



Village of New Paltz Planning Board
Regular Meeting of Tuesday, August 7, 2018
Village Hall - 7:00 PM
APPROVED MINUTES

Present: Denis McGee
Richard Souto
Tom Rocco, Alternate
Michele Zipp, Alternate

Absent: Eve Waltermaurer, Chair

Also Present: Alana Sawchuk, Planning and Zoning Secretary
Rick Golden, Planning Board Attorney
William Murray, Village Board Liaison

Welcome

7:00

Mr. Souto opens the August 7, 2018 meeting of the Planning Board and runs through the Agenda for the evening. Mr. Souto notes Chair Waltermaurer's absence and explains that he will be leading the meeting in her stead.

Public Comment (5 minutes)

7:02-7:07

Christine Marmo comes before the Board to speak regarding the application for 119 Main Street.

Alison Nash comes before the Board to speak regarding the application for 119 Main Street.

Application Review

1. Site Plan/Change of Use

Movement of bedroom

PB18-24: 9 Tricor Avenue

Applicant: Celia Cuomo

Zoning District: R-2

SBL: 86.42-5-17.200

7:07-7:34

Ms. Cuomo approaches the Board and summarizes her application. She has plans to turn her garage and a piece of her basement into a studio apartment rental. She has already been aware that she would not be meeting code parking requirements, and will have to go before the Zoning Board of Appeals.

Mr. Souto explains that Rick Golden, the Village Planning Board Attorney, has informed the Planning Board that Ms. Cuomo will need another variance in order to have two principal residences on one lot, consistent with the interpretation of the prior Building Inspector.

Attorney Golden further explains that the second variance is being required due to prior decisions made by the Building Inspector with regards to cases of a similar nature. Cory Wirthmann, Fire/Safety/Building Inspector for the Village will be consulted regarding the condition of a need for a second variance.

Given the fact of a second variance, Mr. Souto informs the applicant that an escrow check will likely be required. He also observes that the Planning Board will have to determine whether or not the applicant will need to pay a recreation fee. Mr. Murray, Village Board liaison, remarks that he believes that a hardship case may be brought before the Village Board by Ms. Cuomo if necessary, but would have to check to make sure.

Mr. Souto summarizes the applicant's current status: (1) The applicant is seeking the addition of a second principal use on the lot, which will require a variance from the Zoning Board of Appeals. (2) The addition of a unit on the lot requires more parking, which will also require a variance from the Zoning Board of Appeals. (3) Recreation fees might be required based upon the presence of a second principal dwelling. Attorney Golden was requested to advise the Planning Board whether there is an increased need for recreation demand when adding a new residential unit, if the same application correspondingly reduces the number of bedrooms in the existing residential unit.

Ms. Cuomo's builder appears before the Board to clarify information concerning number of room in the proposed studio as well as recreation fees.

Mr. McGee moves to determine this application to be a Type II action under SEQRA, requiring no further review, but must be referred to the Ulster County Planning Board by the Planning and Zoning Secretary. Mr. Rocco seconds. 4 ayes. Motion carries.

Mr. Rocco remarks upon Village Board preference for Village residents maintaining their owner-occupied dwellings, and suggests that the applicant be explicit about doing so.

2. Site Plan

Addition of retaining wall

PB18-26: 68 Main Street

Applicant: Ed Burke

Zoning District: B-2

SBL: 86.143-1-14

7:35-7:46

Mr. Burke approaches the Board and summarizes his application. Mr. Burke plans to create one garbage

enclosure between himself and a neighboring property owner, as well as establish a level grade and easier access to the alleyway for cars.

Mr. Souto enquires after Cory Wirthmann's suggestion that the applicant include flower beds along the retaining wall so that the run-off from the gutter provides water to the flower beds. The applicant confirms that it was suggested and sees no problem with including them on the approved site plan.

