

**VILLAGE OF NEW PALTZ PLANNING BOARD
WORKSHOP MEETING DECEMBER 5, 2006**

Call to order: The meeting was called to order at 7:04 p.m.

Members Present: George Danskin, Chair; Ray Curran, Marion DuBois and Ruth Elwell.
(Ms. Elwell left immediately due to a family emergency).

Also present: Dino Toscani, Paul Caltagirone, Jay Samuleson, Jayne Daly, Robert Downs, Christopher Colman, Frank Mandy, Cynthia Rosenberg, Troy Wojciekofsky, Kevin Bernstein, Dorothy Jessup, Maggie Ramirez, Michael Zierler; Village Trustee and Planning Board Liaison, and other members of the public.

Announcement from the Chair

Agenda Items. The Chair announced that (1) the review of the Victorian Square Findings was postponed until next week (information was just received from the consultant) and (2) additional follow-up regarding the discussion on the proposed Wetlands Law would be presented at the end of the meeting.

Pre-Application Review:

PB06-41: Dino Toscani, 123 Main Street [SBL: 86.34-6-16.3 & 17 (B-2)]

Site Plan for 13,200s/f of retail space, 24 apartments and parking.

Applicant Present: Dino Toscani, Jay Samuelson, P.E., Jayne Daly, Atty.

The Chair reviewed Mr. Buser's (the Board's consultant) concerns about the proposal including

1. **The lot width:** The Chair and Mr. Samuelson agreed a determination/interpretation of the code was needed concerning this proposal's compliance with the requirement for a 50' width at the building line for residential uses in the B-2 district. The Chair will review the issue with the Village Building Inspector and Board's attorney to determine if the proposal requires a variance. Mr. Curran said he was not as concerned about this issue due to the high density of the downtown area.
2. **Density Calculations:** The Chair noted the applicant did not include the minimum area requirement for each residential use of 5000s/f and 2500s/f for each commercial use in their calculations, which would result in an excess of the permitted density in the B-2 District. Mr. Samuelson would review the methodology and if there was an error, the proposal would be revised to be code compliant.
3. **Buffers:** The project must comply with the required 30' setback with landscaping in side and rear yards adjacent to the residential district per the discretion of the Planning Board. Based on the number and frequency of concerns voiced by the neighbors, the Board will look for maximum buffering of the area. Mr. Curran said he also had concerns about the setback and buffering. Noting that the grading drops off in the back, Mr. Samuelson showed that the building location was moved to the highest, most level part of the property. In addition to the 8'h privacy fence, he said there would be a retaining wall so neighbors would see only the screening (on the north and west side).
4. **Traffic/Access Point:** The Chair said the single access point to the site was not an easy issue to resolve. He stated he was not sure the DOT recommendation to ban parking in the driveway and eliminate two "village" spaces on Main Street were adequate safeguards for the high traffic situation associated with retail stores. Mr. Curran agreed that access and additional traffic impact were serious problems based on its Main Street location and suggested the applicant look at alternatives to create either a second entrance or add an exit.
5. **Grading:** Noting that the grading would be substantial, the Chair said the Board would require a grading plan and an estimate of fill. He noted that a drainage plan was requested over a year ago and has yet to be received.
6. **Circulation/Building Alignment:** The Chair agreed with Mr. Buser's recommendation of an "L" shaped building to improve internal circulation. Mr. Curran was more comfortable with the revised building alignment as it further away from the condos and presented more of an opportunity to create a somewhat extended sidewalk connecting to Main Street.
7. **Parking:** Although there is no provision in the existing code addressing the applicant's proposed shared time parking, the Chair believed the off-site parking code will be changed in the future and perhaps could include this designation. Until such code changes are implemented, Mr. Samuelson said the applicant could request a variance. Mr. Curran was supportive of implementing shared timed parking either by changing the code or granting a variance.

The applicant said he was being pressured by Ms. Greene to finalize the application for a lot line revision filed over a year ago. Mr. Curran wanted to verify if the Board could legally move forward on the lot line revision at this time. The Chair explained the Board's initial position to defer this

action noting that it was part of a larger (somewhat unknown) proposal and approval/determination could be considered segmentation under SEQR. Ms. Daly said the Board could insure compliance with SEQR by giving reasons for the segmentation in their Findings statement

The Chair responded that as the site became incrementally larger, the potential impact of traffic would increase. Since the Board did not have final plans for the expanded lot(s), they would have to have very good reasons to allow that to occur. The Chair reviewed the history of the parcel and referenced that the applicant drainage installation was done without the Board's review, despite a long standing request for a drainage report.

