



**Public Hearing-LL Preservation and Investment Fund
Town Board Meeting
December 17, 2020
Video Conference**

Present: Supervisor Neil Bettez, Councilman Dan Torres, Councilman David Brownstein, Councilwoman Alex Baer, Councilwoman Julie Seyfert-Lillis.

At 7:30 p.m. Supervisor Bettez opened the public hearing on proposed local law F: Amending Section 44-7 of the Town Code regarding the Preservation and Investment Fund.

Public Comment: None. The public hearing will be left open until later in the meeting.

At 7:31 p.m. a motion was made by Supervisor Bettez to open the Town Board meeting with the pledge. Seconded by Councilman Torres, all aye votes cast, motion carried.

Agenda:

A motion was made by Supervisor Bettez to adopt the agenda. Seconded by Councilman Brownstein, all aye votes cast, motion carried.

Announcements:

Due to the COVID-19 pandemic all Traffic, Criminal and Civil cases that were scheduled for a New Paltz Town Court date have been postponed until further notice. Arraignments for Misdemeanor and Felony Offenses will be scheduled as necessary by the Court. For more information, please call the Justice Court at 845-255-0041.

Public Input:

Kitty Brown thanked the Town Board for its decision regarding the waivers requested by Trans-Hudson and submitted the following statement and letter:

1. It feels to many of us that as long as Trans Hudson keeps its Article 78 lawsuit alive, the Town Board can't possibly negotiate on a level playing field. "Give us what we want or we'll sue you" places you in a lose/lose situation. Not only does this threat hang over your heads tonight, it will also weigh on every future decision by our planning board.
2. Since you unanimously supported The Gateway District Zoning in October 2019, it appears that it is the threat of a lawsuit, not any flaws in the zoning, that might pressure you to consider granting these waivers.
3. The town code is clear that a waiver can only be granted if the applicant demonstrates "practical difficulties" in developing the site. The applicant has provided no proof of any practical difficulties, but rather, has relied on a simple assertion that compliance with zoning makes developing the site financially unfeasible. This experienced, successful developer is eminently capable of providing evidence to support its claim.

Dear Supervisor Bettez and members of the Town Board,

We write to ask that you deny the request for waivers from our brand new Gateway zoning law. These zoning changes were adopted after long and careful study by land use experts. Granting waivers to these two critical components would create a chilling precedent for undermining the work of your board and the volunteers who serve on the committees that created them.

- 1) The law specifically prohibits new drive thru restaurants. Three local drive thru restaurants already provide easy pick up and deserve our support. We don't want this site to become an on/off Fast Food Thruway ramp, creating dangerous entrances from Route 299 and exits from N. Putt Corners Road.
- 2) The Second Story requirement is a significant community benefit. We all know about the lack of affordable housing in New Paltz. Second story rentals can provide housing for employees and people who are trying to save for a down payment on a home.
 - a) Some planning board members raised concerns about health risks in placing housing adjacent to the Thruway. There is new technology that solves those problems and the developers are well-qualified to incorporate them into safe, affordable housing.
 - b) These same health risks need to be addressed for the firefighters who will be sleeping in the new firehouse across the street from the Blumberg/Freilich project.

[Blumberg & Freilich](#), the petitioners for these waivers, are seasoned and experienced developers and landlords, with projects in Mid-Town Manhattan, Brooklyn and Chicago. They are well positioned to design projects that comply with our new zoning.

See below for reports of their expertise in real estate. If they can deal with NYC zoning, they can deal with ours!

Please deny these waivers and let the developers return to the planning board with plans for a project that they, and our community, can be proud of.

Thank you,

Kitty Brown

From the NY Times, Brooklyn: At the northwest corner of Montague and Court Street, the 84,000-square-foot 205 Montague Street, built in the 1960's, is being renovated under the new ownership of **Blumberg & Freilich** Equities, based in Fort Lee, N.J., in partnership with ING Holdings, a Dutch financial company. It was bought mostly empty from Republic National Bank last year. Originally, Brooklyn Savings Bank had its headquarters there, as did its successor bank, Crossland Savings, which was taken over by Republic. The new owner has already leased the ground floor to a bank -- EAB -- and the upgraded upper floors will probably go to Brooklyn-based insurance, financial and legal firms, and nonprofit organizations, said Robert F. Hebron of Ingram & Hebron Realty, the leasing agent. A \$2 million renovation of public areas is under way, Mr. Freilich said.

