

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

Be it enacted by the Board of Trustees of the Village of New Paltz, Ulster County, State of New York, as follows:

**Section 1. Section Amended and Intent.**

Legislative Intent. The North Chestnut Street Gateway District is hereby established to promote a pattern of development defined by a mix of residential, retail, service and professional uses. Whereas, the existing B-3, Highway Business District prohibits any and all residential uses, the North Chestnut Street Gateway District almost universally requires incorporation of a residential component for proposed site development.

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 development is a vital feature of the District.

It is also the intent of the North Chestnut Street Gateway District to augment the supply and variation of housing opportunities within the Village. The demand for all types of dwelling units has increasingly outstripped available supply. The District regulations afford developers significant flexibility to expand a variety housing opportunities. Likewise, a mix of uses onsite and throughout the District provides for a symbiotic relationship between residential, retail and service/professional uses, while reducing automobile trips and overbuilding of parking facilities.

Numerous properties along the +/- 0.75 mile corridor comprising the North Chestnut Gateway District have been substantially disturbed to establish existing highway business uses. Thus, redevelopment and infill development are promoted over green-field development.

**Section 2. Section 212-13(G) Amended.**

§ 212-13 (G). The existing section shall be modified such that the existing language is to be deleted and the following is to be added:

G. North Chestnut Street Gateway District.

Legislative Intent.

(1) Principal permitted uses.

(a) Requirement for mixed-use in development of more than one story. Principal permitted uses in development of more than one story shall be as follows: (i) Development at ground-floor level along road frontage shall be general or professional offices and all principal and special permitted

uses in the B-2 core business district, except drive-through retail facilities, restaurant, laundry (drycleaning), or commercial group, with no residential uses permitted. (ii) Development in the story above ground-floor level (whether along road frontage or not) shall be only general or professional offices and/or residential multi-family rental or for-sale units. (iii) Development in any story above the second story shall be only residential multi-family rental or for-sale units.

(b) Retail only in development of one story only. Principal permitted uses in development of one story only shall be all principal and special permitted uses in the B-2 core business district, except drive-through retail facilities, restaurant, laundry (drycleaning) or commercial group.

(c) Non-residential business or retail uses not specifically listed as principal permitted uses or special permit uses but approved by the Planning Board as compatible with the district intent.

(2) Permitted accessory uses:

(a) Signs (see § 212-25).

(b) Other uses customarily incidental to principal permitted use on same lot.

(3) Special permit uses:

(a) Restaurant, whether or not licensed by the NYS Liquor Authority to sell beer, wine or liquor.

(b) Commercial or shared parking lot or structure (See Article VIII).

(c) Essential services.

(e) House of worship, including accessory residences for clergy and/or property manager(s).

(f) Hotel, with or without conference and catering facilities.

(g) Bed and Breakfast.

(h) Inter-modal transportation facility.

(i) Automobile repair shop.

(4) Minimum lot size:

(a) All uses: 11,890 square feet (one-quarter acre).

(5) Minimum lot width:

(a) All uses: 50 feet at building line.

(6) Height requirements:

- (a) All uses: minimum: two-story and 20 feet. Maximum; four-story, but not greater than 45 feet, exclusive of usable roof-top area for private and/or common outdoor space, with or without roof-top gardens and/or green roofs.

(7) Bulk requirements and Maximum lot coverage by impervious surfaces.

- (a) Maximum coverage by all impervious surfaces: 85%. Pervious parking facilities may be required by the Planning Board.

- (b) Maximum Floor Area Ratio: 3.0.

(8) Minimum yard dimensions:

- (a) Front yard.

[1] All uses: 10 feet maximum.

- (b) Rear yard.

[1] All uses: 20 feet minimum.

- (c) Side yard.

[1] All uses: Zero to 15 feet (maximum), at the discretion of the planning board, with the presumption being that the intent of the district is to minimize setbacks. Notwithstanding the foregoing, where adjacent properties are concurrently proposed to be developed at zero side lot-lines, and will be conjoined, no side setback is required.

- (9) Landscaped buffers of up to 15 feet in width of a density may be required by the Planning Board so as to block visibility of parking areas. The Planning Board's review of a proposed buffer modification shall include the Shade Tree Commission's review of and recommendations for the proposal.

(10) Lighting.

- (a) All exterior lights shall be shown on the site development plan, and shall be designed and located in such a manner as to prevent objectionable light and glare from spilling across property lines. A lighting plan, prepared accordant to the *Village of New Paltz Guidelines for Outdoor Lighting* including specifications for the lighting pole and fixture shall be provided to the Planning Board during site development plan review.

- (b) Exterior lighting should be architecturally compatible with the building style, material, and colors. Cutoff fixtures shall be required instead of cobra-type light fixtures and directional floodlights.

- (c) Streetlights and other lights shall be 10 to 15 feet in height, except pole lights in parking lots, which shall be a maximum of 20 feet high.