The Board finds that there cannot yet be a SEQRA determination due to the unknown square footage of the property. However, the applicant must be referred to the UCPB for review.

Mr. Souto requests a more formal, enforceable, agreement between Mr. Burke and Mr. Downs regarding the sharing of the dumpster, so that the Planning Board can be assured that their approval assumptions will not be undermined by a future refusal to abide by the present letter, which is only an agreement to agree.

Ms. Zipp moves to set a Public Hearing for PB18-26, 68 Main Street, Burke, for August 21, 2018 at 7:00 PM. Mr. McGee seconds. 4 ayes. Motion carries.

3. Special Use Permit

Extension of bar business hours

PB18-09: 119 Main Street

Applicant: Chainam/Bangkok Café

Zoning District: B-2

SBL: 86.34-6-13

7:47-8:13

Mr. Toscani approaches the Board on behalf of the owner Georgina Tufano, as well as the tenant of the building (owner of Bangkok Café), and summarizes the application before the Board. Mr. Toscani confirms that the applicant seeks a Special Use Permit to go from being a restaurant to a bar/tavern.

Mr. Souto confirms that the applicant is requesting permission to have in excess of 49 people on the property, and asks if a revised site plan will include the required additional door. Mr. Toscani confirms that the lack of the second door was an oversight on his part and plans to return to the Planning Board with a revised plan including the second door.

Attorney Golden makes reference to an earlier variance for the property requiring that the business only serve alcohol as long as the kitchen is open and serving food in order to be open until 2 AM. Mr. Toscani confirms this variance and his intention that he continued to be bound by its conditions, and remarks that the café is proposing to be open until 4 AM.

Attorney Golden plans to do further research regarding the scope of the variance currently in place as well as whether or not the applicant will require a second variance, triggered in part by Mr. Toscani's remarks that the variance in question only applies to 127 Main Street and not 119 Main Street.

Mr. Souto asks after the status with the State Liquor Authority. Mr. Toscani explains that once the application has been approved, Bangkok Café will return to the SLA in order to obtain their license to serve alcohol.

Attorney Golden explains that the Resolution from the Planning Board will include a condition that requires that a copy of the license from the SLA be submitted to the Village prior to receiving a certificate of occupancy. If the SLA has certain conditions that come along with the license that are inconsistent with any Planning Board Resolution of Approval for this application, the applicant would need to come back before the Planning Board to reconcile such inconsistencies.

Mr. Toscani leaves the meeting.

Mr. Souto requests a motion to set a Public Hearing for PB18-09, 119 Main Street, Bangkok Café for August 21, 2018 at 7:00 PM. Mr. McGee moves, Ms. Zipp seconds. 4 ayes. Motion carries.

Attorney Golden notes for the record that more than 4 years ago he had previously represented the owners of 127 Main Street. He further advised that no conflict exists, as the legal representation has long since ceased. Attorney Golden also noted that this prior representation was brought to the attention of the Village prior to being hired to represent the Planning Board. Planning Board members note no problems with this prior relationship with regards to this application.

Administrative Business

- *Approval of Minutes from July 31, 2018*

Ms. Zipp moves to approve the July 31, 2018 Minutes. Mr. Souto abstains. Mr. Rocco seconds. 3 ayes. Motion carries.

- *Meeting Overview for August 21, 2018*

Both Mr. Souto and Ms. Waltermaurer will be absent. Mr. Rocco will lead the August 21, 2018 meeting.

- *Discussion of UCPB Referrals and Changes to 212-23*

Discussion has been tabled until a fuller Board is present.

- *Public Forum and Community BBQ, "Living in the 'G' Zone: GlidePath, Peak Energy Power Plants, and Ulster County"*

Adjournment

Mr. McGee motions to adjourn the August 7, 2018 meeting. Ms. Zipp seconds. 4 ayes. The meeting adjourns at 8:20 PM.

Respectfully submitted by,

Alana Sawchuk
Planning and Zoning Secretary