

**VILLAGE OF NEW PALTZ PLANNING BOARD
WORKSHOP MEETING NOVEMBER 21, 2006**

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

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

Members Absent: Ray Curran.

Also present: Charlie Barrons, Paul Caltagirone, Robert Downs, Christopher Colman, Tina Isler, Barbara Youngman, Dorothy Jessup, Frank Mandy, Cynthia Rosenberg, Nancy Vlahoes, Kevin Bernstein, and other members of the public.

Announcement from the Chair

- **Member Attendance:** The Chair noted that Mr. Curran would either be arriving about 8:00pm or would not be attending tonight's meeting.
- **Stoneleigh Woods:** Following up on last week's announcement about the partnership providing "consensus building" services, the Chair said he had just received their proposal and will forward it for the applicant's review. If the applicant accepts the terms of the proposal, the Planning Board will be asked to ratify the document at the December meeting.
- **2007 Schedule:** The schedule for next year will be reviewed at next month's workshop.

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: Non Binding Comments

Applicant's Representative Present: Paul Caltagirone, Attorney, Sall, Caltagirone & Coleman.

The public hearing was opened at 7:04 pm. Ms. Isler and Ms. Youngman, residents of the Orchard Heights coop apartments located adjacent to the back of Mr. Toscani's property, strongly opposed the proposal. They cited the current impact of noise and lights (from delivery and garbage trucks to Mr. Toscani's various stores and the traffic/lights from the restaurant parking area and Main Street) and felt that any additional impacts from a catering hall and an outdoor dining area would exacerbate an already unacceptable condition. In order to restore their quality of life, they felt Mr. Toscani should first fulfill the conditions (of the restaurant approval) to adequately buffer the area. Ms. Jessup, also a resident at Orchard Heights felt the project could be reasonably done if Mr. Toscani could provide the necessary buffer by replacing the trees he had removed and putting up privacy fences. She also made reference to the new village code requiring a buffered area between a business district (the parking lot) and a residential area. In response to the neighbors' concern and criticism, Mr. Caltagirone replied that one of the conditions of the outdoor café is to be screened and that all establishments must comply with the Village noise ordinance, regardless of what may be stated in a special use permit. He said Mr. Toscani had fulfilled the conditions of the prior approval by creating the berme and seeding it with grass (for growth in the spring) and noted the replanting of trees was not a condition.

The Chair said Mr. Toscani has filed an application for retail and residential use at the vacant area at 123 Main Street. Mr. Toscani had identified part of that lot as a parking area for the patrons of the restaurant at 127 Main Street; the same lot would now also include parking for the catering hall and outdoor dining area located 127 Main Street.

Ms. Elwell had the neighbors confirm that the berme (a condition of the restaurant approval) failed to successfully mitigate the sound and light impacts from the parking area as was intended by the Board.

A motion to close the public hearing was made by Ms. Elwell at 7:17pm. The motion was seconded by Ms. DuBois and passed unanimously by the Board.

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

The public hearing was re-opened at 7:16pm. There were no comments from the public. A motion was made by Ms. Elwell to close the public hearing. The motion was seconded by Ms. DuBois and passed unanimously by the Board.

DISCUSSION

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: Non Binding Comments

Applicant's Representative Present: Paul Caltagirone, Attorney, Sall, Caltagirone & Coleman.

The Chair said the restaurant approval letter (7.21.06) included the height and seeding of the berme, and parking spaces at 123 Main Street. Since Mr. Toscani will be bringing a preliminary application for that site to next month's workshop, the Board will have an opportunity to verify sufficient parking for all the establishments at 127 Main Street (restaurant, the outdoor dining and catering hall) as well as the proposed uses at 123 Main Street.

The Chair presented Mr. Caltagirone with a copy of the UCPB's non-binding comments which included establishing an easement linked to the restaurant and providing adequate landscaping and lighting to screen the second floor deck from adjacent uses. They noted the privacy fence was only 8' and located on the eastern perimeter and the lack of additional site work to screen potential lighting, parking and noise impacts on the residential properties to the rear of the parking area.

Mr. Caltagirone said that Mr. Toscani met the conditional requirements of the restaurant approval (the berme was higher than required and was already seeded) and that the outdoor deck would be screened from the residential area to comply with the village code. Although catering halls were not included in the code's list of special uses, the applicant would guarantee that it would be operate independently from the restaurant downstairs.

Ms. Elwell was concerned that the berme had not been effective in reducing the impacts of noise and light on the neighbors. She reiterated that Mr. Toscani had created that problem by completely removing the vegetation from that area and stressed that the greatest impact on the neighbors is actually created by the entering/exiting of vehicles in the parking area. Since that is not addressed in the noise ordinance, she said it can (must) be considered as part of the conditions in this SUP. Ms. Elwell also pointed out that the extent of the impacts and the adequacy of the special conditions are unknown since the restaurant hasn't opened yet.

As a starting point for discussing this application, the Chair gave Mr. Caltagirone a copy of the 2001 conditions for Barnaby's special use permit which included several items related to catered events, kitchen service, signage, and exterior lighting. Since Board Members did not feel ready to vote on this application, the Chair suggested that Mr. Caltagirone speak to his client about (1) "screening" details for the outdoor deck (2) the neighbors' complaints (He felt a smaller deck with a 9:00pm closing would be more acceptable to the neighbors and the Board and a good idea even if the properties were not abutting and it was not required by law.) and (3) the difficulty in mitigating the impact of a parking lot when there is an adjacent open area pending development.

