

**VILLAGE OF NEW PALTZ PLANNING BOARD
WORKSHOP MEETING APRIL 4, 2006**

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

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

Members Late: Laura Heady.

Members Absent: Ray Curran.

Also present: Chris Christoforou, David Ruger, William Doyne, Richard Gottlieb, Devor Tobias, Julia Walsh, Dino Toscani, Michael Zierler; Village Trustee and Planning Board Liaison, and other members of the public.

Approval of Minutes:

Approval of the minutes for the March 7, 2006 workshop, March 14, 2006 regular meeting and March 18, 2006 special meeting were postponed until next week's meeting.

Announcements:

1. Planning Board members were invited to attend the Village Board's April 5, 2006 meeting with Paladia. The Chair announced that meeting has been cancelled.
2. The Chair stated that Stoneleigh Woods was cancelled from tonight's agenda as of 5:00pm today. Comments regarding the completeness of the DEIS were received from four of the five Planning Board consultants and are currently being reviewed by the applicant. The applicant intends to address the comments and submit revised pages in time for next week's meeting.

New Applications with Public Hearings:

PB06-10: Chris Christoforou/BBQ Restaurant. 36-38 Main Street. [SBL: 86.33-3.9 (B-2)]
Special Use Permit: Create a 12' x 30' outdoor seating area on the west side of the building.
UCPB Review Required.
Applicant Present: Chris Christoforou.

The applicant requested approval to construct a 12' x 30' brick patio for outdoor dining. He provided a drawing and photographs illustrating how it would be placed at the back of the building, with access from the side entrance. The patio would hold 24 seats. He said the total occupancy of the restaurant would not be increased and explained that when the patio was in use either the back indoor section of the restaurant would be blocked off or the tables and chairs from that section would be relocated to the patio. Mr. Christoforou said he would be using potted plantings around the patio, rather than a fence. Ms. Elwell noted that the previous establishment, Snug's Café also had a back patio.

There was a brief discussion regarding the easement and it was noted that Richard Gottlieb has the right of way through part of the driveway in front of the building.

The Chair requested the applicant to amend the plan as follows and submit the revisions no later than Friday April 7, 2006 for review at the April 14, 2006 meeting:

1. Indicate the easement and identify the nature and holder of the easement.
2. Specify the number and generic types of plantings.

PB06-12: William Doyne/Bill's Garage-Auto Repair. 117 N. Chestnut Street [SBL: 86.26-1-17 (B-3)]
Special Use Permit: Use existing vacant building for auto repair.

Applicant Present: William Doyne, David Ruger, Property Owner

The applicant provided a plan illustrating the building to be used for the auto repair and the twelve parking spots located outside the fenced in area to be used in daily operations (accessed from the existing 3 bays), and noted an additional twelve spaces that may be used for overnight parking within the fenced in area located at the rear of the building. Mr. Doyne stated that all repairs would be done inside in the rear area of the building during normal business hours (Monday-Friday 8am-5pm; Saturday 8am-1pm); tires would be stored inside and picked up a tire recycling company. He pointed out that the building had previously been used as a tractor sales/repair business and would not require any additional modifications and that the area was currently landscaped.

Mr. Doyne currently has a shop on 299 east of Thruway and is looking to expand his operation. There was some discussion about the waste oil burner that recycles used oil as heat. Mr. Doyne said the burner is legally permitted everywhere in NYS except in NYC. For next week's meeting the Chair requested some product information and/or certification about the furnace. Mr. Doyne was clear that he would not be acting as a commercial disposal taking oil from other gas stations but is required to take it up to five gallons from a private individual.

New Applications:

PB06-09: Richard Gottlieb. Rock and Snow Parking Lot. 28 Main Street. [SBL:86.33-3-8 (G)]
Gateway Review: Construct a gate and barricades between the trees to limit vehicle access to vacant lot
Applicant Present: Richard Gottlieb

The applicant brought in a plan illustrating the location of a gate and five “hitching post” barriers on this vacant lot that accommodates approximately 40-50 parking spots. The 4’ square pipes would be painted dark green (identical to the ones used in parks) and cross members would be 3’6” high. Mr. Gottlieb said the lot would remain open during the regular business hours of Rock & Snow and that he might keep it open later for use by another business owner.

Due to its location in the Gateway District, the applicant confirmed that no structures would be placed along the front of the property, facing the road; they would only be along the sides.

Mr. Gottlieb described the current situation which included a tough element hanging out in the area during the day, training pit bulls and drinking, that has made it uncomfortable for other people (and customers) to park in that area. He said people are “camping out” in the evenings and overnight. Neighbors have commented about individuals defecating on the property and the applicant has frequently found people sleeping in their cars overnight. Mr. Gottlieb intends that this barrier (with appropriate signage) will formalize the concept of private property and trespassing for any future encounters.

As the Board did not require any additional information, the applicant was told he did not have to attend the public hearing next week. The Chair encouraged Mr. Gottlieb to take this problem to the Village Board since the police have been notified about these events on numerous occasions.

PB06-11: Tobias Devor/60 Main -NP Cultural Collective. 60 Main Street. [SBL: 86.183-1-13 (B-2)]
Special Use Permit: Retail business/services not otherwise specifically mentioned in the use schedule.

