when such laws have been challenged in the court system.)

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<sup>1</sup> Moratorium laws may specify that relief from the moratorium be granted by Town Board. For the Town Board to consider relief from a moratoria, the moratoria must supersede State statutes pertaining to the variance authority of Boards of Appeals. This approach requires the use of the supersede power in the moratorium law and is the approach recommended by the Committee.



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Outline of Planning Process:

The following planning process outlines the key activities that should be undertaken by an experienced, AICP certified planner with knowledge of the Hudson Valley and New Paltz, and with both land use and transportation planning experience:

- Assess existing conditions (land use, environmental, local plans and zoning);
- Present existing conditions and gather community input on goals;
- Develop/refine goals for the study area;
- Prepare zoning amendments (uses, bulk requirements, design standards, pedestrian circulation requirements, etc) and comprehensive plan amendment (if deemed necessary);
- Present/discuss recommendations with committee;
- Present recommendations to Town Board;
- Revisions/preparation of SEQRA docs;
- Finalize zoning amendments/formally introduce, refer to County Planning and hold public hearing.

It is estimated that the resources necessary for a planner to undertake the above scope for the geographic area identified is \$23,000 to \$25,000 without the Wildberry Lodge parcels. Inclusion of those parcels would likely add approximately \$8,000 to this cost with the benefit of clarifying the community's objectives and zoning for that area. These estimates do not include the cost of an attorney to ensure that the law is properly assembled, noticed, and filed.

If the Town Board moves forward with a moratorium and planning process and wishes to extend the work of the Committee to include working with a professional retained by the Town, we would be willing to continue to work together. In such an event, we recommend adding a second member of the Town Planning Board and one additional citizen member to the Committee.

## **CONCLUSIONS**

Our Committee strongly supports enactment of a moratorium for those reasons identified on page 2 of this report. Further, we support geographic coverage from Shop Rite Plaza/Empire State Bank eastward to include the Ohioville hamlet area and the area between Paradies Lane and Ohioville Road given its location, size, and potential to significantly affect our community. We have considered this area separately for purposes of

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communicating that additional resources would be necessary to properly analyze and develop regulatory mechanisms for this area.

A moratorium will allow all of us to pause and develop the necessary zoning and planning frameworks to provide greater certainty and clarity for developers, property owners, and residents alike. It would also greatly assist the Planning Board in their review and evaluation of development proposals.

Thank you.

Sincerely,

Susan Blickstein, AICP/PP, PhD, Citizen Member  
Laura deNey, Town of New Paltz Environmental Conservation Board  
Peter Kaufman, New Paltz Bike/Pedestrian Committee  
Julie Seyfert Lillis, Town Board Liaison  
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