

**VILLAGE OF NEW PALTZ PLANNING BOARD
REGULAR MEETING OCTOBER 17, 2006**

Call to order: The meeting was called to order at 7:00 p.m.

Members Present: George Danskin, Chair; Ray Curran, Marion DuBois and Ruth Elwell.

Consultants Present: Dave Clouser, Clouser & Associates

Consultants Absent: Ted Fink, GreenPlan, Drayton Grant, Grant & Lyons

Also present: Susan Woodburn, Gretchen Schoonover, Robert Schoonover, George Sifre, Rick Sifre, Barry Medenbach, Jack Gordon, Michael Lockwood, Fred Lockwood, Michael Zierler; Village Trustee and Planning Board Liaison, and other members of the public.

Announcements for Board Member:

Moratorium: The Chair conveyed his conversations with Mayor West and Robert Downs regarding the moratorium on restaurants. Apparently there will be a brief interim period between the expiration of the current moratorium and the vote to extend the moratorium another three months. Mayor West has encouraged Mr. Downs to re-submit his "pending" application during that time and assumed it will be subject to the pre-moratorium code regulations. The Chair anticipates the application will be on the November agenda.

Stoneleigh Woods: At last month's meeting the Board discussed possible mediated meetings with the Stoneleigh Woods sponsors. The Chair has been informed by Mr. Hevasy that facilitated meetings are not his preference. The applicant expects to return to the Planning Board next month with one or more alternative layouts addressing the concerns expressed by the community.

Public Hearings:

PB06-24: Susan Woodburn. 70-74 Church Street. [SBL: 86.26-2-12 & 32 (R-3)]

Preliminary Subdivision Plat Review (lot line revision)

Applicant Present: Susan Woodburn.

The public hearing was opened at 7:04 pm. There were no comments from the public. A motion was made by Mr. Curran to close the public hearing. The motion was seconded by Mr. Elwell and carried unanimously by the Board at 7:05pm

PB06-35: Robert & Gretchen Schoonover. 14 Mulberry Street [SBL: 86.26-2-24, 25, 26 (R-1)]

Lot line Revision: Preliminary Subdivision Plat Review

Applicants Present: Gretchen Schoonover, Robert Schoonover

The public hearing was opened at 7:05pm. There were no comments from the public. A motion was made by Ms. Elwell to close the public hearing. The motion was seconded by Mr. Curran and passed unanimously by the Board at 7:06pm.

Discussion:

PB06-24: Susan Woodburn. 70-74 Church Street. [SBL: 86.26-2-12 & 32 (R-3)]

Preliminary Subdivision Plat Review (lot line revision)

Applicant Present: Susan Woodburn.

The Chair noted that all the corrections and additions requested by the Board were executed on the current plat including a demarcation for a (future) driveway within the building envelop/setbacks and the general location of the water and sewer line connection to the house from the street. The applicant said she will ask her neighbor to remove their existing structure, spanning across both lots, sometime in the future. A motion was made by Ms. Elwell to approve the creation of a single residential lot; the motion included a Negative Declaration (no significant environmental impact). The motion was seconded by Ms. DuBois and carried unanimously by the Board.

PB06-35: Robert & Gretchen Schoonover. 14 Mulberry Street [SBL: 86.26-2-24, 25, 26 (R-1)]

Lot line Revision: Preliminary Subdivision Plat Review

Applicants Present: Gretchen Schoonover; Robert Schoonover

The applicants had previously explained how the consolidation of the three parcels into two would better serve both the existing house and vacant lot in terms of size and shape. They had met with their surveyor but had not completed all the corrections the Board requested. They will return next month with the following information and revisions to the plat: (1) the dimensions/area, set backs and structures on all three existing parcels noting whether the lots are code compliant; (2) the two proposed lots with their respective building envelopes; (3) the driveway entering the building envelop from the front and remaining within the setback (4) the frontage figure, and (5) the bulk data, and approval block.

Amended Site Plan:

PB04-55: Jack Gordon. 17-19 Church Street

Site Plan Amendment

Applicant Present: Jack Gordon, Michael and Fred Lockwood, Designers/Builders

This application was added to tonight's agenda after the Chair was recently informed that the building currently under construction was almost 7' higher than the original site plan approved by the Planning Board on October 26, 2005 (and designed by Rick Alfandre). Mr. Danskin explained that the original site plan was fully approved since it received both PB and HPC approvals whereas the revised plan was only partially approved since the Planning Board had not reviewed/approved the amendment.

Mr. Lockwood pointed out that since (1) the HPC deals with the exterior look of the building and approved the revised plan on 5/15/06 to accommodate Mr. Gordon's chandeliers (2) the additional height of the building still conformed to the district code requirements and (3) they had no difficulty obtaining a building permit for the higher structure, he didn't think they would be required to return to the Planning Board for an additional approval.

