

**VILLAGE OF NEW PALTZ PLANNING BOARD
REGULAR MEETING JUNE 13, 2006**

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

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

Also present: David Sall, Esq., Maurey Levitz, Rick Alfandre, Janet Salt (Huguenot Street) Rosa Diaz, Rosa Torres, Erin Quinn, David Cacucco, Terry Dungan, Sean Sullivan, Susan Duncan, Jim Highland, Dino Tosani, Frank Mandy, John Cappello, Judy Flynn, Jane Velez, Michael Buser, David Clouser, Trey Daniels, Building Inspector, Dorothy Jessup, Michael Zierler; Village Trustee and Planning Board Liaison, and other members of the public.

Public Hearings:

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 to the building.

Applicant Not Present: David Sall, Esq. Representative

The public hearing was opened at 7:04pm. There were no comments from the public. The Chair asked for a motion to close the public. Ms. Elwell suggested that the Board consider the possibility of adjourning the hearing since it looked like there was a quite a few issues they might want to discuss. A motion was made by Mr. Curran to adjourn the public hearing to be rescheduled at a future date. It was seconded by Ms. Elwell and passed unanimously by the Board. Mr. Sall, the applicant's attorney, asked what the reason for the adjournment. When the Chair started to reply, Mr. Sall requested that the Board vote on the application tonight. He said the Board was stalling and wasting the applicant's and his time and again requested that the issue be resolved tonight. He said that when he came to the Board the first time, he asked for all of the circumstances and matters of interest related to the application and that he went through the list and all the items were satisfied.

He said that last week a request for information was made directly to his client; this action was inappropriate since his client was represented by legal counsel. He also stated that the information requested was part of the Village records and therefore viewed this as a stalling tactic and again requested that a decision be made tonight. The Chair said the Board would proceed with the rest of the scheduled public hearings and then return to this application. He clarified that when a public hearing is adjourned, at the minimum, it would be reopened at some later date to either hear comments or officially close the hearing.

PB06-07: Maurey Levitz – New Paltz Karate Academy. 22 N. Front Street [SBL: 86.34-1-16.12 (B-1)]

Site Plan/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.

UCPB Review: Pending

Applicant Present: Maury Levitz, Rick Alfandre, Architect

The public hearing was opened at 7:10pm. Janet Salt, an attendee of the Karate Academy, spoke in support of the application. She noted that the Academy had been in this location previously and that a Dojo (karate school) is a responsible neighbor and will be of service to the community by offering classes as well as providing office space for the neighborhood businesses. There were no additional comments. A motion to close the public hearing was made by Ms. DuBois, seconded by Ms. Heady and passed unanimously by the Board at 7:13pm

PB06-20: Rosa Diaz/New Moon Tattoos and Body Piercing. 9 N. Front Street [SBL: 86.127-1-4 (B-20)]

Special Use Permit: Retail business/services not otherwise specifically mentioned in the use schedule

Applicant Present: Rosa Diaz, Rosa Torres, owner of the Owl & the Serpent

The public hearing was opened at 7:12pm. Ms. Torres identified herself as the owner of the store in which Ms. Diaz would be sharing space and said she was here to provide any information necessary to facilitate this process. There were no other comments from the public. A motion was made by Mr. Curran to close the public hearing, seconded by Ms. Elwell and passed unanimously by the Board at 7:13 pm.

PB05-56: Erin Quinn. 26 Prospect Street. [SBL: 86.34-8-17 (R-2)]

Preliminary Subdivision Plat Review

Applicant Present: Erin Quinn

The public hearing was opened at 7:14pm. The Board confirmed that the plan dated 5/17/06 was the one under discussion this evening. Mr. Cuccamo, Mr. Dungan and Mr. Sullivan spoke in opposition to this application. The issues included but were not limited to the following:

1. Non-compliance with the following codes.
 - a. Frontage of the front yard frontage of the existing house and the back yard of the proposed house do not comply with the minimum requirement of 25.' (Section 178.20)

