

**From:** David Shepler  
**Subject:** Rooftop Management Proposal v4.0  
**Date:** January 23, 2018 at 3:50 PM  
**To:** Christena Carp [planningzoning@villageofnewpaltz.org](mailto:planningzoning@villageofnewpaltz.org)  
**Cc:** Mike Zierler [mzierler@hvi.net](mailto:mzierler@hvi.net)



Michael and Christena,

In an effort to incorporate the ideas of Chairman Zierler and the public, as described at the 16 Jan public hearing, we offer the attached proposal. We believe it successfully balances neighborhood concerns with the rights of tenants to use a private space for personal recreation.

I have posted this on the Zero Place web page. Please let me know if you'd also like me to provide copies of this email and the attachment.

In summary, we incorporated all of the following:

**1. Hours of operation:** To address the spirit of the concern regarding hours, we introduced the concept of "quiet time", which begins at 9pm on all days (Note: 8:35pm is sunset on summer solstice). During quiet time, tenants may not use any "sound production devices" and they must limit the size of their gatherings to 8 people or fewer. We much prefer to use specific hours of operations as opposed to floating times driven by the setting of the sun. This makes it much easier to enforce and leaves no ambiguity for the public.

Additionally, we believe that overly restricting hours is unfair to tenants who may have a wide variety of desires for use of the terrace. To limit it to dusk, for example, would disallow anyone who recreates later in the evening in favor of those whose work hours or other circumstances that provide for more daytime uses. This need for flexibility is also why we provided for the opening at 6am, for example, to give those who wish to use the terrace prior to work an opportunity to do so. Rather than narrow hours as a way to reduce the impact to neighbors, we believe the notion of "quiet time" satisfactorily addresses the concern.

Also, the months where the daylight hours are the shortest are also the months where the rooftop terrace may be closed due to cold and snow or will otherwise be far less utilized.

**2. Alcohol:** We allow ONLY "personal quantities" of alcohol on the terrace and prohibit kegs, mobile bars, or large coolers of alcohol. We believe this provides for the responsible and legal consumption of alcohol for our adult tenants. We believe restricting alcohol beyond this limit is disrespectful to our adult tenants. This is not a fraternity house; it is a place of long-term residence.

**3. Smoking:** We strictly prohibit smoking (of any substance) on the terrace.

**4. Age limits:** We make explicit that children under the age of 13 must be accompanied by an adult. This was an additional factor specifically raised by the public during the public hearing.

**5. Reporting disturbances:** We make explicit that any member of the public may report a disturbance at Zero Place (on the terrace or elsewhere) directly to management by calling a number posted on the lobby entrance.

We understand that New Paltz is a college town and neighbors have significant fears of interactions with college students engaging in disrespectful behavior. However, it is all too easy to over-regulate against those fears and disregard the rights of tenants to use a recreation resource in respectful ways. We believe the attached proposal balances those considerations appropriately.

As a reminder, this is now the 4th version of a management proposal submitted to the Planning Board. It also comes after multiple rounds of modifications of the terrace that (1) has shrunk it to a minimum size, (2) moved it to the 32N side of the building and away from neighbors, (3) added more buffer between the terrace and the rooftop edges, and (4) partially shielded it from neighbors by the positioning of the elevator enclosure.

We respectfully ask that you approve this complete management proposal.

Thank you,  
David



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To: Village of New Paltz  
From: David Shepler, Net-Zero Development LLC

23 Jan 2018

Subject: **Management Proposal for the Rooftop Terrace v4.0**

In an effort to address neighbor concerns, the Zero Place team proposes the following for the rooftop terrace as conditions of approval for the project:

1. **Review in one year.** The building management team will meet with the Village of New Paltz Planning Board approximately one year after the building opens to review and potentially adjust the conditions of use as deemed appropriate by the Planning Board. The meeting shall be duly noticed by the Planning Board at its discretion.
2. **Hours of operation.** The terrace will not be available to residential tenants and their guests outside of the hours of 6:00am to 11:00pm. 9:00pm to 11:00pm will be designated as “quiet time” with restrictions on the size of gatherings (no more than 8) and sound production devices (none allowed). Zero Place management will grant annually no more than four (4) after hours exceptions to these operating hours based on special circumstances. Examples of such circumstances include celestial events (e.g., meteor showers, lunar eclipses, satellite re-entry). Any such events must be directly monitored by Zero Place management and comply with *quiet time* rules.
3. **Noise ordinance compliance.** Zero Place management will comply with all aspects of the Village noise ordinance.
4. **Alcohol.** Only individual quantities of alcohol will be allowed on the terrace. No kegs, mobile bars, or large coolers of alcohol will be allowed.
5. **Smoking.** The rooftop terrace will be designated a no-smoking area.
6. **Exclusive use of the terrace prohibited.** Residents will not be able to exclusively reserve the terrace at any time.
7. **Amplified music limitations.** Zero Place will not install nor allow PA or large-area speaker systems on the terrace. It will allow small, personal speakers. For example: amplified music for a dance party is clearly prohibited. Light music for a yoga group is allowable.
8. **Lighting.** No lighting beyond that provided in the current plans will be allowable. Residents will not be allowed to augment existing lighting for any purpose.
9. **Signage.** All rules of use (see attachment) will be prominently posted at the entrance of the rooftop terrace.
10. **Reporting disturbances.** A number will be posted on the Zero Place lobby door where management can be reached in the event of any disturbance.



David R. Shepler  
Net-Zero Development LLC

## **Attachment: Posted Rules for Use of the Rooftop Terrace**

(also to be included in all tenant leases)

**Hours of Operation:** The rooftop terrace is strictly unavailable for tenant use from 11:00pm to 6:00am on all days. 9:00pm to 11:00pm is designated as *quiet time*: no sound production devices (including musical instruments) or large gatherings (> 8 people) are allowed. Note: during quiet time, separate tenant groups each with 8 or fewer may share the terrace.

**Maximum Capacity:** 49 people.

**Exclusive Use:** The rooftop terrace is for the use of all residential tenants. It cannot be reserved for special events.

**Amplified Music:** No PA or large-area speaker systems or amplifiers are allowed at any time.

**Lighting:** No additional lighting beyond that provided by Zero Place is allowed.

**Alcohol:** Only individual quantities of alcohol are allowed on the terrace. No kegs, portable bars, or large coolers with alcohol are allowed.

**Smoking:** Smoking is strictly prohibited.

**Age Limit:** Children under the age of 13 must be accompanied by an adult.