



VILLAGE OF NEW PALTZ LOCAL LAW # 17 OF 2018

A LOCAL LAW AMENDING CHAPTER 212 OF THE VILLAGE CODE OF THE VILLAGE OF NEW PALTZ ENTITLED NEIGHBORHOOD BUSINESS RESIDENTIAL MIXED-USE DISTRICT (NBR)

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

Section 1. Amendment to Village Code Chapter 212.

Chapter 212 of the Village Code entitled: “Neighborhood Business Residential Mixed-Use District (NBR)” shall be replaced with the following:

Chapter 212. Neighborhood Business Residential Mixed-Use District (NBR).

- 1. Purpose.** The Neighborhood Business Residential Mixed-Use District is established to promote the development of a neighborhood defined by a mix of residential, retail, service, professional, civic and cultural uses and which encourages travel by walking, bicycle, and mass transit. The NBR district aims to enhance the quality of the developed environment and promote site layout and architectural design compatible with the historic character of the community. In particular, development within the district shall be sensitive to and compatible with: a) the neighboring National Historic Landmark (HHS-Huguenot) District, b) the locally designated Historic District zone, c) The Historic Preservation Commission’s [Downtown Historic District Preservation Guidelines and Recommendations](#), and d) the downtown New Paltz properties defined by the 2009 State and National Register District. The two primary goals for the district are 1) encourage residential housing on the upper floors of multistory, mixed-use buildings, and 2) to foster a positive relationship between residential, retail and service/professional uses, while encouraging public transit use and reducing automobile trips and overbuilding of parking facilities, and the creation of a streetscape, which includes pedestrian and bicycle infrastructure.
- 2. Site development standards.** Diagrams illustrating [Architectural Standards \(Schedule F\)](#) and [Parking and Site Design Guidelines \(Schedule G\)](#), both taken from the 2017 Ulster County Community Design Manual, are found as Attachments to this Chapter.
 - a. All newly constructed buildings in the NBR District must be multistory and mixed-use, except:
 - i. When site conditions do not permit the safe or legally compliant construction of a multi-story or multi-use building; or
 - ii. For the construction of not-for-profit cultural facilities or performance spaces.

- b. Where a new single-story building, or a single use building, is permitted by this section, development of such building shall be limited to the nonresidential uses permitted in the district as found in [Schedule A](#).
- c. Any new residential development within the district shall have no more than four (4) bedrooms per dwelling unit, as said terms are defined in §212-5 of this Chapter.

3. Streetscape standards. For alignment with the community's Complete Streets policy site plans should include a broad sidewalk, street trees, and a bicycle lane. (See Town and Village December 2017 resolutions) [[Complete Streets Resolutions](#)]

4. Building design standards.

- a. Design standards and the schematic illustrations outlined on pages 30-31 in the 1994 Village Comprehensive Plan, and any updates, revisions, or replacements thereof shall apply to all properties.
- b. Facades of shopfront buildings shall be built parallel to the street frontage through the use of consistent setbacks with adjacent properties and minimum yard dimension requirements.
- c. Shopfronts shall be glazed pursuant to the current New York State Energy Conservation Code.
- d. Buildings shall have sloped, gabled, mansard roofs or flat roofs with articulated parapets and cornices. Parapets shall be a minimum of 42 inches high, or higher if necessary to conceal mechanical or alternative energy generating equipment to the satisfaction of the Planning Board.
- e. Architectural features and windows shall be continued on all sides of a building that are clearly visible from the street, parking area or Wallkill Valley Rail Trail to avoid visible blank walls.
- f. All mechanical equipment, whether ground-mounted or roof-mounted shall be completely screened from the Wallkill Valley Rail Trail, adjacent properties and the street in a way that is consistent with the architecture of the main building.
- g. Canvas or canvas -like awnings are permitted along street frontages and may encroach up to six feet into the front setback and over the sidewalk above seven feet. Interior illumination is allowed under an awning if it is projected downward.
- h. Refuse containers shall be accessible to waste haulers, but enclosed and located so that they are concealed from public view from the street, the Wallkill Valley Rail Trail and adjacent properties.
- i. Walls and fences shall be constructed of vinyl or natural materials, such as wood. Chain link fences are prohibited.