- b. Road frontage (plan shows two narrow 28' strips; the code states 50')
 - c. Minimum lot width of 55' (212-13 Section 5)
 - d. Flag Lots. The acceptability and legality of flag lots.
 - e. Proper indication on Plat (per code 178-20)
2. Preservation of Neighborhood Character/Student Housing. Since the subdivided property would no longer be as desirable for families or in character with the neighborhood, the neighbors felt it would be sold for student housing at a future date. This would negatively impact on the quality of the neighborhood (noise, traffic) and property values.
 3. Hydrology: Drainage and Sewer Problems. Located downhill from Oakwood, Prospect Street is a catch basin for run off water. The section of the back yard of the proposed lot fills up with water; it is soft and damp year round. Prior owners tried to remedy the situation by adding fill, but the fill would dissipate after a few years (bottomless pit). The proposed house would be situated where sections of the sewer line have been replaced; parking is located on soggy land on top of the sewer line where sections have been replaced.

In answer to some of the questions raised, Ms. Quinn replied (1) the property had been recently surveyed (2) the previous building inspector had walked the property and reviewed her plan without noting any setback violations (or non-conforming conditions) (3) the proposed building would not be in the wet area (4) one of houses would be owner occupied, the other would be a family rental; (5) expanding/building out the existing house to accommodate family growth would be difficult because of the large maple tree in the front and the surrounding wet areas; therefore they are looking to build a second house (which would be more conforming to Prospect Street in terms of the street line setback) and (6) hydrology problems would be resolved during site plan.

Ms. Dungan noted that although Ms. Quinn says she plans to live there and sell or rent the second building to a family, there is no guarantee that things won't change in the future, especially due to the undesirability of such a small lot size. Ms. Quinn said she would be amenable to including a deed restriction stipulating an owner occupied single family residence for the property to help ameliorate the situation.

A motion to close the public was made by Ms. Heady, seconded by Mr. Curran and passed unanimously by the Board at 7:33pm. The Chair announced the Board would not vote on this application tonight since there were many issues requiring research and review by the Board, the building department, and professionals. The Board would revisit the application next month. He noted that there would not be a new public hearing unless the project changed drastically.

The Chair acknowledged Jim Highland, the liaison to the Planning Board from the New Paltz Bike & Pedestrian Caucus, an organization that advocates for better walkways and bicycle facilities.

DISCUSSIONS

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 to the building.
Applicant Not Present: David Sall. Esq. Representative

Mr. Sall clarified that the applicant was "Interzone Inc." not Robert Downs. The Chair proposed that the Board discuss this application in the context of its applicability to the moratorium. After researching the Village buildings files (as Mr. Sall's recommended), the Chair said that the Village records showed conclusively that the applicant cannot provide adequate parking on site and that it is subject to the moratorium. If the Board votes that the application is subject to the moratorium, the project will be set aside (because of the moratorium) and the applicant will have several alternatives including an appeal to the Village Board.

Mr. Danskin referred to the parking code requirement for restaurants (one parking space for every three seats) and bars (one parking space for every 50s/f of gross floor space) and presented the following findings. He noted that Cabaloosa (one of the existing establishments on this property) has a maximum capacity of 155 people based on the building inspector's calculation of a total of 1,090 square feet. Dividing that amount by 50s/f per parking space results in 22 required parking spaces. The second establishment, Oasis, has a certificate of maximum capacity of 72 persons based on a total square footage of 504 square feet. Dividing that total by the required 50s/f per parking space results in 10 required parking spaces. Therefore the current demand of restaurant and bar use, not including the residential or retail uses, is 32 spaces.

The Chair reviewed the site plan that was prepared and submitted by the applicant on May 5, 2003, and found that the parcel contained 25 parking spaces and an additional two existing sheds demarcated for the apartments. The Chair concluded there are no surplus spaces at this site and that this application fit the terms of the moratorium, especially as set forth in the guidance from the Board's attorney. He said the Board could make a motion to determine that the moratorium applies to this project and that the application would be aside until the moratorium is lifted. He reiterated that if that was unsatisfactory to the applicant, they have several forms of recourse, including an appeal to the Village Board.

