

**VILLAGE OF NEW PALTZ PLANNING BOARD
WORKSHOP MEETING NOVEMBER 14, 2006**

Call to order: The meeting was called to order at 7:03 p.m.

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

Consultants Present: Ted Fink, GreenPlan; Drayton Grant, Grant and Lyons.

Also present: Charlie Barrons, Dino Toscani, Paul Caltagirone, Robert Downs, Christopher Colman, George Sifre, Rick Sifre, Barry Medenbach, Frank Mandy, Cynthia Rosenberg, Nancy Vlahoes, Kevin Bernstein, Dorothy Jessup, Erin Quinn, Michael Zierler; Village Trustee and Planning Board Liaison, and other members of the public.

Announcement from the Chair

Stoneleigh Woods. Two Board Members recently met with the applicant for Stoneleigh Woods and a partnership that provides “consensus building” services to discuss whether this process might be of assistance in moving the project forward. The Chair has provided the partnership with a list of the concerned/interested parties and they will submit a written proposal for review by the Planning Board and applicant. Mr. Danskin noted that formal review by the Planning Board would be placed on hold while this process was conducted.

Approval of Minutes:

A motion was made by Mr. Curran to adopt the minutes of the October 3, 2006 special meeting; the October 10, 2006 workshop and the October 17, 2006 regular meeting. The motion was seconded by Ms. Elwell and passed unanimously by the Board

ZBA Recommendations:

ZB06-36: Naveed Iqbal/Big Charlie’s Dollar Store & Deli. 76 N. Chestnut Street [SBL: 86.26-2-34(B-3)]
Amended Area Variance: To install two 3’ x 3’ elevated street signs on Chestnut Street
Applicant’s Representative Present: Charlie Barrons

Mr. Barrons had received a negative recommendation from the Planning Board on his initial request to install two 3’ x 8’ signs of each side of the Citgo gas station barn. Based on the objections and suggestions of the ZBA, he is now requesting a substantially smaller variance for a 3’ x 3’ elevated street sign, high enough to avoid being vandalized but not more than 12’ above grade, to be placed on North Chestnut Street, across from Village Pizza. He said the sign would most probably be made of thin plate aluminum and would have no lights on it. Since the store had no direct visibility to pedestrian or vehicular traffic, Board members felt this was a reasonable request to insure that the public could become aware of the store’s location. A motion for a positive recommendation was made by Ms. Elwell and seconded by Mr. Curran. As a point of clarification, the Chair noted that the sign would not be internally or externally illuminated. The motion passed unanimously by the Board.

Applications with Public Hearings:

PB06-33: Dino Toscani. 127 Main Street [SBL: 86.34-6-11 (B-2)]

Site Plan and Special Use Permit: To build an outdoor dining area for the restaurant downstairs and create a catering hall upstairs.

Ulster County Planning Board: Comments Pending

Applicant Present: .DinoToscani; Paul Caltagirone, Attorney, Sall, Caltagirone & Coleman Esq.

Mr. Toscani said that his restaurant, which opened in 1995, has never received a violation. A special use permit for the first floor restaurant was recently approved included hours of operation allowing the applicant to serve 3 meals daily (5am to 2am) and on-site parking spaces. Mr. Toscani noted that the Village doesn’t have a place to hold weddings or parties and said he would be able to provide catering services at reasonable rates. In response to concerns about noise and parking, Mr. Toscani said the building is fully insulated (6” of insulation on the inside and 1-1/2’ on the outside) and that he has and will continue to abide by the local noise ordinance. Since he has his own parking lot in the back, he will not require any street or public parking spaces. The Chair said he would like to reconstruct the restaurant parking allocation at 123 Main Street in the context of the applicant’s plans for the use of that parcel.

Although Mr. Toscani no longer required an area variance since reducing the original size of the deck, Board members still felt the 44’ x 38’ open structure (occupancy of 60) was quite large; especially considering the close proximity to private residences and despite a privacy fence on the side of the gas station. The Chair asked Mr. Caltagirone to review the requirements of Village Code 212.41J regarding Outdoor Café, accessory use to restaurants (e.g. hours of operation, no outdoor cooking or amplified music etc). Mr. Toscani acknowledged that the catering hall was under the same liquor license, but said it would be separate entity and would not be used for overflow restaurant seating. Before returning next week, the Chair will review the approved plans for restaurant parking at 123 Main Street.