The secretary will send Mr. Samuelson the Board's Site Plan Checklist and a copy of the Board's September 2005 letter to the applicant requesting additional site plan information.

Pending Applications:

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.

Applicant Present: .DinoToscani, Paul Caltagirone, Attorney, Sall, Caltagirone & ColemanEsq.

The Chair identified three separate applications within this proposal:

1. Special Use Permit for the proposed catering hall.
2. Special Use Permit for the proposed outdoor dining area and
3. Site Plan for the proposed outdoor dining area.

After reviewing the specific conditions for Barnaby's Special Use Permit (a previous application similar in nature), Mr. Caltagirone said he only objected to the third condition, which concerned catered events as follows: "*The general public will not be admitted by virtue of a cover charge or admission fee collected by or on behalf of the proprietor.*" The applicant felt this interfered with the owner's right to conduct his business. Since catering is not often steady, the applicant felt the room could be best utilized to supplement his other restaurants. The Chair said the intent of this condition was to prevent the facility from becoming a night club with a cover charge with people coming & going all hours of the night. Mr. Caltagirone felt this concern was resolved by the hours requiring food service. The Chair reminded the applicant of the neighbors' complaints about traffic and noise from the existing restaurants at last month's public hearing. Mr. Caltagirone said there would be internal and external insulation, noting the proposed structure at 123 Main Street would be an additional buffer between this building and the residential condos. The applicant said he would provide 8' high screening on the north side until the project at 123 Main was approved, pointing out that landscaping/buffering are 123 Main Street issues. The Chair emphasized that the proposal for 123 Main Street is speculative at this point in time and that the Board cannot base its decision on a speculation.

It was noted that live entertainment and/or amplified music required an additional special use permit for indoor commercial recreation and this application could be easily amended as such. There was a fairly lengthy discussion about testing by a certified engineer to simulate the level of noise generated within the establishment (comparable to amplified music going full blast at a party) and metering/recording the decibel levels at a variety of points around the building, concentrating on the north side. The Chair noted that Murphy's approval was subsequent to the results of the noise level testing. Mr. Caltagirone said a building has to be in place before a certain level of decibel can be issued. The Board discussed placing a condition requiring the issuance of the C of O to be contingent upon compliance with the noise level requirements established by the Board. The Board would require the testing of the noise level to be conducted by a professional engineer and the submission of a written analysis demonstrating the results that there would not be any increase in the ambient noise in the neighborhood.

The Chair summarized that the applicant has agreed to (1) conditions 1, 2, 4, 6, and 7 of the Barnaby's approval letter; (2) to conduct noise level testing as described above (3) to amend the application to include a special use permit for indoor entertainment (4) to provide the screening details for the north and east side of the deck and (5) to review the conditions of the special use permit for Murphy's restaurant.

The Board found the seeding of the berme was not uniformly done and the Chair felt this indicated a lack of compliance (the rear side facing the condos was not as green as the front side). The applicant said the fact that there was some grass on that side showed it was seeded and didn't grow as well due to the topography.

The secretary will send Mr. Caltagirone a copy of the determination for Murphy's restaurant, a copy of the Board's letter approving a special use permit for a restaurant at 127 Main Street (including 64 parking spaces) and a copy of the cross-lot easement agreement designing parking spaces for the 127 Main Street Restaurant at 123 Main Street.

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

As requested, the applicant had submitted a revised report. The applicant added Starbucks, the Main Street Bistro and Moonlight Café to the calculations, noting that P & G's was located outside of the 400' radius. He also included parking space data pertaining to the entire village. The revised data and calculations demonstrated 19 spaces available within the 400' radius. The Board will examine the new material. The applicant was given a copy of the approval conditions for Blockheads' special use permit to review and discuss at next week's meeting.

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)]

Applicants Present: Frank Mandy, NLMD; Cynthia Rosenberg, KRHCS, Troy Wojciekofsky; The

Chazen Companies, Kevin Bernstein, Attorney, Bond, Schoeneck & King, PLLC.

Mr. Mandy proposed a list of outstanding site plan issues for discussion with the Planning Board over the next few meetings.

1. Alternative Road Connections/Finishes: The applicant said the Board originally preferred a permeable (gravel) road surface able to support emergency vehicles. Mr. Chamberlin recommended paving it as a potential connecting road if/when the property to the south was developed, and thereby giving residents the potential for another access. Since the road would not be used in a paved manner in the foreseeable future, the applicant suggested constructing a gravel road to the specifications for "under paving" a road so it would be ready and usable for future paving.