- (d) Loading areas. Loading and delivery areas may be shared between nearby uses, and shall be determined by the Planning Board on a case-by-case basis.
- (11) Open space. Where appropriate and practical, new development should create public open spaces and should maintain existing public open space. Where feasible, new open spaces should connect to existing open spaces, especially where the site under review abuts the Wallkill Valley Rail Trail.
- (12) Street Furniture and waste receptacles. Street furniture and waste receptacles approved by the Planning Board shall be provided along street frontages and within the site, as deemed necessary by the Planning Board. Street furniture and waste receptacles shall be maintained by the developer or managing agent of the property. Required public amenities shall include bicycle parking facilities, with specifications approved by the Planning Board in consultation with the town-village Bicycle Pedestrian committee.
- (13) Onsite parking requirements: onsite parking shall be provided as follows:
- (a) Residential uses: 0.50 spaces per bedroom.
  - (b) Commercial uses: 1 space for each 500 feet of net interior floor space, or fraction thereof, except as otherwise required by this Chapter in connection with specific uses.
  - (c) Parking lots, garages should be located in the rear of the property and behind retail goods and services and/or professional offices, and/or at the side of a building wherever possible, allowing for road frontage to enhance the visibility of retail goods and services and/or professional offices and streetscaping. Wherever applicable, parking garages are acceptable underneath, or on ground floor, beneath residential units within the ground floor building footprint,
  - (d) Shared driveways should be used to access parking lots behind buildings and facilitate fewer curb cuts. Shared driveways and/or entrances for ingress and egress access between neighboring buildings and parking lots are strongly encouraged for the district.
  - (e) Interior parking lot landscaping. Interior parking lots shall be landscaped, as determined necessary by the Planning Board.
  - (f) Exterior parking lot landscaping. A landscaped strip shall be provided around the perimeter of parking lots, exclusive of driveways. The landscaped strip should be a minimum of five feet wide. Where appropriate, a berm should be used to buffer parking areas from the street.
  - (g) Each parking space shall be nine feet wide and 18 feet long, except handicap-accessible spaces that are to be in accordance with NYS building codes and with parking aisles. Backup and maneuvering aisles between rows of parking spaces shall be at least 24 feet wide, except where the Planning Board approves a lesser dimension as adequate to serve parking space arranged at less than a ninety-degree angle or landscaped area.
- (14) Offsite parking.

- (a) On-street parking along and adjacent to the property frontage may apply toward the minimum parking requirements.
- (b) The Planning Board may, at its sole discretion, approve the joint use of a parking facility and allow a reduction in the parking requirement of up to 30% for two or more principal buildings or uses, either on the same, adjacent, or nearby parcels, where it is clearly demonstrated that the reduction in spaces and shared use of the parking facility will substantially meet the intent of the parking requirements by reason of variation in time of use by patrons or employees among such establishments (offset peak parking demand). There shall be a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of the principal use. Such covenant shall be:

- [i] Enforceable by any of the parties having shared beneficial use of the facility; and

- [ii] Enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns.

(15) Landscaping.

- (a) A landscaping plan prepared by a NYS Registered Landscape Architect (RLA) shall be submitted for review by the Planning Board, and should be designed to avoid existing overhead or underground utility lines. Where the location of existing overhead or underground utility lines conflicts with the required landscaping strip and tree planting, the Planning Board may approve an alternate plan consistent with the intent to buffer parking.
- (b) Required landscaping shall be permanently maintained in a healthy growing condition at all times. The property owner is responsible for regular maintenance of all plantings as necessary for each particular plant species.
- (c) Site trees should be no smaller than three-inch caliper diameter at four feet in height. Density of site trees shall be at the discretion of the Planning Board as determined necessary.

(16) Reservation of Parkland on site plans containing residential units. Accordant with §7-725-a (6) of the NYS Village Law:

- (a) Before such authorized board may approve a site plan containing residential units, such site plan shall also show, when required by such board, a park or parks suitably located for playground or other recreational purposes.
- (b) Land for park, playground or other recreational purposes may not be required until the authorized board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the village. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the village based on projected population growth to which the particular site plan will contribute.
- (c) In the event the authorized board makes a finding pursuant to paragraph (b) of this subdivision that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirements cannot be properly located on such site plan, the authorized board may

require a sum of money in lieu thereof to be established by the village board of trustees. In making such determination of suitability, the board shall assess the size and suitability of lands shown on the site plan which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the authorized board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the village exclusively for park, playground or other recreational purposes, including the acquisition of property.

**Section 3. Section 212-5 Amended.**

Section 212-5 shall be amended such that the definition of "Limited Retail Business" shall include "bookstores, coffee shops and tea houses."

**Section 4. Zoning Map Amended**

The Zoning Map of the Village of New Paltz shall be amended according to Schedule A.

**Section 5. Separability**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Village Board of the Village of New Paltz hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 6. Repeal**

All local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 7. Effective Date**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.