Public Hearing Required

Applicants Present: Tobias Devor (entrepreneur), Julia Walsh (lease holder)

The Chair questioned the applicant to get a better understanding of the multiple functions at the establishment and noted that problems with the Ulster County Health Department have been resolved.

The applicants described the functions housed within the non-profit cultural collective as (1) a café selling fair trade coffee and commercially baked goods (2) an art gallery that often has ambient music or spoken word performances (3) sponsor cultural events at the Quaker house and (4) sell local artisan works (jewelry, scarves, hats, CDs) with some free-trade t-shirts from other parts of the country.

Ms. Walsh said the primary reason this establish was created was to provide a place in the village where young people could go that wasn’t a bar. She said she was advised by Ms. Murray, the Bldg inspector, that they needed a SUP to serve coffee and non-alcoholic drinks.

The Chair said the Board’s goal is to understand what the activities are, determine that they are appropriate and grant a Special Use Permit for those activities. The Chair asked about the flyer for a Rock & Roll band and whether they were going to have live entertainment that included amplified music since that would be a consideration in granting a Special Use Permit. Neither Mr. Devor nor Ms. Walsh said they were involved in booking that group and that there are three other people booking events. The applicants said they would only have ambient music; no amplified music and no dancing.

Ms. Heady explained that applicants usually come to the Board requesting a permit for a specific activity/function and once approved, proceed with the activities. In this case the Board is trying to find the appropriate codes and issue a permit for activities that are currently being conducted.

To clarify the functions to be included in the SUP for enforcement purposes, the Chair requested the following written information be submitted by April 19, 2006 for discussion at next month’s workshop:

1. Identify normal hours of operation
2. Describe the type of live entertainment (e.g. whether music will be ambient and/or amplified).
3. Verify whether dancing will be permitted.
4. Provide details regarding trash disposal noting that there is no on-site trash disposal.

The Chair said the applicants described the retail/sales portion as the following three components (1) art work; (2) coffee, non-alcoholic beverages and baked goods; and (3) dry goods.

When the applicants mentioned the possibility of adding a juice bar or serving ice cream, the Chair instructed them to have the building inspector review any potential new service to insure compliance with the building code (e.g. number of sinks).

PB06-05: Dino Toscani. 127 Main Street. [SBL: 86.34-6-11 (B-2)]

Special Use Permit: Convert existing deli into a restaurant with no exterior changes to the building.

Applicant Present: Dino Toscani

The Chair reviewed the previous minutes detailing the four items requiring additional information. Regarding the parking issue, Mr. Toscani presented a letter from Paul Schwartzberg, President of Skytop Center, LLC verifying permission for Toscani’s patrons to park in the lot at 108 Main Street from 5pm until midnight.

He also reiterated that his customers never have a parking problem in this area and that there is always available off-site parking in the evening along Prospect Street.

Mr. Toscani presented a floor plan showing the seating location of the bar/bar stools and the booths. In discussing the seating capacity of the restaurant, the applicant said that 42 seats had been previously approved for outdoor dining at the deli while Board members felt that a full service restaurant was a different "use" and prior approval for the deli enclosure was not be applicable to the new business. The Chair requested to see the plan for 116 indoor seats –based on the 26 stools and 48 booths presented and the original 42 seats for the enclosed portion of the deli. When he pointed out that 38 parking spaces would be required for this location, Mr. Toscani replied that the requirement for the 44 spaces was satisfied by the rental of the Skytop parking lot across the street. Ms. Heady noted that the drawing showed 29 seats – not 42. The applicant was asked to address this discrepancy.

In order to complete the application, the Chair asked the applicant to provide (1) a new diagram showing the seating capacity of the establishment and (2) a map indicating that the primary egress was 200' from the boundary of any residential district and 500' from a school or church. Mr. Toscani said he had already presented this information in order to get a liquor license for the bar. A public hearing will be scheduled for May 9, 2006.

There was some discussion about the possibility of a moratorium being enacted on new restaurants and the expansion of existing restaurants using on-site and public parking.

Mr. Toscani stated a moratorium would not apply to him since his application was submitted prior to any public knowledge of the moratorium. Mr. Danskin did not respond directly to Mr. Toscani's comment and noted for the record that his failure to respond should not be interpreted as agreement with the applicant. Mr. Zierler said the Village Board was waiting for comments from the Ulster County Planning Board before moving forward on the issue of the moratorium. The UCPB is scheduled to meet on April 5, 2006.

Other Business:

Parameters and Procedures for Preliminary Discussions.

Ms. Elwell reviewed the history, intent and procedures for the Planning Board's preliminary discussion which was to provide the applicant with a sense of whether they go forward with a project, given code requirements, and if so, what they would need to do in order to proceed. The Chair reviewed two recent situations where applicants were surprised to learn that their applications were for preliminary discussion rather than for a full review within a designated category. Board members discussed the procedures, parameters and number of sessions to be permitted for such discussions regarding both small and large projects. The Chair will prepare a draft summarizing the procedure for review by the Board.

Adjournment:

A motion to adjourn was made by Ms. Heady, seconded by Ms. DuBois and passed unanimously by the Board at 8:58 pm.

Respectfully submitted,

Alison Shestakofsky
Secretary to Village Planning Board

Copies to Trustee Michael Zierler
Drayton Grant, Attorney
David Clouser, Engineer
Ted Fink, Planner
Bob Chamberlin, Traffic Engineer