

**VILLAGE OF NEW PALTZ PLANNING BOARD  
WORKSHOP MEETING MAY 2, 2006**

**Call to order:** The meeting was called to order at 7:01 p.m.

**Members Present:** George Danskin, Chair; Ray Curran, Ruth Elwell, Laura Heady

**Members Late:** Marion DuBois

**Also present:** Tobias Devor, Julia Walsh, Maurey Levitz, Pam Rice, Jeff Kane, Maggie Ramirez, Jacob Lawrence, Christine Crawford, Harris Safier, Richard Thompson, Michael Zierler; Village Trustee and Planning Board Liaison, and other members of the public.

**Approval of Minutes:**

A motion was made by Ms. Elwell to adopt the minutes of the March 7, 2006 workshop. The motion was seconded by Ms. Heady and carried by the Board.

A motion was made by Mr. Curran to adopt the minutes of the March 14, 2006 regular meeting. The motion was seconded by Ms. Elwell and carried by the Board.

A motion was made by Ms. Heady to adopt the minutes of the March 18, 2006 special workshop. The motion was seconded by Mr. Curran and carried by the Board.

A motion was made by Ms. DuBois to adopt the minutes of the March 28, 2006 public hearing for Woodland Pond. The motion was seconded by Ms. Elwell and carried by the Board.

A motion was made by Ms. Elwell to adopt the minutes of the April 4, 2006 workshop. The motion was seconded by Ms. DuBois and carried by the Board.

A motion was made by Ms. DuBois to adopt the minutes of the April 11, 2006 regular meeting. The motion was seconded by Ms. Heady and carried by the Board.

**Applications with Public Hearings:**

**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 Not Present.

The Chair reviewed the outstanding issues for this application which included: (1) a new diagram showing the seating capacity and (2) a map indicating the primary egress to be 200' from the boundary of any residential district and 500' from a school or church. Because of the large size of the bar in relation to the seated portion, the Chair felt the establishment could be considered a "bar" as opposed to a restaurant and therefore must adhere to the code requirements of a bar. At the previous meeting, the applicant stated that the business would be a restaurant with full food service at the bar counter.

The Chair met with Mr. Toscani and Mr. Valdina last week to review these issues and the parking requirements given the new local law designating a six-month moratorium on restaurant construction without on-site parking. He noted that Mr. Toscani said he would no longer include parking across the street (24 spaces) but use the lot at 123 Main Street for the required 34 parking spaces.

The Chair reviewed the Board's attorney's interpretation that the Board should proceed to review all non-parking related issues involved in issuing a special use permit for restaurants and then review the parking issue. If the applicant provided on-site parking or designated an off-site location owned by another party, the Board could continue the review. If parking was not included on-site or through such an agreement, the review process would halt until the moratorium was over. In cases where parking was provided off-site on a private lot, the Chair stated that there must be a legal letter of agreement between the owner of the site location and the applicant that included either a duration period and/or an anti-revocation clause.

Ms. Elwell was concerned about using the 123 Main Street lot for this establishment's parking. Since Mr. Toscani had already discussed a multi-use development for this location, the Board would need to know the impact on parking for 127 Main Street when the 123 Main Street lot was developed for residential and commercial use. It was noted that the Board could authorize an interim use of the 123 Main street lot.

Mr. Danskin pointed out that since this lot was cleared last year, there has been no attempt to landscape the parcel or create a 30' buffer between the property line and the use on that parcel.

**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.

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

The applicant provided the information requested at last month's meeting regarding hours of operation, entertainment and trash containment. Mr. Devor said the layout of the counter space had changed and the retail component was expanding to include ice cream, which would require an additional sink for health department approval. He also talked about converting the stoop to shelves that would hold retail products such as plants. This exterior change would deter people from sitting on the stoop and provide additional income. The Board traditionally discourages businesses from setting up counters/tables on or adjacent to sidewalks for safety and accessibility reasons and the Chair emphasized that sidewalks are for public use and not under the Board's purview to relinquish. He urged the Board to look at the outside space and noted that this may be only a partial solution to the problem. Ms. Walsh acknowledged the problem of disrespectful people hanging out on the stoop and said they are often

asked to leave the premises; sometimes the police have been called. Mr. Danskin stressed that it is the entrepreneur's responsibility to maintain the area.

