

**VILLAGE OF NEW PALTZ PLANNING BOARD
REGULAR MEETING JANUARY 11, 2005**

Call to order: The meeting was called to order at 7:02 p.m.

Members present: George Danskin, Chair; Ray Curran, Joan Segall

Members Absent: Ed Kaminski (*Lyn Bauer resigned leaving a vacant position on the Board)

Also present: Floyd Kniffen, Sally Rhodes, Robert Feldman, Anthony Prizzia, Lee Frizzle, Peter Matera, Jack Gordon, Jordon Valdina, Leonard Loza, Valerie Erwin, Martin Pidel, David Clouser, Planning Board Engineer, Erin Quinn, reporter, Michael Zierler; Village Trustee and Planning Board Liaison and other members of the public.

The January 4, 2005 Workshop meeting was cancelled because there was not a quorum. Therefore tonight's agenda included items designated for both the January Workshop and Regular meeting.

Preliminary Discussion

PB04-57: Carl Katz/Ulster Properties, Inc. 40 N. Chestnut Street [SBL: 86.34-3-20 (B-1)]

Special Use Permit: Convert existing rooming house to a Bed and Breakfast/Hostel

Applicant Not Present

Since the applicant was not present, the Board tabled discussion until next month.

PB04-58: Floyd Kniffen. Prospect Street (east side between John St & HWD)

[SBL:76.034-8-5.100 (R-2)]

Preliminary Sub-Division (Lot/Line Revision) Plat Review

Applicant Present: Floyd Kniffen

Mr. Kniffen proposes to divide one lot into two adjacent lots with a shared driveway. He proposes to leave the drainage ditch as is and have the driveway cross over it since the ditch drains into a manhole directly into the Village storm sewer system. There was some discussion about right-of-way and landscaping. The houses would be @1500-1700 s/f and join the existing water and sewer systems that come from Grove Street. Natural gas (from HWD) and electric are also accessible. Mr. Kniffen requested that the Board grant him sketch plan approval. The Board liked the plan and voted unanimously to grant preliminary approval on this proposal. Mr. Kniffen will return to the Board with a current survey of the lots and a copy of the shared driveway agreement.

PB04-61: Richard Cusanno/New Paltz Gardens Landscape Design. 151 Rte 32N.

[SBL:78.82-1-12 (B-3)]

Site Plan: Single family dwelling with landscape nursery

Applicant Not Present

UCPB: Pending Response (January meeting cancelled due to inclement weather)

The Board tabled discussion on this pre-application until next month.

Pending Applications

PB05-08 Elting Memorial Library Expansion - Amended Site Plan 93 Main Street

[SBL: 86.127-1-24.1 (B-2)]

PB03-55: Original Approved Site Plan

Applicants: Sally Rhodes, Robert Feldman

The applicants gave the history of the project and hoped to dovetail this amended site plan with the next meeting of the HPC. Due to the expense of implementing the original proposal, the revised plan has a reduced scope, a smaller footprint which fits the land better and a lower height which is overall less imposing to the surrounding area. It remains similar to the original proposal in its use of materials, main entrance location (there will be a lift), building wide sprinkler system (except for a fire suppression system for the historic collection), sewer and storm drain systems.

Mr. Danskin noted that the handicapped accessible route, which conformed to standard ADA grade, appeared to include a wall which was 6'-8' high. He said a wall that high would create a significant impact to the look of the Village and probably shade the sidewalk completely causing ice problems throughout the winter. Ms. Rhodes said the wall was not supposed to be that high and agreed that it would not be aesthetically pleasing. She will verify the height prior to the next meeting.

The Board requested that the architect submit a drawing of the wall (not a rendition) with elevations indicating the perspective from N. Front Street and include people for height references, for next month's workshop. Mr. Danskin noted that if the Board considers the wall to be a significant change to the original plan, a new public hearing would be required prior to amending the proposal.

PB04-54: Anthony Prizzia/Falcore LLC Expansion. 81 N. Chestnut Street [SBL: 86.26-1-12 (B-1)]
Site Plan:

Construct a second story over the existing 3 bay garage for use as a residential space (apartments) and convert the garage into commercial rental space (office).

Public Hearing Held: December 14, 2004

Ulster County Planning Board: No County Impact – Non Binding Comments

Applicant Present: Anthony Prizzia, Lee Frizzle, Architect, Peter Matera, Attorney

There were several outstanding issues from last month's meetings – including building aesthetics, landscaping and sidewalks.

Aesthetics and Sides of the Building: The Board was pleased with the architectural changes to the first floor. There was continued discussion about Mr. Prizzia's intent to donate the use of the 2 sides in the back (facing the rail trail) for a Village mural program. Mr. Curran believed that this concern was more of a Planning Board issue. Mr. Zierler said that although interest has been expressed in the use of murals, there is no program in place and when mural projects have been discussed by the Village Board, there was no mention of this location. Mr. Danskin said there seemed to be no compelling argument to hold the sides for the mural project but Mr. Prizzia could certainly bring in a letter from the Deputy Mayor supporting his case if he thought it useful.