Given the insufficient number of on-site parking spaces and the terminology of the moratorium, Board members felt that the application fit the criteria. A motion was made by Ms. Elwell that the moratorium applies to this application. The motion was seconded by Ms. Dubois and carried unanimously by the Board.

PB06-07: Maurey Levitz – New Paltz Karate Academy. 22 N. Front Street [SBL: 86.34-1-16.12 (B-1)]

Site Plan/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.

UCPB Review Pending

Applicant Present: Maury Levitz, Rick Alfandre, Architect

The Chair said Mr. Clouser, the Board's engineering consultant, had evaluated the drainage/storm management system and presented two critiques to the applicant. Since there are existing drainage problems in the general location of the project, Richard Ruth (Brinnier & Larios) and Bleu Terwilliger (Superintendent, DPW) will also be consulted. Once these issues are resolved, the Board will proceed with the application.

The Board agreed with the Chair's suggestion to involve Mr. Wegener, the Board's landscaping consultant, in reviewing the proposed landscaping since the site is relatively prominent and virtually barren of trees. The Chair noted that planting trees may be more complex on this particular location due to its previous use as a parking lot. Mr. Alfandre said he would like to submit revised landscaping plans for Mr. Wegener's review.

PB06-20: Rosa Diaz/New Moon Tattoos and Body Piercing. 9 N. Front Street [SBL: 86.127-1-4 (B-20)]

Special Use Permit: Retail business/services not otherwise specifically mentioned in the use schedule

Applicant Present: Rosa Diaz, Rosa Torres, owner of the Owl & the Serpent

The application was discussed at last week's workshop and there were no comments from the public. A motion was made by Mr. Curran to accept the application with the following conditions:

- Public displays of tattoo designs or models are prohibited.
- Tattooing or body piercing of any person under the age of 18 years without parental consent is prohibited.
- Proper standard of sterilization and disposal of bio-hazardous materials must be followed at all times.
- Hours of operation must be limited to no earlier than 11:00am and no later than 11:00pm.

The motion was seconded by Ms. Heady and passed unanimously by the Board.

PB05-56: Erin Quinn. 26 Prospect Street. [SBL: 86.34-8-17 (R-2)]

Preliminary Subdivision Plat Review

Applicant Present: Erin Quinn

The Chair said no further action would be taken on the application this evening due to the large number of issues raised at the public hearing. He recommended that Ms. Quinn talk with her neighbors about her plans while the Board reviews the public's concerns and researches the items related to code compliance. If the Board concludes that the proposal is code compliant, then it has to decide whether the concerns raised by the neighbors are credible and sufficient to warrant denying the subdivision.

Mr. Danskin said the applicant might want to discuss the usefulness of deed restrictions (control over property) with an attorney. He also suggested that her surveyor review the drainage situation noting that the storm water issues presented this evening were quite compelling. (Ms. Quinn said she had no problems with water in her house) The Chair said he may ask Mr. Clouser to review the situation.

Pending Applications:

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 Board discussed several outstanding issues:

1. Berm. In reviewing the applicant's revised plan, Ms. Elwell said she had requested to see a cross section of the proposed berm, how it would be engineered, and an explanation of why it would not be subject to erosion. Although the engineer tested the density of the soil, Ms. Elwell pointed out that the notations on the drawings were simply assertions without any supportive information. To avoid any additional confusion on this issue, the Chair wrote a note instructing the engineer to present to a cross sections of the berm, specify compaction, stabilization and erosion preventive measures. The Chair said the engineer could contact him if he had any questions.
2. Parking and NYSDOT Recommendation. Because of the high turnover of restaurant use, the DOT recommended limiting parking on the east of driveway; and no parking of the driveway.

Mr. Toscani noted that the handicapped spaces were relocated on the plan and there was no parking in the driveway. The chair noted that the width of the driveway is 33-1/2 ft and noted that the width specified by the engineer was 40.' The Board asked that the distance be corrected on the drawings for the protection of both the board and the applicant.

The Chair noted that DOT also recommended parking be restricted 15' from the sidewalk. This would require agreement from the Village Board to eliminate two spaces. DOT would provide the signage once that agreement was confirmed.