5. Principally permitted uses.

- a. A mixture of residential and nonresidential uses is required in the development of all multistory buildings. New multi-story buildings in this district shall be principally permitted, if the following conditions are met:

- i. For the first floor, the front of the building facing Route 32 N shall be limited to retail and service businesses, professional and general offices, restaurants, artisanal use, and cultural centers.
 - ii. The sides of the first story not facing Route 32N shall be limited to residential, retail and service business, professional and general offices, restaurants, artisanal uses, and cultural centers. Unless for “accessible units”, first floor apartments facing away from Route 32N require a special use permit. Specific allowed uses, both residential and non-residential, on the first floor not facing Route 32N, shall be at the discretion of the Planning Board.
- b. The addition of photovoltaic and wind energy generating systems and/or green infrastructure such as green roofs and gardens on the rooftops of new multi-story buildings shall be considered Permitted Accessory Uses to encourage the use of alternative energy sources and reduce the additional demand for energy required by these buildings.

6. Special permit uses and accessory uses.

- a. See Use Schedule, Schedule A, attached hereto.
- b. All non-residential uses on second floors require a special use permit. Development of a third story shall be limited to residential uses.

7. Height requirements.

- a. All uses.
 - i. The first story of any new building must be a minimum of 11 feet high with a cumulative minimum total height of two stories and 20 feet. First-floor interior height may be 10 feet from floor to ceiling. [Amended 3-23-2016 by L.L. No. 2-2016]
 - ii. Maximum: three stories, but not greater than 35 feet for the main structure and a maximum of 40 feet, to allow for peaked roofs, except as provided in § 212-18A, and exclusive of usable rooftop area for private and/or common outdoor space, with or without rooftop gardens and/or green roofs, and exclusive of decorative architectural features and alternative energy generating systems. Green roofs and other green infrastructure are encouraged to assist with the handling of stormwater and to reduce the heat island effect.
- b. Roof decks or roof gardens require a special use permit. Roof decks or roof gardens must: be reserved for residential use only and are not to be used for customers of commercial tenants; remain open for all tenants and may not be reserved for private parties; under no circumstances surpass their maximum occupancy load (determined using NYS fire prevention and building codes); have a deck area not greater than 65% of the available roof space with the non-deck area positioned as a buffer between deck area and nearby residential neighborhoods; have a garden area or combined garden and deck area not greater than 85% of the available roof space where the deck area, if part of a combined deck and garden, does not surpass 65% of the roof space; have lighting fixtures aimed down and may not be

positioned more than 3 feet above deck surface; not be outfitted with outdoor speakers and amplification is not permitted.

- c. Roof decks or roof gardens may not be used to fulfill recreation requirements pursuant to § 212-23J.

8. Maximum lot coverage.

- a. All uses: 85%.

9. Minimum yard dimensions.

- a. Front yard. All uses: sufficient space to allow construction of sidewalks, bicycle lanes, and related pedestrian amenities in the zone along with street tree landscaping. Most, if not all, of streetscape elements to be implemented in this district may fit within the Route 32 R-O-W. Up to a zero-foot, front yard may be allowed if the streetscape elements fit within the Route 32 R-O-W and the adjacent building frontage is a storefront.
- b. Rear yard. All uses: 10 feet minimum. Along the boundary of the Wallkill Valley Rail Trail native trees and natural vegetation shall be retained at the discretion of the Planning Board and enhanced as part of the 10 foot landscape buffer.
- c. Side yard. 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.
 - i. A stub connection to access future parking in adjacent lots is required unless conditions do not permit safe or strict compliance as stated in #9 on page 30 in the [1994 Village Comprehensive Plan](#), “Except where physical constraints, site configuration, or safety considerations preclude strict compliance, all parking must be accessible by driveway to the parking lots of adjacent nonresidential uses and land zoned for nonresidential uses.”
- d. Buffers of 30 feet on each side of the centerline of Tributary 13 (Millbrook) is required. No structures, parking lots or driveways may be constructed within this buffer zone to protect the water quality of the stream and riverine habitat.

- 10. Lighting.** 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 with the Village of New Paltz outdoor lighting standards, including specifications for the lighting pole and fixture, shall be provided to the Planning Board during site development plan review.

<https://www.villageofnewpaltz.org/download/Forms/Building%20Department%20Forms/Outdoor%20Lighting%20Standards.pdf>

- 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, including the Wallkill Valley Rail Trail to provide access to the trail by members of the public and occupants of the property. Connections between the Wallkill Valley Rail Trail and

private properties require a special use permit and need to be within the parameters set in the [Walkkill Valley Rail Trail Conservation Easement](#) dated January 18th, 1991.