For next week, the Board requested that the applicant submit in a drawing of the inside layout with accurate dimensions and suggested that they produce a drawing and/or model of the intended modifications for the stoop.

PB06-16: Bart Colucci/New Paltz Farmers' Market. 28 Main Street. [SBL: 86.33-3-8 (G)]

Special Use Permit and Gateway Review: Hold outdoor Farmers' Market on Sundays from 6/18/06 through the end of October.

Applicant Not Present

The Chair recounted last year's situation when the Elting Library's parking lot closed for renovations and the Farmers' Market negotiated space with Richard Gottlieb for September and October. He noted that there was criticism from one individual who claimed it was unfair since he wanted to hold a traditional retail flea market in the Gateway. The Board agreed that a bona fide Farmers' Market does not include arts, crafts or other retail goods. Ms. Elwell said that the New Paltz Farmers' Market was listed as a Producers Only Farmers' Market, which means that 75% of all products were from land owned by the vendor(s).

**New Applications:**

PB06-07: Maury Levitz. New Paltz Karate Academy. 22 North Front Street. [SBL: 86.34-1-16 (B-1)]

Special Use Permit: Construct a new two-story building on an existing gravel lot for use as a Karate Academy with office space on the second floor

Applicant Present: Maury Levitz, Pam Rice (Alfandre Architects)

The applicant brought in a Storm Management Plan for the construction project which will be forwarded to the Board's engineer for review. Ms. Rice presented a schematic design and talked about the drainage calculations explaining the 10% reduction in drainage post construction (impervious parking and landscaping will also reduce runoff) and a connection to the catch basin if necessary. The Chair reminded Ms. Rice that several other items were still outstanding including: calculations determining the lot coverage; a drawing showing the connection to the existing sidewalk at the lot line and a landscaping plan detailing the number and types of trees between the sidewalk and the building based on the location of the 15' setback and utility lines.

Mr. Curran asked the applicant to consider an alternative building design and provide a simple sketch of the south façade that would be more appropriate to its proximity to the historic district. Ms. Elwell did not see this as an issue and felt there was more of an eclectic architectural mix in this area. The applicant noted he was previously encouraged to pursue a Japanese influence which was both suitable for a Karate school and complementary to New Paltz's sister city in Japan and Ms. Rice considered this to be more of an aesthetic point which could be better achieved from material and scale. Mr. Danskin asked that Ms. Rice discuss this issue with her colleagues and provide the outcome of that discussion.

**Pending Applications:**

PB0-49: Robert Downs/Interzone Inc. 58 Main Street. [SBL: 86.143-1-12(B-2)]

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

Applicant Not Present

The Chair again referenced the interpretation of the Board's attorney regarding the moratorium. He said the Board could review all the issues involved in the application with the applicant with the exception of off-site parking.

PB03-07: Stoneleigh Woods at New Paltz Blue & Gold Development. [SBL: 86.02-1-6.1 (R-1 & R-2)]

Proposed 204 dwelling units for senior citizens and 96 dwelling units for non-age restricted families.

East of Sunset Ridge and the Duzine Elementary Schools.

Determination of DEIS completeness

Applicant Present: Jeff Kane, HDR/LMS

The Board had received comments from their consultants regarding the completeness of the DEIS. The Chair stated that although there are several major outstanding issues to be resolved, including traffic and roads and storm water drainage, the consultants believed the Draft Environmental Impact Statement (DEIS) was "complete" and ready for review by the appropriate agencies and the public at large. He emphasized that these concerns and other related issues must be resolved to the Board's satisfaction prior to the acceptance of the Final Environmental Impact Statement. In explaining the approval process, he pointed out that an additional public hearing will be held when the applicant comes before the Board for site plan and special use approval.

A motion was made by Ms. Elwell to accept the DEIS as complete. The motion was seconded by Ms. DuBois and carried unanimously by the Board.