- 1) East Park Tower is the first **Chicago**-area acquisition for **Blumberg & Freilich**, which owns properties in the New York area and Arizona, said Ted Silverman, partner at the firm. He said the firm bought the building through a tax-deferred exchange, plowing the proceeds from the recent sale of a New Jersey property into the acquisition. Like homeowners who defer capital gains taxes on a sale if they buy a new home, investors can use so-called 1031 exchanges to do the same thing with commercial property transactions. But finding properties on Blumberg & Freilich's home turf has become especially difficult because "so many investors are bidding things up into the stratosphere," Silverman said. Prices here are more attractive.
- 2) Mid Town Manhattan, [Duane Reade](#): Ary Freilich — a managing partner **with landlord Blumberg & Freilich Equities** who has known Winick for more than 20 years — said a few years ago Winick told him to lower his expectations on what he could earn in rental income on a Manhattan building he was looking to purchase. "He said, 'You are not going to achieve those deals,' so I did [the purchase] with more realistic expectations," Freilich said.

Thank you for your time and consideration.

Sincerely,

- | | | |
|-----|------------------------------------|---|
| 1. | Kevin | Borden |
| 2. | Kitty | Brown |
| 3. | Jacki | Brownstein |
| 4. | Karen | Cathers |
| 5. | Janet | Chapman |
| 6. | MacKenzie | Clark |
| 7. | Laura | deNey |
| 8. | Liz | Elkin |
| 9. | Kay | Gray |
| 10. | Renee | Hack |
| 11. | Teresa | Horgan |
| 12. | Kira | Kinney |
| 13. | Ron | Knapp |
| 14. | Elizabeth | Lee |
| 15. | Judy | Mage |
| 16. | Kristin | Misik |
| 17. | Jim | O'Dowd |
| 18. | Janet | O'Dowd |
| 19. | New Paltz Climate Action Coalition | New Paltz Climate Action Coalition,
an energized group of volunteers
fighting the causes and
consequences of the climate crisis
since 2007, just voted unanimously
to oppose the waiver of zoning laws
for the 299/N Putt corners CVs
project. [Text Wrapping Break] |
| 20. | Gowri | Parameswaran |
| 21. | Alex | Passas |
| 22. | Barbara | Petersen |
| 23. | Lea | Pipman |
| 24. | Yakov | Pipman |
| 25. | Janelle | Peotter |
| 26. | Ellen | Rocco |
| 27. | Tom | Rocco |
| 28. | Karl | Rodman |
| 29. | Roger | Roloff |
| 30. | Renata | Russell |
| 31. | Joyce | Scheffey |
| 32. | Susan | Scher |
| 33. | Sherrill | Silver |
| 34. | Craig | Shankles |
| 35. | David | Smith |
| 36. | Susan | Stessin |
| 37. | Miriam | Strouse |

EnCB Annual Report and Critical Environmental Areas (CEA) discussion:

Chair Ingrid Haeckel highlighted the following items:

- Reviewed all submissions referred by the Planning Board and provided written comments
- Attended site visits for the Homeland Towers site plan
- Submitted an appeal to the ZBA to review an interpretation of the Building Inspector regarding the Trans-Hudson project
- Received and approved three tree removal permits and plans to review the Tree Law in 2021
- Convened a meeting to clarify the process for mitigating violations of the Wetlands and Watercourse Protection Law
- Assisted with the preparation of the Community Preservation Fund
- Members contributed 70 hours of in-kind volunteer match to the NRI project
- Researched options for local plastic bag regulations dealing with exemptions in the state law
- Scaled down the proposal for the CEAs from six areas to four

Executive Session:

At 7:57 p.m. a motion was made by Supervisor Bettez to go into executive session to discuss personnel. Seconded by Councilman Torres, all aye votes cast, motion carried.

At 8:11 p.m. a motion was made by Supervisor Bettez to come out of executive session with no action taken. Seconded by Councilman Brownstein, all aye votes cast, motion carried.

Consent Agenda:

A motion was made by Supervisor Bettez to approve and/or authorize the following as part of the consent agenda. Seconded by Councilman Brownstein, all aye votes cast, motion carried.

