

**VILLAGE OF NEW PALTZ PLANNING BOARD
REGULAR MEETING FEBRUARY 8, 2005**

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

Members present: George Danskin, Chair; Ruth Elwell, Laura Heady, Joan Segall.

Members absent: Ray Curran.

Also present: Floyd Kniffen, David Caccamo, Anne Muller, Peter Muller, Bill Strongin, Diane Geier, Sally Rhodes, Allan Bowdery, Bob Mocarsky, Bill Schnitzer, Jeannie Zetterstrand, Melinda Mettavinni, Susan MacNeary, Anthony Prizzia, Lee Frizzle, Peter Matera, Michael Zierler; Village Trustee and Planning Board Liaison and other members of the public.

New Applications with Public Hearings

PB04-58: Floyd Kniffen. Prospect St. (Bet. John Street & HWD) [SBL:86.034-8-5.100 (R-2)]
Preliminary Sub-Division (Lot/Line Revision) Plat Review
Applicant Present: Floyd Kniffen

The Public Hearing was opened at 7:03pm. The owners of the adjacent properties at 38 and 36 Prospect Street (Ms. Muller and Mr. Strongin respectively) voiced concerns and opposition primarily to the creation of a (flag lot) driveway between their two properties which would provide access to the 2 one-family houses on the sub-divided lot. In general, they were concerned about additional flooding in their basements and on the street resulting from the removal of trees and the addition of blacktop (the existing drainage ditch overflows during heavy rains and requires assistance from DPW several times a year); dangerous icy conditions created by the slope of the driveway; and traffic sight-lines, congestion and parking problems. Other objections noted included health issues (car fumes) and environmental concerns (tree removal).

Mr. Caccamo, the current owner of the property refuted the objections stating that (1) the flooding originates from Oakwood Terrace and not the drainage ditch, (2) fumes from the driveway would be negligible, (3) the parking grade is not very steep (7-8') or dangerous and (4) this subdivision would provide affordable housing (a village priority), promote the residential character of the street and have less traffic and noise impact on the neighbors than the construction a student rental property such as Ms. Muller's. Mr. Kniffen said that one house would ultimately drain to the drainage ditch and the other to Henry W. Dubois Rd. and that only a small number of trees would be removed about 8' from the house.

The Board clarified that Mr. Kniffen has a contract to purchase the property from Mr. Caccamo to build 2 houses and use this privately owned shared driveway/easement to provide access to and from the 2 residential structures. The code allows the owner to build one single-family house or one two-family house (with up to 8 bedrooms) and a flag lot driveway with no additional permission required. Although current construction trends are mainly 2-family homes and developments, Mr. Kniffen wants to build single family homes because he believes it's the best way to provide affordable housing to younger couples and maintain the value of the neighborhood.

The public hearing was closed at 7:50pm. The Board encourages this proposal for moderately priced, moderately sized houses in the interest of the community and wants to work with the applicant to resolve planning and engineering problems. For the next meeting, the Chair requested that the applicant proceed as follows:

1. Consult with the Village Department of Public Works about the flooding problems (e.g. DPW observations, concerns and recommendations)
2. Prepare an inventory of all trees that are 6" or more in diameter located in the building envelope and potential roadway.
3. Show how the houses and driveway will connect to the existing Village infrastructure (water, sewer, natural gas)

4. Review the feasibility of road access for the western most parcel) via Henry W Dubois (HWD).
5. Project the impact that an impervious surface would have on the existing storm water drainage and plan how best to mitigate the rain water collection. Discuss with DPW how best to divert the storm water run-away from Prospect Street as it goes underground at HWD.

Ms. Segall will be the contact person for coordinating site visits and information dissemination between the applicant, board members and neighbors.

Amended Applications with Public Hearings

PB03-55/PB05-08(Elting Library. 93 Main Street [SBL: 86.127-1-24.1 (B-2)]

Amended Site Plan Approval

Applicant: Sally Rhodes; Allan Bowdery; Bob Mocarsky, Architect

The Public Hearing was opened at 7:01pm. No comments were expressed by the public. There were two local store owners in attendance for informational purposes only. The public hearing was closed at 7:02pm.