3. Hours of Operation. The applicant was opposed to adjusting hours of operation. He wanted to serve food all night and open for breakfast at 6am. The Chair explained that one of the criteria for a special use permit is that it does not create more impact than a principally permitted use in the district (e.g. most retail stores @ 6-8pm) and suggested closing at midnight.

In order to reduce negative impacts, the applicant said he's ready to proceed with buffering the area behind the property (by using the berm, trees and plantings) and providing extensive sound proofing. He noted there has never been a complaint or violation against his other establishment, the Piano Bar, created in 1995. Based on Mr. Toscani's history, several members felt they would be comfortable with approving a short trial and re-revisiting the impact issues after that time period (this procedure was used for Murphys).

After a lengthy discussion regarding the classification of the establishment and the intention of the law, the majority of the Board felt this establishment was a restaurant as opposed to a bar and therefore did not have to adhere to the 200' distance to a residential district. Especially since the property was 191' from the residential district, they felt 9' would not make a practical difference. They felt that the primary restaurant function of a restaurant could be maintained through conditions on the approval.

Next month's meeting will include the Board's review of the berm information and discussion regarding the hours of operation, any conditions the applicant may want to offer and any conditions the Board wants to impose.

PB03-24: Woodland Pond/ Kingston Regional Health Care System/New Life Mgmt & Development Proposed Continuing Care Retirement Community, N.Putt Corners Rd. [SBL: 86.2-1-7; 86.2-1-2.112 86.2-1-12.100] FEIS Overview and Procedures

Applicant Present: Frank Mandy, Partner, New Life Management and Development
Planning Board Consultants: David Clouser, engineer; Al Wegener, Landscape Architect

The Chair said that tonight the applicant will bring the Board up to date on their plans and assessment of the environmental impact. A special meeting has been scheduled for July 25, with all the consultants, to work through any remaining issues in this final impact statement. Board members were encouraged to review the document and forward any issues they found problematic, inadequately mitigated or alternatives they found less than favorable. The applicant will contact and set-up meetings with the consultants to review and discuss the document prior to July 25; Board members will be invited to attend (but not participate). If the issues are resolved by the end of the July 25th meeting, the final version of the EIS will be issued and distributed. The Chair noted the protocol from Ted Fink outlining the procedures for working through the issues.

Mr. Mandy identified and discussed the following significant issues:

1. Balancing Off site - Excess Cut and Fill
2. Wetlands Buffers
3. Utility Corridor
4. Construction Impact on Neighbors.

Excess Cut and Fill

Since the public hearing the applicant continues to work on potential ways to lessen the excess soil including raising the building slightly (with no change in visible impact), reducing and removing basement space, and revising the grading plan (by raising the entire floor elevation a few feet)

To date, they have no response regarding the relocation of the excess soil. The builder will look for another site requiring fill and the applicant is reviewing the possibility of using the soil to expand the hillside to the west. Mr. Curran noted this expansion would further encroach into the wetlands. He questioned how the embankment could be treated and planted to restore the character of the area (destroyed by the embankment) and help mitigate the visible presence of the buildings from the preserve. Mr. Mandy said that expanding the hill will actually reduce the visible impact of the buildings as the cottages would remain one story and would no longer be situated on the edge of the hill. The Chair requested the applicant provide cross sections of the pre-existing topography of the hillside, the initial plan and the revised plan.

The Board will need to assess the impact of relocating the excess soil on the site (the long-term effects of expanding the hill) versus carting it away to another location (temporary impact on traffic/pollution/road conditions). The issue of contaminated soil was briefly discussed. The

applicant plans to cover the contaminated soil while work is done on the site and then encapsulate most of it for use under impermeable surfaces (roads/parking lots). The applicant's construction manager has analogous experience with projects located in former peach and potato fields.

He noted the property line had changed slightly to be more parallel with the Ermin estate; this is reflected in the grading and erosion control plan in the FEIS.