1. Approval of minutes: December 3, 2020
2. Authorization for Supervisor to sign UCRRA 5-year contract
3. Authorization for Supervisor to sign Edmunds contract for equipment and maintenance
4. Authorization for Supervisor to sign Supplemental Agreement #1 PIN 8762.48: Henry W. DuBois Pedestrian and Bicycle Improvement Project
5. Authorization for Supervisor to sign BCMOne contract
6. UC Planning Board Appointment: Town of New Paltz representatives: primary member Amanda Gotto; alternate member Mike Calimano
7. Reappointment of Charlotte Carr to the Board of Assessment Review
8. Approval of UCAT contract: Amendment No. 4 to Contract No. C11-00494; Inter-Municipal Agreement
9. Authorization to run additional warrant on or before 12/31/2020 for vouchers dated 2020 to aid January processing of prior year's bills
10. Authorization to pre-pay bills on 12/31/20 for those dated 2020
11. Authorization to pay Homeland Towers requisitions as requested by bookkeeper:

December 14, 2020 12:26 PM THE TOWN OF NEW PALTZ Requisition Listing by Requisition Number Page No: 1

Format: Detail without Line Item Notes Print Other Quotes: N Open: N 1st Appr: N 2nd Appr: N
 Range: First TO LAST 3rd Appr: N Canceled: N Denied: N
 Threshold: 0.00 (For Each Requisition) Print Comments: N Held: Y P.O. Generated: N
 Requested Date Start: 0 End: 12/14/20 Print Approval Users: N Resubmitted: N Needs Revision: N
 Include Project Line Items: Yes

Req #	Req Date	Vendor	Charge Account	Status	Description	Amount
R0000410	10/15/20	HENNINGSON, DURHAM & RICHARDSON	P PB20-08	Held	HOMELND TWRS WIRELES FAC SITEP	13,895.96
			P PB20-08		HOMELND TWRS WIRELES FAC SITEP	6,282.00
			P PB20-08		HOMELND TWRS WIRELES FAC SITEP	20,187.96
R0000455	11/05/20	HENNINGSON, DURHAM & RICHARDSON	P ZB20-50	Held	HOMELAND TWRS-ZB USE VARIANCE	1,944.00
R0000456	11/05/20	HENNINGSON, DURHAM & RICHARDSON	P PB20-08	Held	HOMELND TWRS WIRELES FAC SITEP	3,340.00
Total Regular Requisitions:						25,471.96

Handwritten notes: OKAY TO PAY, NOT ENOUGH #

December 14, 2020 12:26 PM THE TOWN OF NEW PALTZ Project Detail Inquiry Page No: 1

Project Id: PB20-08 Description: HOMELND TWRS WIRELES FAC SITEP Status: Active
 Starting Date: 11/01/20 Ending Date: 12/14/20
 * Transaction is included in Previous and/or Opening Balance ** Transaction is not included in balance
 En = PO Line Item First Encumbrance Date

Date	Description	Trans Amount	Balance
	OPENING BALANCE	9,891.71-	
11/05/20	RQ R0000456 1 REVM, VIS SUPP, TECH MEN MEET Held VH HENNINGSON, DURHAM & RICHARDSON	3,340.00-	13,231.71-
11/19/20	Deposit Ck: 5197 NY53 PB ESCROW REPLENISH 11/10/2020 Post ref: R 9453 1	26,839.71	13,608.00
11/20/20	PO 20-02121 1 Paid Ck123561 PB Attorney:HOMLND TWRS-8/5-31 VH BURKHKE BURKE, MEELE, GOLDEN & NAUGHTN En 09/29/20	5,670.00-*	13,608.00
11/20/20	PO 20-02209 1 Paid Ck123553 PB Eng:HOMELAND TWRS THRU 9/26 VH BARTLOO BARTON & LOGGIDICE, O.P.C. En 10/20/20	464.00-*	13,608.00
11/25/20	PO 20-02552 1 Open PROF SVCS: 9/1-9/30/20 VH BURKHKE BURKE, MEELE, GOLDEN & NAUGHTN	3,448.00-	10,160.00

Town Fund	Fund	Expend Total	Revenue Total	G/L Total	Project Total	Total
TAM Fund	0-TAM	0.00	0.00	0.00	25,471.96	25,471.96
Total of All Funds:		0.00	0.00	0.00	25,471.96	25,471.96

12. Approval and authorization of the following requisitions:

December 15, 2020
10:38 AM

THE TOWN OF NEW PALTZ
Requisition Listing By Requisition Number

Page No: 1

Format: Detail without Line Item Notes Print Other Quotes: N Open: Y 1st Aprv: N 2nd Aprv: N
 Range: First to Last 3rd Aprv: N Canceled: N Denied: N
 Threshold: 0.00 (For Each Requisition) Print Comments: N Held: N P.O. Generated: N
 Requested Date Start: 0 End: 12/15/20 Print Approval Users: N Resubmitted: N Needs Revision: N
 Include Project Line Items: Yes