The Chair would request Mr. Chamberlin's comments concerning whether the road should be fully functional now or in the future (regardless of gravel or paving construction). He asked the applicant for a layout and surfacing design that would serve as a full service road and to include a more detailed perspective of (a) Ermin Lane and North Putt Corners in relation to a future connection to the Lent property and (b) the Ermin parcel in relation to the Lent parcel.

2. Shag Bark Hickory Removal Timeline. The applicant reviewed the time frame for tree removal as November 1 to March 1 based on the Indiana Bat hibernation schedule. He reiterated that only trees in the development area would be removed (the largest clusters were outside of that area) and the number would be less than 20. Since the applicant wanted to avoid possibly delaying the entire construction schedule because of this timeframe, the Board discussed and agreed they could issue a limited site plan approval allowing a specific number of trees to be removed from an identifiable location.
3. Roof Design: The applicant discussed their proposed truss system, emphasizing that this traditional sloped residential roof aesthetically fit into New Paltz and the surrounding area. (He noted the total height of the primary building is just less 51' and each step down of the building was about 9'11"). As requested by Mr. Curran, Mr. Mandy explored the flat roof as an alternative to reduce the visual impact on the proposed preserve. This design would have to be engineered to bear a heavier structural load. It would be shaped more like a bathtub to handle the snow and rain, and the cost difference would be between \$800,000 and \$1,000,000. Mr. Mandy said this type of structure was not appropriate for upstate winters (especially in a senior development), and that it would not change (reduce) the actual height of the building. In addition, all HVAC mechanical would be exposed and potentially visible. He reiterated that the original roof design would create little visual impact to the proposed preserve.

The Chair was supportive of the pitched roof; he agreed that aesthetically it was the most appropriate design for any residential area (and allowed the building utilities to be adequately covered) and that the additional cost for the flat roof was not unsubstantial. Although he felt there was not a significant impact on the preserve, he asked the applicant to bring in a plan showing the westerly elevation of the whole structure for further discussion next week.

4. Cottage Siding: Since the Board was concerned about the proposed use of vinyl siding on the cottages, the applicant agreed to use hardy plank (a composite material that looks like wood).
5. Signage: The applicant said they would be using a monument style sign, low to the ground and downwardly lit. They would be ready to show the Board detailed specifications in January.
6. Utility Road: The applicant said that running the utility road along the preferred route through the village and town had become complicated as the town and village governments had not yet resolved issues regarding the use of the utilities by properties owners within the town portion along the route and the annexation requirements for users of village utilities.

The Chair will ask Mr. Clouser and Mr. Wegener to attend next week for discussion regarding grading and trees/landscaping along the westerly slope. Mr. Curran requested that a consultant involved in planning the preserve (for the Open Space Committee) also be invited to participant. Since they are not Planning Board consultants, the Chair felt it best they attend the Board's meeting and present their issues to the Open Space Committee.

The follow-up for next week includes:

1. The applicant will provide a detail of the “emergency” road connection to Ermin Lane, showing the Ermin and Lent properties; the Chair will contact Bob Chamberlin for comments about paving.
2. The applicant will prepare a letter to the Board requesting a limited site plan approval regarding the removal of the Shag Bark Hickory trees.
3. There is no general agreement about the roof design, discussion will continue at a later date.
4. The applicant agreed to use the hardy plank on the cottages.
5. Signage specifications will be brought to the Board at a later date.
6. Approval of the utility route is pending further Village and Town discussions.

The Board will review the Findings and verify if there are any other outstanding issues in addition to the applicant’s list.

Other Business:

- Endorsement of the Consensus Building Proposal for the Stoneleigh Woods projects.
A motion was made by Ms. DuBois, and seconded by Mr. Curran, to endorse the contract as soon as the applicant agrees to it. The Board then discussed some of the specifics related to the proposal including fees (to be paid by the applicant), scope of the contract (to determine if the project is right and ready for facilitation), stakeholders/representatives (the Planning Board would be represented) and the nature of the meetings (open or closed to the public). The Board endorsed the concept and requested the Chair contact the consultants concerning whether the meetings will be open to the public.
- 2007 Schedule:
The May dates were moved back one week to accommodate the Village elections.
- Revised Proposed Wetlands Law:
The Chair distributed a draft memo regarding the creation of a separate Wetlands Commission for Board review and comment.

Adjournment:

A motion to adjourn was made by Ms. DuBois, seconded by Ms. Elwell and passed unanimously by the Board at 9:50 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