The Board briefly discussed the MOU and procedural sequence between the HPC and PB noting that although the HPC had primacy in this issue (because it was located in the historic district) the issuance of the building permit prior to an approved amended site plan by the PB was an oversight by the building inspector. The Board noted that the modifications to the size and number of windows in the amended plan would help reduce the impact of the "largeness" of the structure.

Based on the fact that the building is largely erected and conforms to the height requirements of the district, and that any changes related to reducing the size at this time would be very costly to the applicant, Mr. Curran made a motion to approve the amended site plan. The motion was seconded by Ms. Elwell and carried unanimously by the Board.

The Chair reiterated the unresolved issue regarding stormwater disposal at the site and requested the applicant's engineer keep Dave Clouser, Bleu Terwilliger, the Planning Board and the adjoining property owner's engineer informed of their progress. Mr. Clouser was asked to contact/coordinate with Brinnier & Larios and the DPW regarding the piping plans. The Chair said that if all the parties agreed to the proposed solution, the applicant did not have to re-appear before the Planning Board.

Pending Application:

PB04-16: Seakill Custom Home Builders. Victorian Square, LLC. South Manheim Blvd. (NYS Rte 32)
. [SBL: 86.42-1-13; 17 (R-2)]

Site Plan/Special Use Permit
FEIS Addendum

Applicant Present: George Sifre, Rick Sifre, Barry Medenbach, Medenbach & Eggers
Planning Board Consultants: Dave Clouser, Clouser & Associates.

The Chair made the following announcements pursuant to this project:

- Ted Fink was absent and Dave Clouser will take specific notes useful for the Findings and/or follow-up discussion.
- The VB just referred a proposed amendment to the Village Code regarding the senior density bonus for Planning Board review. The proposed amendment appears to decrease the density bonus in general and for the R-2 district, the reduction is from 3,630 s/f to 5,580 s/f per unit. The Planning Board has also received the (revised) proposed Wetlands Law for review. Both of these proposed local laws could impact on the Victorian Square and Woodland Pond projects (and would require clarification for projects in the pipeline). All proposed zoning legislature must be reviewed by the Planning.

Victorian Square FEIS Open Issues

Traffic: Mr. Chamberlin's Report. The applicant said they could commit to all of Mr. Chamberlin's recommendations

1. Crosswalks: Mr. Medenbach said he believed the crosswalk was to be raised brick whereas Mr. Chamberlin noted textured asphalt (brick. imprint in the pavement). The applicant will resubmit this version for DOT approval.
2. Shared Driveway: Mr. Medenbach said they always agreed to grant easements to the two adjacent properties. He noted that the neighbor who currently uses the right of way to the property would have to use the easement but the second neighbor (Mr. Durrell) has his own driveway and cannot be forced to use their easement. Mr. Chamberlin had strongly objected to having an access road with a driveway next to it and the Chair urged the applicant to convince Mr. Durrell to join the easement. Mr. Durrell is currently renting out the house with an option to buy, and the applicant has already offered to include sewer hook-up for this building as an incentive. If Mr. Durrell still does not consent, Mr. Clouser advised the applicant leave the easement to the property. Mr. Sifre agreed and would also include the sewer connection.

It was noted that all the issues concerning UCAT services were resolved including the ability to turn around in the development without disturbing any wetlands.

Engineering: Mr. Dave Clouser's report cited two minor issues:

1. Pollutant loading into the adjacent wetland: Mr. Clouser identified methods to reduce the phosphorous impact by using stormwater treatment methods with higher phosphorus removal efficiencies and low phosphate grounds keeping/maintenance chemicals. The applicant agreed to these methods and the issue will be resolved during site plan review.
2. Conservation Easement Compliance: Mr. Clouser plotted out the metes and bounds of the three or four wetland conservation areas set aside in 1999 to remain undisturbed. He cautioned the applicant to make sure the development in the area near building #2 does not encroach into the western portion of the easement and that the final layout adhere to the conditions of the 1999 Declaration as to Restriction of Use of Wetland Mitigation Area insuring the restricted areas are left undisturbed by the proposed project. .

The Chair noted that all easements are filed with the DEC and required the applicant to (a) consolidate all the wetland protection areas into one single document conservation easement *as requested by the ACOE*, (b) make the conservation easement areas discernable on the final design/map and (3) assign the easement to the Walkill Valley Land Trust or a comparable agency. The applicant agreed to consolidate the wetland conservation areas into one single documented easement to be held by the WVLT or a comparable agency/municipality

Infrastructure. Mr. Ruth's Report. Mr. Ruth was satisfied and had no further comments.

Planning/Overall Issues: Mr. Fink's Report. Most of the issues in Mr. Fink's report were previously identified and discussed. The following additions and clarifications were noted:

1. Wetlands. Mr. Medenbach pointed out that only item on Fig. 2 is the 1.9 acres of existing wetlands on the site (This is on record with the ACOE). He agreed that this conservation easement is not currently shown on the site plan with metes and bounds and will incorporate it in the next submission. The Chair asked Mr. Medenbach to contact Mr. Fink for clarification.