Continuation of Public Hearing:

PB05-49: Robert Downs/Interzone Inc. 58 Main Street. [SBL:86.143-1-12 (B-2)]

Special Use Permit: Convert existing retail space to a restaurant (no exterior changes)

Applicant Present: Robert Downs, Christopher Coleman, Attorney, Sall, Caltagirone & Coleman Esq.

The background of this application was reviewed including the onset of the 3 month restaurant moratorium (based on an apparent parking shortage and inability of the code requirement for restaurant parking to be clearly implemented). Given that the moratorium has expired and there is no action by the Village Board endorsing an extension, the Board must now once again deal with all the problems and ambiguities of the existing code until such time that the recommendations of the study can be reviewed and the law changed accordingly.

Mr. Downs presented some revised information/calculations regarding on street and public parking for the proposed restaurant. He used the same format and basic method of calculations as Mr. Alfandre's parking studies for the restaurants at 3 Plattekill Avenue and 17-19 Church Street, modifying and expanding the report to reflect this location, which he said was appropriate due to its close proximity to both restaurants (especially to Blockheads at 3 Plattekill Avenue). The applicant explained how he chose one method, of many possibilities, to measure the 400 linear foot requirements and acknowledged the difficulty of this process. He noted that parking spaces at 58 Main were not included since the Board considered them previously allocated to existing establishments and apartments. Some minor miscalculations were noted and Mr. Downs said he would bring in corrected versions of the report later this week.

The Chair said there was nothing else Mr. Downs needed to present prior to next week's public hearing. He said the report was substantively the same as Mr. Alfandre's and that the applicant's calculations showed that within the 400' radius there were 348 available spaces with a demand for 324 spaces, thereby leaving 24 available spaces remaining for this restaurant. Ms. Elwell noted that she had abstained on both of the above referenced restaurant applications because they dealt with an unworkable piece of legislation. She will abstain on this application for the same reason and also because the Board hasn't received the final results of the parking study conducted to resolve this issue. Mr. Curran acknowledged the complexity of the problem and felt that the Village Board did not either see this as a problem or share the same concerns. Since the moratorium has not been extended, the Planning Board will have to deal with implementing an ambiguous piece of legislation until the code is changed.

New Application Pending Information:

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 Not Present

The secretary said the applicant called to say they did not have the requested information at this time and hoped to attend next week's meeting with the required documentation and plat revisions.

Pending Applications:

PB03-24: Kingston Regional Health Care System/New Life Management & Development Inc.

Woodland Pond at New Paltz, a proposed Continuing Care Retirement Community, North Putt Corners Road. [SBL: 86.2-1-7; 86.2-1-2-112; 86.2-1-12.100 (PB and R-1)]

Findings

Applicants Present: Frank Mandy, NLMD; Cynthia Rosenberg, KRHCS, Nancy Vlahoes, The Chazen Companies, Kevin Bernstein, Attorney, Bond, Schoeneck & King, PLLC.

Board Consultants Present: Ted Fink, GreenPlan; Drayton Grant, Grant & Lyons

Last month the Board accepted the Final Environmental Impact Statement. Copies have been distributed to the involved agencies and interested parties. Ms. Vlahoes will forward delivery confirmations and a direct web address for accessing the Woodland Pond DEIS and FEIS to the Board's secretary. Ms. Vlahoes submitted draft Findings to Mr. Fink which he finalized for the Board's review. Mr. Fink brought several amended pages to the meeting covering material that was omitted in the initial submission. The Chair had a number of comments about the document and considered this version as a draft. The Board reviewed the entire text of the Findings with the amended pages but did not include the separate attachment regarding the general and specific conditions of the Special Use Permit related to senior housing which they had just received this morning. Numerous modifications, additions, clarifications, and editorial changes were made to create a more comprehensive and accurate document (including but not limited to wording concerning the re-negotiation of the pilot in lieu of taxes after the initial term expiration; the location/description of the transition area and its re-vegetation/buffering; the identification of potential road connections to the west and other recommendations from the Board's traffic consultant; water supply and the installation of utilities on the N. Putt Road and the Board's desire for a conservation easement).