Req #	Req Date	Vendor	Charge Account	Status	Description	Amount
R0000521	11/02/20	WILLING WILLINGHAM ENGINEERING		Open		
1		B BBB-522-8020-455			PLANNING-ENGINEER	101.25
2		B BBB-522-8020-455			PLANNING-ENGINEER	101.25
3		B BBB-522-8020-455			PLANNING-ENGINEER	67.50
						<u>270.00</u>
R0000522	12/04/20	CRYOWELD CRYO WELD CORP		Open		
1		B AAA-522-1620-400			BUILDINGS CONTRACTUAL EXPENSES	8.46
R0000523	12/04/20	GRAIN001 GRAINGER, INC		Open		
1		B SSA-522-8120-400			SEWAGE COLLECTING SYS CE	103.32
2		B SSA-522-8120-400			SEWAGE COLLECTING SYS CE	36.32
						<u>139.64</u>
R0000524	12/04/20	RESTASSU REST ASSURED ALARMS		Open		
1		B AAA-522-7150-458			RECREATION-COMMUNITY CTR	360.00
R0000525	12/04/20	EASTMAT EASTERN MATERIALS		Open		
1		B DBB-522-5110-400			GENERAL REPAIRS CONTRACTUAL	581.75
2		B DBB-522-5110-400			GENERAL REPAIRS CONTRACTUAL	315.68
3		B DBB-522-5110-400			GENERAL REPAIRS CONTRACTUAL	104.00
						<u>1,001.43</u>
R0000526	12/07/20	SRISPRIN SRI SPRINKLER LLC		Open		
1		B AAA-522-7310-400			YOUTH PROGRAM CONTRACTUAL EXPENSE	513.00
R0000527	12/07/20	TIMEWARN TIME WARNER CABLE		Open		
1		B AAA-522-7150-458			RECREATION-COMMUNITY CTR	64.99
R0000528	12/08/20	LOWES001 LOWE'S COMPANIES INC.		Open		
1		B AAA-522-8189-400			RECYCLING CONTRACTUAL EXPENSE	100.00
R0000529	12/08/20	PDQCO001 PDQ PRINTING		Open		
1		B AAA-522-3120-400			POLICE & CONSTABLES CONTRACTUAL EXP.	12.50
R0000530	12/09/20	EARTHCAR EARTHCARE		Open		
1		B AAA-522-8160-400			REFUSE & GARBAGE CONTRACTUAL EXPENSE	390.00
R0000531	12/10/20	OLDDO005 OLD DOMINION BRUSH CO, INC		Open		
1		B DBB-522-5110-400			GENERAL REPAIRS CONTRACTUAL	574.00
R0000532	12/10/20	ALLEGIAN ALLEGIANCE TRUCKS		Open		
1		B DBB-522-5142-400			SNOW REMOVAL CONTRACTUAL EXPENDITURE	407.46
R0000534	12/10/20	DD00001 D&D AUTO SUPPLY INC		Open		
1		B AAA-522-8189-400			RECYCLING CONTRACTUAL EXPENSE	106.70
R0000535	12/10/20	AMERPRIN AMERICAN PRINTING		Open		
1		B AAA-522-1670-560			PRINT/MAIL-RECYCLING	100.00
R0000536	12/11/20	SITEOPTI SITE OPTIMIZED		Open		
1		B AAA-522-8189-400			RECYCLING CONTRACTUAL EXPENSE	108.00
R0000537	12/11/20	CENTR001 CENTRAL HUDSON		Open		
1		B AAA-522-8189-400			RECYCLING CONTRACTUAL EXPENSE	235.12
R0000538	12/11/20	CENTR001 CENTRAL HUDSON		Open		
1		B AAA-522-8189-400			RECYCLING CONTRACTUAL EXPENSE	331.84
R0000539	12/11/20	DDWOODWK D&D WOODWORKS, INC.		Open		
1		B AAA-522-8189-200			RECYCLING EQUIPMENT	0.00
R0000540	12/01/20	WILLING WILLINGHAM ENGINEERING		Open		
1		B BBB-522-8020-455			PLANNING-ENGINEER	607.50
2		B BBB-522-8020-455			PLANNING-ENGINEER	337.50
3		B BBB-522-8020-455			PLANNING-ENGINEER	236.25
						<u>1,181.25</u>
R0000541	12/14/20	LEWIS001 KEITH LEWIS		Open		
1		B AAA-522-3120-400			POLICE & CONSTABLES CONTRACTUAL EXP.	50.00
Total Regular Requisitions:		20	Total Line Items:	27	Total Amount:	5,954.39