Mr. Medenbach reiterated that the applicant would incorporate the various wetlands areas into one easement. Regarding the off-site wetlands, he noted that a new submission to the ACOE is being prepared that includes these off-site areas, planting details, and other information requested by the ACOE. (Mr. Medenbach explained that the 2.4 acres was the mitigation site the previous applicant purchased and gave to the Mohonk Preserve, noting that the current applicant still has that mitigation credit.) He referenced a letter from the ACOE substantiating their acceptance of the parcel for mitigation and said he would provide the deed documenting the transfer. The Board agreed they did not require a wetland mitigation cost factor.

Noting that the ACOE has not come out to review the site yet, the Chair explained that even if the FEIS was accepted, , the off-site mitigation will need to be shown as achievable (if not achieved) before any Site Plan or Special Use Permit could be issued.

2. Endangered Species. Indiana Bat /Bog Turtle Habitat: Regarding individual trees that meet the minimum criteria for the species, the Chair required the applicant to include the following wording in the FEIS addendum: The applicant will identify any such trees within the building footprint and with the permission of the planning board, will remove them prior to March 1st (the beginning of the breeding season).
3. Pedestrian Access/Easement. The applicant had already proposed to grant access as an easement to the Village for use as a public thoroughfare.
4. Land Use/Standards for Senior Citizen Development. The Board agreed there were no environmental impacts associated with these standards and any issues would be addressed during Site Plan/Special Use Permit review. The applicant noted they had responded to the first five standards in the DEIS as requested and hadn't been asked to respond to all the criteria. The Chair emphasized that if the FEIS is accepted, the Findings subsequently issued would indicate the Board's endorsement/approval of the project's concept. Therefore, it is essential to the Board that the applicant demonstrates complete compliance with the proposed concept. The Although the information did not have to be included in the EIS, the Chair stipulated that before the project gets to the Findings portion, the applicant must provide a companion piece documenting full compliance with the special use permit standards for a residential complex with a senior component (even though the SUP will be written later on as part of the site plan process).

In reviewing the 5 pages of standards for a SUP for senior citizen development (212-90K), the Chair instructed the applicant that they can notate appropriate items as "non applicable" or "to be addressed during site plan review." Most importantly, the Chair wants the applicant to recognize the additional items specific to a senior housing project.

There was some public confusion regarding the address used in the Victorian Square application for a height variance. The applicant explained the details of the variance (4 units in four of the six buildings will require a height variance), assured community residents they are not planning any new

buildings; and noted that all references to Cicero Court will be eliminated upon the approval of the Victorian Square subdivision. The address on the ZBA application will be corrected to reflect the one used on this Planning Board application.

The Chair asked whether the Board would be ready to accept the FEIS if all the requested information was completed by next month. An informal poll was taken and the result was affirmative.

In summary, the applicant will provide the following materials prior to the November workshop:

- Shared Driveway Easement: The applicant will have another discussion with Mr. Durrell and Mr. Lopez. If Mr. Durrell is still not amenable to the shared easement, the easement will be granted to the property and identified on the site plan with a note indicating its long term intended use.
- Indiana Bat Habitat: The applicant will include wording committing to tree cutting (with the Planning Board permission) only during the period of October 30 to March 1 (see above).
- Senior Development Special Use Requirements: The applicant will address all the senior development requirements noted in the Village Code prior to Findings.
- Wetland Mitigation: The applicant will provide more information regarding off-site wetland mitigation.
- Deed. The applicant will provide a copy of the deed ceding 2.4 acres to the Mohonk Preserve (Marbletown piece).

The applicant noted that the consolidation of all the wetlands into one site is mentioned multiple times in the DEIS document.

The Planning Board will review the information and vote on accepting the FEIS at the November 14 meeting. If approved, the Board would plan to present Findings in December. The Chair explained that Findings are the list of environmental, social, and economic factors and values that balance the impacts of the development and certifies that the SEQR process has been completed.

Other Business:

Applicant Interview: At 9:00pm, a motion was made by Mr. Curran to go into executive session for the purpose of interviewing Mr. Aaron Cohen for the vacant position on the Planning Board. The motion was seconded by Ms. DuBois and passed unanimously by the Board. At 9:20pm a motion was made by Ms. Elwell to come out of executive session. The motion was seconded by Ms. DuBois and carried unanimously by the Board. At the end of the interview, Mr. Cohen concluded that this appointment was not the best use/fit of his interest and talents and withdrew his candidacy.

Adjournment:

A motion to adjourn was made by Ms. Elwell, seconded by Ms. DuBois and passed unanimously by the Board at 9:22 pm.

Respectfully submitted,

Alison Shestakofsky
Secretary to Village Planning Board
Copies to Trustee Michael Zierler
David Clouser, Engineer
Bob Chamberlin, Traffic Engineer

Drayton Grant, Attorney
Ted Fink, Planner