The issue and defining factors of a conservation easement was deferred to discussion with counsel. For next week's meeting, Ms. Grant and Mr. Bernstein will develop appropriate language regarding the easement, Mr. Fink (in consultation with counsel) will develop language concerning the "right of way," and revise the Findings in accordance with tonight's comments and Ms. Vlahoes will revise the wording in the Special Use Permit section for review by Mr. Fink.

PB04-16: Seakill Custom Home Builders. Victorian Square LLC. S. Manheim Blvd (NYS Route 32S)

[SBL: 86.42-1-13; 17 (R-2)]

FEIS

Applicant Present: George Sifre; Rick Sifre; Barry Medenbach, Medenbach & Eggers

The applicant submitted Addendum II of the Victorian Square FEIS to provide the additional information requested at last month's meeting. Mr. Fink noted two points requiring clarification, one

concerned UCAT service, which had been resolved at last month's meeting and the other involved an issue in the Special Use Permit (SUP) requirements for senior housing. The Chair explained that the SUP portion was not required for FEIS approval, and noted it should be submitted at the time of Findings.

The Chair relayed a recent conversation with Kevin O'Conner (RUPCA) during a meeting concerning affordable housing and senior affordable housing in the Village. In discussing the Victorian Square project, Mr. O'Conner said that intergeneration housing could not be mixed with senior housing; he was of the opinion that it would be a violation of the Federal Fair Housing Law. The Chair questioned whether this restriction was applicable given that the development is not subsidized housing and will not receive any federal funding. He has forwarded an email from Mr. O'Conner to both the applicant and the Board's attorney for further review.

The Chair felt this issue should not affect the acceptance of the FEIS at this time as long as the question was resolved prior to issuing the site plan and special use permits. Board members agreed and a motion was made by Ms. Elwell to accept the FEIS. The motion was seconded by Ms. DuBois and passed unanimously by the Board. The applicant will start preparing the necessary steps for the FEIS distribution and coordination with the Board's secretary; Mr. Fink will start drafting the Findings; and Mr. Medenbach will prepare and submit the social and economic benefits portion of the Findings.

Other Business:

1. Review Behan Associates draft law for Affordable Housing Planned Development District

Members found this draft presented a more interesting and workable approach. Due to the highly significant population impact on the village with unknown consequences, they felt it required serious study from a planning perspective and emphasized that it should not be driven by the terms of a particular project. Noting their responsibility to the community and not to the applicant, some of the issues discussed included, but were not limited to the following:

- A. Definition: There needs to be a consistent definition of "affordable" housing throughout the Village Code (Ms. Grant noted that the current definition is under litigation in another town)
- B. Location Identification: The number of existing 2-5 acre parcels should be determined to insure that spot zoning doesn't occur. Since the number is unknown, there is no way to determine possible cumulative impacts. The Chair believed there were two such properties in the core district and one in the R-3. The zoning tool should be limited to a specific geographic area(s). The Board suggested the existing B-1, B-2 and B-3 districts and the two growth zones identified in the Transportation-Land Use Plan (Main Street from Prospect to Manheim and Route 32N from HWD to BOCES)
- C. Build out Considerations: Reviewers should carefully consider the impact of density, building height, scale (relation to surroundings) and parking requirements (noting that in this county, low income does not imply a lack of vehicles).
- D. Balancing Density/Town Involvement: The Town should be included in reviewing plans to offset an increase in density in the core area with a corresponding reduction of density in the more outlying areas (thereby reducing sprawl and balancing services).
- E. Defining/Establishing Density: More relevant means of defining density need to be explored so that one, two and three bedroom units are not considered functional equivalents.

As requested, the Chair will prepare and summarize the Board's concerns in a memo to the Mayor.

2. Review proposed local law concerning Density Bonus for Senior Housing.

Despite the intention to prevent developers from inordinately generous density bonuses, the Board found the explanation of the proposed amendment less convincing and more arbitrary than the existing criteria. They strongly suggested that no action be taken until the recommendations for affordable senior housing are received from the Senior Advisory Committee. If adopted, the Board strongly urged that it be applied prospectively and exempt the projects currently under review. The Chair will prepare and summarize the Board's concerns in a memo to the Mayor.

Adjournment:

A motion to adjourn was made by Ms. DuBois, seconded by Ms. Elwell and passed unanimously by the Board at 10:45 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