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To: Michael Zierler; New Paltz Town Board
From: Lindsay Zefting, PE, Alta Planning + Design
CC: Victoria Polidoro; Rodenhausen Chale & Polidoro LLP
Date: September 13, 2019

Re: Zoning Law Review – Multi-Family Housing, Gateway District Zoning Change

Alta Planning + Design conducted an independent review of the local law to amend Chapter 140 of the Town of New Paltz Code, Zoning, regarding the Route 299 Gateway Area to review the inclusion or exclusion of multi-family dwellings.

The current Town of New Paltz Zoning Code defines multi-family dwellings as ***“A dwelling containing three or more dwelling units and occupied or designed for occupancy by three or more families living independently of each other.”***

In the amendment, Section 140-4 of the Zoning Law includes the new definition of Dwelling, Mixed-Use as ***“A dwelling unit on the upper floor of a mixed-use building with a minimum area of 750 square feet. More than three such dwellings shall not be considered a multi-family dwelling in the MSMU, GB and GH Districts. However, such units shall comply with the requirements of an Energy Star qualified home and Section 78-21 of the Town Code.”***

In Section 140-22.4 of the Zoning Law, Gateway Hamlet District states that ***“Mixed-use buildings of two to three stories, with retail uses on the ground floor and residential or office uses on the upper levels, are encouraged in the commercial portions of the hamlet...”***

The revised Zoning Law still allows for the use of multi-family dwellings within the new MSMU, GB, and GH Districts under the definition of a mixed-use building. More than three dwellings in a mixed-use building will not be considered a multi-family dwelling under the proposed Law, however the law still allows the development of a structure where three families may reside in the building independently of each other. The language ensures that this option is not to be omitted from the new zoning code, but redefines it as mixed-use and adds the additional requirement, such as retail on the first floor.

Our review concludes that the proposed Zoning Law does not exclude the development of multi-family development. This type of development is expected to be encouraged in the MSMU, GB, and GH districts by requiring multi-story and mixed-use buildings.

Zoning revisions to require “active” uses on the ground floors of new development are becoming common place across New York State and the Country. This includes Ithaca, NY, where boundary areas have been determined that only allow active uses on first floor or store front - called “Mandatory Street Level Active Use Overlay Zone”. Non-active uses, such as residential, are not allowed within these several block areas. The result encourages the development of an active pedestrian space.