Sidewalks: Mr. Matera said that creating sidewalks may be dangerous and costly and not a viable/practical idea. He said there was no need for a sidewalk since there the blacktop walkway currently used by pedestrians is as safe as a sidewalk and not subject to salt deterioration. He also pointed out that there is no continuous path on one side of the side. There was some discussion about the intersection of Mulberry and Rte 32. Mr. Danskin said many people walk/bike Mulberry to Rte 32 then cross on the east side and continuing to Moriello Park. The applicant pointed out that construction of a sidewalk now would be an investment with no immediate use.

Mr. Prizzia brought in a letter from NYSDOT which he said indicated that DOT does not support creating a sidewalk and that the Board cannot make it the creation of a sidewalk a condition for site plan approval. The Board interpreted the letter to say that the Board need only follow proper DOT procedures to create a sidewalk. Mr. Clouser, the Board's consultant said that DOT prefers that sidewalks be constructed when there is a current project and in cases such as this one, the DOT only requires that the sidewalks be built according to their standards.

The discussion that followed was repetitive of last month's dialogue concerning the creation of a continuous walkable path. Mr. Prizzia did not want to create a sidewalk while both the Board and Mr. Zierler reiterated (1) the intention of the re-zoning (from B2 to B1) was to create a more intensive use of the area and to extend character of a Village street (landscaping and pedestrian walkways) to this section and (2) opportunities to create sidewalks should be taken one proposal at a time. On behalf of the Village Board, Mr. Zierler urged that a compromise be reached to implement the sidewalk. Mr. Curran said he would not be comfortable with the plan until it has a sidewalk and Mr. Danskin suggested preparing a site plan with a sidewalk to be implemented at future date to Planning Board specifications (e.g. if and when the property to the north is developed and a sidewalk is required by the Planning Board for that space). Mr.

Danskin asked Mr. Prizzia to think about this issue and discuss it further at next month's meeting.

Parking Area: As stated last month, Mr. Prizzia repeated that he could not move the parking back to accommodate a sidewalk and landscaping because the number of large trucks and trailer trucks that come through the area can barely park in the current spaces and usually take up 2-3 spaces.

Lighting: The Board prefers that the light be placed lower rather than higher. Mr. Prizzia said that the lights are used for surveillance and safety. The Board requested to see the exact location (and cut sheets) of the lights.

Other Information: The Board requested an updated plan to illustrate the turn around the corner.

In summary the Chair said (1) He did not hear any convincing argument to hold the sides open for the mural project. (2) The applicant voiced reasons why he thought a sidewalk was not appropriate. (3) There is no problem with the location of the stone returns on sidewalks. (4) The requested trees have been added.

Since the creation of sidewalks may become an on-going issue in the Village, the Board discussed getting legal counsel to verify the Planning Board's authority and capability and the role of the Village Board in implementing changes in re-zoned districts.

PB04-55: Jack Gordon. 17-19 Church Street [86.143-1-9.2 (B-2)]

Site Plan:

Expand existing garage to create an additional retail space.

Public Hearing: Held by ZBA and HPC

Applicant Present: Jack Gordon, Rick Alfandre, Architect

Ulster County Planning Board: No County Impact - Non -Binding Comments

In response to the Board's concern about potential run-off from the existing gravel driveway, revised plans showed a dry well in the rear of the property and an infiltration trench (2') to mitigate the water flow and keep the area functional. The amount of impermeable area was increased to 540s/f. and the parking area will consist of crushed stone. The site itself is relatively level. Mr. Clouser said this was a good technique to eliminate potential problems. A motion to approve the site plan was made by Dr. Segall, seconded by Mr. Curran and carried unanimously.

PB04-16: Victorian Square, LLC. Seakill Custom Home Builders.

Site Plan/Special Use Permit. South Mainheim Boulevard (NYS Route 32)

Applicant Not Present:

Applicant requested to be removed from tonight's agenda and placed on the February agenda

Board members recently received the consultant's reports on last month's three outstanding issues regarding the project's impact on water, transportation, and growth and character. The outcome of these issues could be instrumental in deciding whether or not this project would require a full EIS.

Since the applicant was not present, the Chair limited this session with Mr. Clouser, engineering consultant, to questions from Board members only. Mr. Danskin said Mr. Clouser's most prominent recommendation was that the Board not entertain the application at this time but direct the applicant to the Army Corp of Engineers and have the applicant return with some level of assurance that the ACE would grant a permit for the level of activity proposed on the wetlands. Mr. Clouser clarified his suggestion that the environmental review process continue, but not be finalized until the ACE does their iterations on what layouts might be acceptable.