Ms. Elwell said the Board was making an exception by granting "on-site" parking at another site and questioned the access to parking from both sites (123 and 127 Main St). She felt "piece-mealing" the two projects created obstacles for the Board and could also restrict Mr. Toscani's ability to develop the parcel to his satisfaction. At next month's meeting the Board will review both applications and their impact upon each other.

Noting that 123 Main Street is a difficult site to develop and a number of different alternatives have already been presented, the Chair said this application would be reviewed by the Board's planning consultant prior to next month's meeting. The Chair suggested designating a portion of this parcel as a buffer area not to be developed and creating a landscaping plan that could serve whatever project the applicant proposed. He also advised Mr. Caltagirone that the Board never received this site's drainage plan (requested over eighteen months ago) and (2) the NYSDOT recommended the elimination of 2 parking spaces based on the context of the restaurant, not including any build-out of the site.

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)

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The applicant had submitted a revision of the Summary Parking Data that corrected minor mathematical calculations and typos. The report detailed the availability of spaces as 348 and the demand for spaces as 324 thereby leaving 24 spaces available for the proposed restaurant which only required 15 (after the seating capacity was reduced from 70 to 45).

In reviewing the report, the Chair pointed out that P&Gs was miscategorized as low (instead of high) demand and asked how that would affect the results of the study. It was also noted that The Main Street Bistro, a high volume restaurant across the street (closed in the evenings) was omitted from the report. The addition of these establishments would add 52 spaces to the current demand, thereby increasing the category total to 376, and resulting in a decrease of total available spaces from 348 to 296 and a deficit of 28 available spaces for this particular site.

Mr. Downs was concerned that while he was revising the report another moratorium would be enacted and this application would, once again, not be allowed to proceed. The Board was not aware of any pending or proposed legislation to extend the moratorium and the Chair explained that it is the purview of Village Board to create legislation, and the Planning Board to enforce it. The Chair explained that if (1) there is another moratorium, off-site parking cannot be included in the application and (2) if there is no extended moratorium, the Board returns to its previous legal position (12/05), requiring applicants to demonstrate adequate on and off site spaces within 400' of the establishment. The Board fully understands there is no exact science for this procedure and had previously criticized the difficult, ambiguous and unworkable nature of this code. The Board had

requested a moratorium until this code could be revised to include more precise definitions and instructions for implementation and enforcement.

Mr. Downs reiterated that he explored many ways to determine the focal/loci points for measuring the 400' radius (since the code did not specify a particular point or method of initiation) of this oddly shaped lot and chose a more conservative approach, rather than one which would be more advantageous to him. Given the new circumstances from the inclusion of P&Gs and the Bistro, Mr. Downs said he could revise the report to be more beneficial to this application by using loci from the edge of the property. The Chair asked the applicant to submit a revised report that includes the Main Street Bistro and the reclassification of P&Gs for next month's workshop.

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

Applicant Present: Gretchen Schoonover.

The Board reviewed the plat and found that it included all of the requested information: contained all the requested information: the dimensions/area, set backs and structures on all three existing parcels; the two proposed lots with their respective building envelopes; the driveway entering the building envelope from the front and remaining within the setback; the frontage figure, and the bulk date approval and stamp.

A motion to approve the application was made by Ms. DuBois, seconded by Ms. Elwell and carried unanimously by the Board. The Chair will forward an approval letter detailing Ms. Schoonover's next steps in this process.

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.

Last week's revisions to the Findings were implemented and new wording regarding the conservation easement was included to the satisfaction of both the applicant's and Board's attorneys. A motion to approve the Findings was made by Ms. Elwell, seconded by Ms. DuBois and carried unanimously by the Board. Following SEQR procedures, the Planning Board will distribute signed copies of the document to all the involved and interested parties.

The applicant plans to return next month with a list of issues deferred for resolution during site plan review. The Chair noted the two major outstanding concerns are the grading/retaining wall on the western edge of the development (the applicant said they are still studying that area) and the landscaping plan (Mr. Wegener, the Board's landscaping consultant, will be taking another look at the vegetation of the slope). Other issues requiring Village and/or Town Board(s) approval were also noted including but not limited to: water/sewer lines, roads, and building inspections. Ms. Vlahoes will prepare and maintain a tracking grid detailing all the issues and their status.

Other Business:

Revised Proposed Wetlands Law:

Village Trustee Michael Zierler requested the Board's opinion on establishing a separate Wetlands Commission to review and decide on applications under the proposed wetlands law. Members discussed the pros and cons of an independent commission versus a professional wetlands inspector working in conjunction with the Planning Board and the building inspector. The Board noted the following: (1) analysis of impacts/consideration of wetlands are already part of the Planning Board's review under SEQR (2) applications are unique and must be reviewed not only in terms of land use and habitat but how those impacts can be avoided or minimized (through design changes) or mitigated (3) coordination between boards and commissions is often difficult, time consuming and confusing for boards and applicants. Members felt the wetlands permitting component should be integrated into the existing review of projects under subdivision, site plan and special use permit requirements thereby creating a "one-stop shopping" scenario, especially for applications where the Planning Board already has established jurisdiction. In cases where there is no other jurisdiction, wetland permitting decisions could be vested with the Building Inspector with recommendations from the Wetlands Inspector and/or other technically trained professionals. The Chair will draft a memo for the Board's review and comments prior to forwarding it to the Village Trustees.

Educational Training for Board Members:

The Chair reviewed the new NYS training requirements for all members of Planning and Zoning Boards effective January 2007. There was a brief discussion about many free/low cost programs available from the Ulster and Dutchess County Planning Boards and the NY Planning Federation. Members receive information about courses directly from the organizations or from the Planning Board office.

Adjournment:

A motion to adjourn was made by Ms. DuBois, seconded by Ms. Elwell and passed unanimously by the Board at 9:15 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