13. Approval of the following budget modifications:

A FUND				FROM:			
TO:							
A	1420.400	Attorney, C.E.	8,000.00	A	1110.100	Justice, P.S.	21,300.00
A	3120.200	Police, Equip	4,848.00	A	3120.400	Police, C.E.	4,848.00
A	4050.400	Public Health, Other, C.E.	990.00	A	7150.485	Recreation Activities	990.00
A	8189.420	Recycle-Bank CC Fees	3,000.00				27,138.00
A	9050.800	Unemployment Insurance	10,300.00				
			27,138.00				
B FUND				FROM:			
TO:							
B	1670.430	Print/Mail-Bldg insp	700.00	B	1990.400	Contingent Account	500.00
B	1910.400	Unallocated insurance	17.00	B	3620.400	safety insp-C.E.	2,588.00
B	8010.400	Zoning, C.E.	1,907.00	B	8010.100	Zoning, P.S.	1,907.00
B	8020.400	Planning, C.E.	3,363.00	B	8020.100	Planning, P.S.	3,363.00
B	9010.800	State Retirement	500.00				8,358.00
B	9060.800	Medical Insurance	1,650.00				
B	9061.800	Dental Insurance	168.00				
B	9062.800	Vision Insurance	53.00				
			8,358.00				
DA Fund				FROM:			
TO:							
DA	5010.400	Supt of Highways, C.E.	106.00	DA	9010.800	State Retirement	500.00
DA	9060.800	Medical Insurance	583.00	DA	9030.800	Social Security	269.00
DA	9061.800	Dental Insurance	63.00				769.00
DA	9062.800	Vision Insurance	17.00				
			769.00				
DB Fund				FROM:			
TO:							
DB	1420.400	Attorney, C.E.	598.00	DB	1440.400	Engineer, C.E.	5,000.00
DB	1910.400	Unallocated insurance	1,062.00	DB	5110.400	General Repairs, C.E.	784.00
DB	5110.100	General Repairs, P.S.	9,237.00	DB	5140.200	Misc (Brush & Weeds), Equip	4,023.00
DB	5130.200	Machinery, Equip	4,073.00	DB	9010.800	State Retirement	5,195.00
DB	5132.400	Garage, C.E.	1,082.00				16,002.00
			16,002.00				
Sewer 1				FROM:			
TO:							
SSA	1670.400	Printing & Mailing	549.00	SSA	8120.100	Sewage Collecting, P.S.	6,178.00
SSA	8110.100	Administration, P.S.	6,178.00	SSA	8120.400	Sewage Collecting, C.E.	549.00
SSA	9010.800	State Retirement	88.00	SSA	8130.400	Sewage Treat & Disp, C.E.	88.00
			6,815.00				6,815.00
Sewer 5				FROM:			
TO:							
SSE	1670.400	Printing & Mailing	361.00	SSE	8110.400	Administration, C.E.	361.00
SSE	8110.100	Administration, P.S.	3,007.00	SSE	8120.100	Sewage Collecting, P.S.	3,007.00
SSE	8130.400	Sewage Treat & Disp, C.E.	2128.00	SSE	8130.400	Sewage Treat & Disp, C.E.	2,185.00
SSE	9010.800	State Retirement	57.00				5,553.00
			5,553.00				
Sewer 6				FROM:			
TO:							
SSF	1420.400	Attorney, C.E.	351.00	SSF	8130.100	Sewage Treat & Disp, P.S.	6,067.00
SSF	1670.400	Printing & Mailing	1,072.00	SSF	8130.400	Sewage Treat & Disp, C.E.	1,072.00
SSF	8110.100	Administration, P.S.	5674.00				7,139.00
SSF	9010.800	State Retirement	42.00				
			7,139.00				
Water 1				FROM:			
TO:							
SWA	1670.400	Printing & Mailing	500.00	SWA	8310.400	Administration, C.E.	115.00
SWA	8310.100	Administration, P.S.	12,223.00	SWA	8340.100	Transmission & Distrib, P.S.	12,818.00
SWA	9010.800	State Retirement	210.00				12,933.00
			12,933.00				
Water 2				FROM:			
TO:							
SWB	1670.400	Printing & Mailing	385.00	SWB	8340.100	Transmission & Distrib, P.S.	1,836.00
SWB	8310.100	Administration, P.S.	1,836.00	SWB	8340.400	Transmission & Distrib, C.E.	404.00