After a discussion between members and comments from Ms. Ramirez/Sunset Ridge Association (who was concerned about community participation after the school year ended), the Board decided to hold the public hearing on July 11, 2006 at 7:00pm at Deyo Hall.

**ZBA Recommendations**

ZB06-14: Phyllis Crawford. 3 Oakwood Court [SBL: 86.34-8-2 (R-2)]

Area Variance: Erect a 30' long 6' high fence along the front yard.

Applicant Present: Christine Crawford, representing her mother Phyllis Crawford.

Ms. Crawford brought in photos showing the view from their house directly into their neighbor's backyard (on John Street) which had propane tanks and a dumpster. Ms. Crawford asked the owner of that rental property if he could move the tanks to a different location and he said no. Therefore the applicant would like to construct a six foot high fence along the southern property line to block the view of the tanks.

The Board felt that the need was well established, the degree of the variance was relatively small, and the visual impact on the community and neighbors was negligible. Mr. Curran made a motion to recommend in favor of the variance. The motion was seconded by Ms. Heady and passed unanimously by the Board.

ZB06-15: Harris Safier. 134 Main Street/1 West Center Street [SBL: 86.34-7-40 (R-3)]

Use Variance: Modify previous variance to allow full commercial use instead of mixed use.

Applicant Present: Harris Safier

Mr. Safier's parcel is located on two different zoning districts – B-2 and R-3. (An old barn located in the B-2 district has two residential dwellings while this structure is located on the R-2 portion. Last year the applicant received a variance to convert the downstairs residence into a commercial space and create a mixed-use building. Mr. Safier is now requesting a variance for commercial space upstairs because (1) his prospective tenant, a computer software business, requires the square footage of the entire building and (2) the current lease for the residence upstairs is expiring soon. If approved, Mr. Safier would provide a handicapped access entry on the north side of the building, add a handicapped parking space, construct an interior staircase between the two floors and expand the parking lot. There are twenty parking spaces available on this lot and the commercial building would require fourteen (14) spaces.

In accord with last year's recommendation, the Board noted that the character of the area is mixed, commercial to the west and residential to the east. Although the Board generally supports the maintenance of mixed-use buildings, the Chair said the circumstances appear to warrant allowing full commercial use and that the loss of a single rental unit would not have any material effect on the community. He noted that the applicant may have to return for site plan approval.

A motion was made by Ms. DuBois to recommend approval of the variance. The motion was seconded by Ms. Elwell and approved unanimously by the Board.

ZB06-17: Richard Thompson. 7 Tricor Avenue [SBL: 86.42-5-17.2 (R-2)]

Area variance: Construction of a two family dwelling

Applicant Present: Richard Thompson

Mr. Thompson is the perspective purchaser of this property. The applicant is requesting a variance because the parcel is approximately five percent short of the square footage required for a two-family house. Mr. Thompson is a former resident of the Village now residing in the town and wants to construct this dwelling as a long term family rental. Ms. Elwell noted that this standard lot would permit the construction of a single family with up to five bedrooms. Board members felt that such structures are more difficult to manage and often produce greater impact on adjacent residential uses.

A motion was made by Mr. Curran to recommend approval of this variance. The motion was seconded by Ms. Elwell and approved unanimously by the Board.

**Other Business:**

Paladia's Proposed Mixed Use Development. The Chair reminded members that they were just invited to attend tomorrow's night's Village Board meeting concerning the proposed affordable housing development by Paladia Corporation. The Board briefly discussed affordable versus a mix of affordable and mixed housing, and on site retail development providing a full range of services for residents. The Chair pointed out that the development must take into consideration (1) the lack of public transportation, (2) the need for adequate resident parking and (3) the potential noise from late night student foot traffic.

Harold Lane Sub-division: There was a brief discussion about the easement from Mr. Lane's property to the proposed Greenway and the possibility of requesting the donation of land in lieu of the unpaid recreational fee. The Chair has requested legal advice from Drayton Grant regarding the Board's authority in this area.

**Adjournment:**

A motion to adjourn was made by Ms. Heady, seconded by Mr. Curran and passed unanimously by the Board at 9:20 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