The only outstanding issue on the revised site for both the Planning Board and HPC was the height of the wall along N. Front Street. The architect said the wall was to be constructed of 8" x 24" modular concrete blocks (resembling stone) in a staggered pattern. He showed that the height at N. Front Street drops down by Main Street and therefore the wall would not be continuous but stepped - it would starts at 2'H, with a second level at 4'H and then step down again to 2'H.

The walk would be set back 8' from the edge of the sidewalk, with two (stepped) increments of 4' high wall, plus a 3-1/2' high guardrail. The wall would be 8' high at its highest point. The streetscape will be undergoing a big change and Bill Schnitzer, Chair of the HPC, was concerned about having appropriate landscaping to soften the effects of the 4' wall with a 42" metal fence running about 150 feet (per ADA elevation requirements) and also having a guard rail and a handrail. Ms. Rhodes noted that the planting spaces would be @ 3' wide and most of the plants from the original design would be used.

The architect brought in samples of the capped fence. He stated that the light fixtures will remain as previously approved, providing both symmetrical and asymmetrical lighting around the walkway, and the character of the building as well as the building materials will remain the same. There will be a broom finished concrete walkway from the parking lot to the library with a ramp and stairway. After some discussion about safety and the prevention of vandalism, it was concluded that there was no way to vandal proof the area.

Local storeowners wanted to make sure their properties would still be visible from the street and asked to be notified when the Sheely house is scheduled to be dismantled/removed. Ms. Rhodes will comply and also send a schedule to the Village Clerk's office.

A motion was made by Ms. Elwell to approve the amended site plan application, seconded by Ms. Heady, and approved by the Board.

It was noted that the Historic Preservation Committee has re-affirmed its Negative Declaration for this Type 1 action and can move forward on re-issuing an amended certificate of appropriateness without holding another Public Hearing.

Pending Applications:

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 residential apartments and convert the garage into commercial rental space (office).

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

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

As requested by the applicant at last week's meeting, the Chair drafted a conditional approval stipulating the implementation of a sidewalk if and when the property to the north is re-developed and a sidewalk is required by the Planning Board for that space. After review by the Mr. Prizzia and his attorney, some modifications were made and both the Board and the applicant felt it they had reached a good compromise.

This site plan is specifically conditioned on the agreement to construct a reinforced concrete sidewalk and curbs in line with the existing and contiguous sidewalk and curbs across the entire front of the property, except for driveways, if and when a sidewalk is installed on the property to the immediate north by owner of that property. The revised plan, indicating the future sidewalks, curbs and landscaping, will be submitted in March. The plan will also contain the written stipulation agreed upon at this meeting, signed by the owner/applicant.

The Part II SEQR was completed and the Board felt there was no significant impact to the environment from this Type 1 action. A motion was made and unanimously passed for a Negative Declaration. A motion was then made and passed unanimously to approve the application with the conditions stipulated above.

Other Business:

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

At Ms. Elwell suggestion, the Board re-visited their previous statement to the ZBA concerning Mr. Pidel's area variance: to change the use of his property from an owner occupied house with an accessory apartment to a two family residence. No recommendation had been made at that meeting since there was a quorum but no majority. It was stated that the rationale for the accessory apartment law was based on (1) financial reasons (to provide income needed by the owner to maintain the property) or (2) the need to provide housing for a family member (e.g. elderly parents). Mr. Pidel had just created an accessory apartment a year ago for this daughter. Ms. Elwell felt that to allow Mr. Pidel to change this designation would undermine the reasons why the law was established. Since accessory apartments are extremely common in the Village it would be setting a precedent will significant potential, Ms. Elwell suggested that the Board give a strong negative recommendation. She also felt that this was more of a use variance than an area variance because it was changing the definition of how the property could be used.

Board members discussed the registration, tracking and inspection of rental units and reviewed the code requirements of 2-family homes. A motion was made and passed for a negative recommendation by a vote of 3 to 0 with one abstention.

Memo from David Clouser, Village consultant engineer

The Board reviewed Mr. Clouser's memo offering to share his office's digital geological services to Board Members.

Adjournment: The meeting was adjourned at 9:45pm.

Respectfully submitted,

Alison Shestakofsky
Secretary to Village Planning Board

Copies to Trustee Michael Zierler
Attorney Drayton Grant