SWB	9010.800	State Retirement	19.00				2,240.00
			2,240.00				
Water 3				FROM:			
TO:							
SWC	1670.400	Printing & Mailing	200.00	SWC	8340.100	Transmission & Distrib, P.S.	709.00
SWC	8310.100	Administration, P.S.	709.00	SWC	8340.400	Transmission & Distrib, C.E.	202.00
SWC	8310.400	Administration, C.E.	1.00				911.00
SWC	9010.800	State Retirement	1.00				
			911.00				
Water 4				FROM:			
TO:							
SWD	1670.400	Printing & Mailing	190.00	SWD	8310.400	Administration, C.E.	190.00
SWD	8310.100	Administration, P.S.	1,962.00	SWD	8340.100	Transmission & Distrib, P.S.	1,962.00
SWD	9010.800	State Retirement	30.00	SWD	8340.400	Transmission & Distrib, C.E.	30.00
			2,182.00				2,182.00
Request authorization to increase the 2020 adopted Highway budget for the appropriation of reserve funds for the balance of a truck purchase:							
Board authorized as part of the 284 Agreement							
			Sub Acct	Debit	Credit		
Increase	DB 511	Appropriated Reserves		37,874.00			
Increase	DB 960	Appropriations			37,874.00		
Increase	DB 5130.200	Machinery, Equip	37,874.00				
Request authorization to increase the 2020 adopted Highway budget for the appropriation of EWR & Pave NY funds (less the 20% CHIPS reduction)							
Per NYS DOT							
			Sub Acct	Debit	Credit		
Increase	DB 510	Estimated Revenues		24,712.00			
Increase	DB 3501	CHIPS	24,712.00				
Increase	DB 960	Appropriations			24,712.00		
Increase	DB 5112.200	CHIPS	24,712.00				

Acceptance of Resignation:

A motion was made by Supervisor Bettez to accept the resignation of Laura Petit, Recycling and ReUse Coordinator. Seconded by Councilman Torres with regret, all aye votes cast, motion carried. A motion was made by Supervisor Bettez to advertise for Laura’s position. Seconded by Councilwoman Baer, all aye votes cast, motion carried.

Acceptance of Resignation:

A motion was made by Supervisor Bettez to accept the resignation of Toni Ann Palmateer, NPPD from full-time dispatcher status with reinstatement at part-time status effective December 24, 2020. Seconded by Councilman Brownstein, all aye votes cast, motion carried.

Acceptance of Resignation:

A motion was made by Supervisor Bettez to accept the resignation of Marty Irwin from CWOSP. Seconded by Councilman Torres with regret, all aye votes cast, motion carried. The Board thanked Mr. Irwin for his many years of service to the Town.

Buildings and Grounds Hire Request:

A motion was made by Supervisor Bettez to advertise for two on-call emergency employees to assist with storm control. These employees would be listed as “on call” only and their duties would include but not be limited to clearing around hydrants, shoveling walkways and entrances, salting appropriate walkways and parking areas, and clearing trails. Rate of pay starts at \$19.74/hr. Seconded by Councilman Brownstein, all aye votes cast, motion carried.

NPPD Hire Request:

A motion was made by Supervisor Bettez to hire Kaitlyn Reilly as a full-time dispatcher effective December 27, 2020, moving from part-time to full-time. Seconded by Councilman Brownstein, all aye votes cast, motion carried.

Approval to use funds:

A motion was made by Supervisor Bettez to approve using \$8,100 from NPPD’s computer reserve fund to match the DCJS grant award towards the purchase of new live scan fingerprint unit. Seconded by Councilwoman Baer, all aye votes cast, motion carried.

Warrant:

A motion was made by Supervisor Bettez to approve the December warrant in the amount of \$590,678.89. Seconded by Councilwoman Baer, all aye votes cast, motion carried.

59 N. Putt Water District Extension:

A motion was made by Supervisor Bettez to adopt the resolution declaring the Town Board Lead Agency. Seconded by Councilman Torres, all aye votes cast, motion carried.

A motion was made by Supervisor Bettez to send the Map, Plan and Report to the Town Clerk. Seconded by Councilman Torres, all aye votes cast, motion carried.

Amendment of “No Parking” areas, Ch. 119 of Town Ordinance:

A motion was made by Supervisor Bettez to adopt the resolution declaring the Town Board Lead Agency and a Negative Declaration under SEQRA. Seconded by Councilman Brownstein, all aye votes cast, motion carried.

A motion was made by Supervisor Bettez to set the public hearing for January 7, 2021 at 7 p.m. Seconded by Councilwoman Baer, all aye votes cast, motion carried.