Mr. Clouser said another way to engage the ACE in a parallel type of review was to talk with the project manager at the ACOE. Mr. Clouser is aware of the recent project iterations (elimination of buildings from the northeast and southeast quadrants and the commitment to restore the fill section) and said the ACE has not seen any revised plans or new information since boundaries were set and a jurisdictional determination was made. Although the Corps

review process is known to be very slow, Mr. Clouser said an ACOE project manager who is authorized to speak on behalf of the ACE would provide an accurate unofficial opinion in a timely manner.

Mr. Danskin summarized the traffic consultant's comments that they made an incorrect assumption regarding the number of vehicles entering/exiting the site from the north and the south. The consultant felt the level of analysis should be carried out to the intersection of 299 and Rte 32/S. Manheim Blvd. and advised the Board to look for mitigation (e.g. traffic signals, pedestrian facilities, and other feasible measures) to offset any substantial impacts due to an increase in traffic.

The Chair said he will wait for the applicant to return before deciding on a course of action. The two choices are:

1. Continue the step by step problem-solving discussions and analysis in an open forum with the possibility of obtaining a negative declaration or
2. Formalize the process, require an impact statement and set out the terms and the focus of the impact statement.

Mr. Danskin said the latter would create an impetus for other agencies to voice their opinions, integrate the special expertise of the ACE, and empower the Board to make a balanced decision weighing all the positives and negatives. It would also give the Board the authority to have the applicant demonstrate the minimum workable size of the proposed project.

ZBA Recommendations:

ZB04-59: Leonard Loza. 210 Main Street [SBL:86.42-4-2 (B-1)]

Area variance: construction of an accessory office building

Applicants Present: Leonard Loza, Valerie Erwin

UCPB: Pending Response (January meeting cancelled due to inclement weather)

Ms. Erwin presented drawings and a statement detailing the proposal to move her personal office space from her home to an accessory office building at 210 Main Street. This relocation will redirect a small amount of client traffic to the business district. No parking spaces are required in addition to the ones on the property. The structure would resemble the main building in design and materials and the interior will have a historic flavor. Since the building is not in close proximity to other residences, there will be no significant impact on others from lighting, noise or activity.

The applicant specified that storage of outside machinery/equipment would not occur at this location. The Board voted unanimously to recommend approval to the ZBA.

ZB04-60: Martin Pidel. 9 Lincoln Place [SBL:86.042-3-8 (R-2)]

Area Variance: change of use from owner occupied two family to a two family residence.

Applicant Present: Martin Pidel

UCPB: Pending Response (January meeting cancelled due to inclement weather)

Mr. Pidel had added an upstairs apartment to his home residence currently occupied by his daughter. He hopes to relocate and have his daughter move downstairs and rent the upstairs apartment as a traditional two family house without a condition of owner occupancy. Mr. Pidel sited other multi-family houses mixed with single residences in the neighborhood, including a 4-family house on Center Street (adjacent to his property) and one on Ridge Road. He said there would be no modification to the house and that he has a good record renting to students. There is a 2 car garage and 3 parking spaces independently accessible.

The Chair and Mr. Curran endorsed the change from an owner occupied single family to a two family house noting that the R-2 district is intended to have a higher density. Dr. Segall stated that this proposal does not meet the minimum requirements for a 2 family unit. The vote on the motion for a positive recommendation was 2 Ayes and 1 Nay. Since the outcome was not a majority, no recommendation can be made to the ZBA.

Other Business:

Harold Lane Subdivision: Financial Responsibility

Mr. Lane's sub-division was re-approved a few years ago. Mr. Lane recently wrote to the Planning Board (at the suggestion of the Village attorney) requesting the use of a letter of credit, rather than a bond, to fund this project. Mr. Danskin said based on his reading of Village Law, such financial determinations are the responsibility of the Village Board, not under the purview of the Planning Board. He will re-direct Mr. Lane back to the Village Board and Village attorney.

Mr. Clouser noted that the storm water management plan has to be updated to comply with the current General Permit issued by the NYSDEC prior to beginning work. It was noted that if Mr. Lane has to change a lot line due to a modification of the storm water basin, he would be required to get approval from the Planning Board for an amended sub-division.

Approval of Minutes: The December minutes were approved.

Executive Session: A motion was made and approved by the Board to go into executive session to interview two candidates for the vacant position. A discussion followed the interviews and a recommendation was reached. A motion was passed to come out of executive session.

Adjournment: The meeting was adjourned at 10:40pm.

Respectfully submitted,

Alison Shestakofsky
Secretary to Village Planning Board

Copies to Trustee Michael Zierler
Attorney Drayton Grant

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