- 12. Street furniture and public waste receptacles.** Street furniture and public 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, as provided in Article 8 of Chapter 198 relating to bicycle parking.
- 13. On-site or off-street parking.** The Planning Board will determine the number and configuration of on-site parking spaces for any particular use to ensure pedestrian and vehicular safety, provide adequate parking, and minimize adverse visual impacts. The following “requirements for residential” and “guidelines for non-residential” shall apply:
- a. Residential use requirements: 1.1 space per one bedroom or studio; 1.6 space per two bedroom; 2.1 spaces per three or four bedrooms.
 - b. Non-residential use guidelines:
 - i. Retail: one space for each 500 square feet of usable floor space for a retail business or service.
 - ii. Offices: one space for each 300 square feet of gross office floor area.
 - iii. One additional space for each separate commercial use.
 - c. On-street parking along and adjacent to the property frontage may apply toward on-site or off-street parking “requirements for residential” or “guidelines for commercial”.
 - d. The Planning Board may also consider a further reduction to the amount of on-site parking for different types of mixed-use properties – 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 tenants, patrons, or employees – using the ratios in the following examples:
 - i. Residential and office: the number of required spaces may be reduced by dividing spaces by 1.4. For example, using the requirements and guidelines above, a 30 parking space project could be reduced to 21 spaces ($30 \div 1.4$)
 - ii. Residential and retail: the number of required spaces may be reduced by dividing the number of spaces by 1.2. For example, using the requirements and guidelines above, a 30 parking space project could be reduced to 25 spaces ($30 \div 1.2$)
 - iii. Lodging (*) and retail: the number of required spaces may be reduced by dividing the number of spaces by 1.3. For example, using the requirements and guidelines above, a 30 parking space project could be reduced to 23 spaces ($30 \div 1.3$)
 - iv. Lodging (*) and office: the number of required spaces may be reduced by dividing the number of spaces by 1.5. For example, using the requirements and guidelines above, a 30 parking space project could be reduced to 20 spaces ($30 \div 1.5$)

[(*) See section 212-47 / Schedule C for off-street parking guidelines]

- e. Parking lots and garages should be located in the rear of the property and behind retail goods and services establishments 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 establishments and/or professional offices and streetscaping. Wherever feasible, parking garages are acceptable below grade, or on the ground floor, beneath residential units within the ground floor building footprint provided that the building's ground floor frontage has retail or office use that faces the street.
- f. Parking shall not dominate any site when viewed from the street providing frontage for such site. Large uninterrupted areas of parking stalls that significantly reduce the continuity or quality of natural open space shall not be permitted.
- g. 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.
 - i. Access drives connecting to different properties may be offered for dedication to the Village, subject to acceptance at the sole discretion of the Board of Trustees.
- h. Interior parking lot landscaping. Interior parking lots shall be landscaped, as determined necessary by the Planning Board.
- i. 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 three feet wide. Where appropriate, a berm or other appropriate screening should be used to buffer parking areas from the street.

14. Off-site parking. The Planning Board may, at its sole discretion, approve the joint use of a parking facility and allow a reduction in parking requirements of up to 30% for two or more principal buildings or uses, either on 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 tenants, patrons, or employees.

- a. There shall be a covenant filed with the Ulster County Clerk on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of the principal use. The Planning Board shall require deed restrictions, satisfactory to the Board of Trustees, binding the owner and his/her heirs, successors and assigns thereto. 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 to permit and maintain internal access, circulation and joint use of parking facilities.

15. Landscaping.

- a. A landscaping plan prepared by a New York State 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.
 - d. Density of site trees shall be at the discretion of the Planning Board as determined necessary.
 - e. Landscaped buffers of up to 15 feet in width of a density so as to block visibility of parking areas may be required by the Planning Board. The Planning Board's review of a proposed buffer modification shall include the Shade Tree Commission's review of and recommendations for the proposal.
 - f. Native and non-invasive plants and trees are required, as listed by the New York State DEC: https://www.dec.ny.gov/docs/lands_forests_pdf/factnatives.pdf and any updates, revisions, or replacements thereof shall apply.

[Editor's Note: This local law also repealed former Subsection G, North Chestnut Street Gateway District.]

[Schedule A - Use Schedule](#)

[Schedule C - from 212-47 \(Schedule C\) for off-street parking guidelines](#)

[Schedule F - Architectural Standards](#)

[Schedule G - Parking and Site Design Guidelines](#)

[1994 Village Comprehensive Plan](#)

[Lighting](#)

[Complete Streets Resolution](#)

[Wallkill Valley Rail Trail Conservation Easement](#)

Section 2. 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 3. Repeal

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

Section 4. 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.