Adoption of proposed local law F-Amending Section 44-7 of the Town Code regarding the Preservation and Investment Fund:

At 8:23 p.m. a motion was made by Supervisor Bettez to close the public hearing. Seconded by Councilman Brownstein, all aye votes cast, motion carried.

A motion was made by Supervisor Bettez to adopt the resolution adopting Local Law 7 of 2020. Seconded by Councilman Torres, all aye votes cast, motion carried.

Trans-Hudson Resolution:

A motion was made by Supervisor Bettez to adopt the following resolution:

WHEREAS, the Applicants BFB New Paltz, LLC and Trans-Hudson Management Corp. (collectively, “BFB”) have applied to the Town Board for two “design standard” waivers in connection with its proposed development of a mixed-use facility consisting of four single-story buildings and associated parking (the “Project”) on a 6.10 acre property located at 12 N. Putt Corners Road, Section 86.12, Block 4 Lot 5.1 (the “Property”), in the Main Street Mixed Use (“MSMU”) Zoning District; and

WHEREAS, the Project is depicted on the Concept Plan dated 6/29/2020 (“Concept Plan”) which has been submitted to the Town Board; and

WHEREAS, the Property is vacant land bounded by North Putt Corners Road (Ulster County Highway Route 17) to the west, an adjoining Light Industrial Zoning District property located to the north, the New York State Thruway to the east and Route 299 to the south;

WHEREAS, the Project was initially submitted to the Planning Board on or about September 23, 2013, and has undergone several iterations, none of which have yet been finally approved by the Planning Board; and

WHEREAS, on October 3, 2019, the Town Board amended the Zoning Law which, among other things, rezoned the Property from B-2 to MSMU, which requires two occupiable stories and prohibits drive-thrus for restaurant uses; and

WHEREAS, the purpose of the MSMU is to “ease the transition from the Village to the Town, and transition away from auto-oriented strip development commercial development and extend the Village’s walkable, mixed-use, “Main Street” character into the Town as properties are improved and redeveloped over time” and to “provide more development opportunities including opportunities for upper floor residential units that could offer the community much needed housing diversity and affordability” § 140-22.2A; and

WHEREAS, BFB has modified the Project in response to the new Zoning Law and MSMU requirements; and

WHEREAS, BFB has requested that, pursuant to Section 140-22.G4 of the Zoning Law, the Town Board waive: 1) the requirement that buildings shall have two occupiable stories (the “2-Story Waiver”); and 2) the restriction on drive-thru windows for food service (the “Drive-Thru Waiver”, collectively, the “Requested Waivers”); and

WHEREAS, Section 140-22.1G(4) of the Zoning Law provides that:

In all cases where full compliance with the requirements of subsections F or G(1) and (2) above cannot be met, an applicant may request a waiver from the Planning Board. The request for a waiver shall include a written explanation of the difficulties in meeting the particular design standard(s) and a description of how the applicant proposes to satisfy the purposes of the appropriate district (see § 140-22.2A for MSMU, § 140-22.3A for GB, or § 140-22.4A for GH) despite lack of compliance with the design standard(s).

(a) The Planning Board may grant a waiver of individual requirements of the design standard(s) by unanimous vote of the full Planning Board after consideration of: 1) the practical difficulties in applying the standard to the particular project; 2) the potential adverse impact on surrounding properties and the neighborhood of applying or not applying the standard to the proposed project; 3) the feasibility of alternate means or measures to attain the same goal as the standard. Such decision and findings shall be set forth in writing.

(b) If a majority of the full Planning Board recommends approval of a waiver, an applicant may apply to the Town Board for the waiver, which may be granted at a regularly scheduled meeting of the Town Board by an affirmative vote of a majority of the full Town Board.

WHEREAS, as set forth in a memorandum to the Town Board dated September 16, 2020, on September 14, 2020, the Planning Board considered the Waivers and a majority of the Planning Board voted to grant the Requested Waivers and to recommend that the Town Board approve the Requested Waivers; and

WHEREAS, the Town Board acknowledges that the Concept Plan provided by BFB includes desired amenities, including a proposed extension of the Empire State Trail through the Property and parking spaces designated solely for the Empire State Trail; and

WHEREAS, the Town Board further acknowledges that the Project has undergone significant changes to bring it further into compliance with the standards of the MSMU; and

WHEREAS, the Town Board is generally supportive of development at the Property that complies with the MSMU requirements and the inclusion of the Empire State Trail and public parking spaces and encourages BFB to proceed with a code-compliant Project; and

WHEREAS, the Town Board has thoroughly and carefully considered BFB’s request.

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 140-22.1G(4) of the Zoning Law, the Town Board makes the following findings with respect to the 2-Story Waiver:

- 1) There are no practical difficulties in applying the standard to the Project. BFB has not established that there are practical difficulties in building a second story on the property. No evidence has been presented indicating that the site cannot support a second story or that there is a unique site feature that would be impacted by the required second story. In the applicant’s letter to the Board dated October 6, 2020, BFB’s attorney states that “common sense dictates the no retail/commercial tenant can make sufficient use of, or seeks to lease two occupiable stories and therefore a waiver is requested . . .” A showing of practical difficulties requires more than an unsupported anecdote about commercial leases.

BFB also cites to the undesirability of placing residential units near the New York State Thruway, but the Zoning Law does not require that the second floor be residential. The second floor could be used for office space or studio space, among other permitted uses in the district. The applicant has not provided any evidence supporting its assertion that a second occupiable story for any use is impracticable.

2. There is a potential adverse impact to surrounding properties and the neighborhood of not applying the standard to the Project. The Property is prominently located at the gateway to the Town of New Paltz on a lot that can be seen from the Thruway. One purpose of the Main Street Mixed Use District is to “transition away from auto-oriented strip development”. § 140-22.2A. Another is to extend the Village’s “main street character.” § 140-22.2A. The elimination of the second floor is contrary to the goals of the MSMU. Permitting one of the few undeveloped lots to be developed in a manner that is contrary to the Zoning Law will have a lasting impact on the character of the MSMU.

The MSMU requires density of people in a single location in order to concentrate development and fulfill the goals of smart growth. The Comprehensive Plan Amendment for the Route 299 Gateway Corridor and the stated Purpose section of the MSMU regulations set forth in the Zoning Law clearly indicate that concentrated development is a goal for the town. Concentrating development in certain areas eliminates vehicle trips, allows for shared parking which lessens environmental impact, and permits efficient design such as shared entrances/egresses. The loss of these potential residents or additional customers will have a negative effect on the district.

3. BFB has not proposed any alternate means to attain the same goal as the standard.

BE IT FURTHER RESOLVED, that pursuant to Section 140-22.1G(4) of the Zoning Law, the Town Board makes the following findings with respect to the Drive-Thru Waiver:

1. BFB has not met its burden of proving that there are practical difficulties that warrant a waiver of the standard. BFB asserts that the drive thru window should be allowed for purposes of public health and cites the Covid-19 pandemic for support that no food establishment would enter into a new lease without a drive-thru. While the pandemic has temporarily changed operations throughout the country, the prohibition on drive-thrus is intended to make the Property more pedestrian friendly in the long term and to “transition away from auto-oriented development”. Allowing additional drive-thrus at the Property is contrary to the goals of the MSMU.

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BFB could easily repurpose proposed parking spaces for curbside delivery programs, which meet the needs of customers to remain in cars while allowing vehicles to be turned off while waiting. Smart phone apps will continue to evolve to make curbside ordering more convenient.

2. There is a potential adverse impact to surrounding properties and the neighborhood of not applying the standard to the Project. BFB has not provided the Town Board with the location of the proposed drive-thrus to provide for a full evaluation of the impacts, but the presence of the drive thrus generally is contrary to the purposes of the MSMU, including transitioning away from auto-oriented development and encouraging village style development. Although a specific proposal was not provided, drive-thrus increase the potential for car and bicycle/pedestrian conflicts. Drive-thru businesses also generate air pollution through idling vehicles. Ordering speakers generate noise and take away containers generate litter. These secondary impacts decrease the desirability of having residential second floor uses on this Property or on neighboring properties.
3. BFB has not proposed any alternate means to attain the same goal as the standard. The applicant could easily repurpose proposed parking spaces for curbside delivery programs, which meet the needs of customers to remain in cars while allowing vehicles to be turned off while waiting. Smart phone apps will continue to evolve to make curbside ordering more convenient.

BE IT FURTHER RESOLVED, that, for the foregoing reasons, the Town Board hereby denies the requests for the Waivers.

Seconded by Councilwoman Seyfert-Lillis, all aye votes cast, motion carried.

At 8:31 p.m. a motion was made by Supervisor Bettez to adjourn. Seconded by Councilman Brownstein, all aye votes cast, motion carried.

Respectfully Submitted,

Rosanna Rosenkranse
Town Clerk