Wetlands Issues

The applicant noted the primary concern has been the proposed building in the location designated as AA. He noted that they are in closer to 100' to the wetlands along one (?) boundary line. Since the development has already been redesigned on a smaller footprint to allow less encroachment on the wetlands, they no longer have much ability to move buildings, roads, or parking spaces. He said the storm water systems/bio retention areas are being carefully designed to insure that the roads and the parking lots do not drain into the wetlands. Once the bio retention areas are completed, plantings will grow and provide a more natural environment in the area. Mr. Mandy noted they have stayed as far away as possible from the federal wetlands and that the proposed emergency access road across the wetland area, if approved, would be constructed of some type of permeable surface.

Utility Corridor

The applicant reviewed four options. The Village Board asked them to explore the utility corridor going down N. Putt and connecting to Henry W. DuBois (HWD) as a preferred alternative to what may become the Greenway preserve (on Town property). Although willing to consider that option, the applicant's main concern that would require additional approval from the Town (and therefore additional delays to the project. If North Putt was considered the preferred alternative, they would require approval from the County. Brinnier & Larios reviewed the potential changes to the existing system if it ran down N. Putt to HWD, noting pump station issues and antiquated lines requiring upgrade.

The applicant's said their preferred alternative is Bounticou View Road and that the water lines would require upgrading. He noted that the village engineer felt this was a reasonable approach. Currently there are no water or sewer lines on N. Putt and there a brief discussion about potential plans in that area proposals coming before the town. Mr. Mandy said the pilot program (in lieu of taxes) would pay for infrastructure improvement to the Village, town and school.

Construction Impact on Neighbors

The immediate neighbors were concerned about dust and mud during the construction period (18-20 months). In addition to trying to reduce the amount of off-site fill, which will ultimately help the neighbor's situation (the number of trucks/traffic etc), the applicant said they will implement proper construction techniques to reduce dust and mud in the area such as truck stations, water troughs, truck washing etc).

As there are still a number of approvals required after this SEQR process (site plan, special use permit, height variance), Mr. Mandy urged the Board to try to keep the process moving. There are over 120 senior waiting for this project and every year construction is delayed, the cost of construction increases, and that increase is ultimately past along to the potential residents.

To help keep the project move along, the Chair intends to take straw polls to identify the issues that have been resolved to the satisfaction of the majority Board and concentrate on those which have not been so resolved.

After the Board considers the document complete and the FEIS is issued, the document will be distributed to the appropriate parties. There is a minimum 10 day consideration period before any agency can make findings and any decision on the project.

PB06-21 Palladia: Proposed 50 Unit Workforce Housing on Plattekill Avenue

Introduction to Project

Applicant Present: Jane Velez, President & CEO; Judy Flynn, Palladia; John Cappello, Attorney; Rick Alfandre, Architect

Planning Board Consultant: Michael Buser, Behan Planning Associates

The applicants provided a general introduction to affordable housing in the mid-Hudson region emphasizing the lack of starter homes for families and workforce housing. Discussed the differences between subsidized and affordable housing; density conditions, and requirements for state funding (residential use only; any mixed use or full commercial space included in the project would be physically separate and independently funded). This construction of this project would be subsidized by the state, and the sponsor would be required to rent at below market rate for 50 years. Tenants would be primarily working families, some seniors and no students. There would be 13-one-bedrooms; 19 two bedrooms; and 17 three bedrooms apartments.

Mr. Alfandre's architectural plan showed the 2.4 acres of property fronting on Plattekill, Hasbrouck and Elting; including residential buildings with various entrances and parking areas, mixed-use space (fronting on Plattekill), and the required community building and playground.

Board members identified several issues including but not limited to the following:

- Legislative/zoning concerns.
 - The project requires a variance since the B-2 district is designated mixed use. Changing the zoning category appears to be spot zoning.
 - The proposed density is higher than any existing density in the Village and is located in the (most crowded) densest section of the village. It is substantially more than the existing senior housing density which the Village Board is currently proposing to remove.
 - Infill development in the B-2 district requires a special use permit from the Planning Board.
 - Input from Ulster County Planning Board is required.

- Site Development
Concern was voiced about the development of the entire area including the parking lot to the north, would become incorporated into the existing fabric of the village (e.g. the merging of a large municipal lot, retail space and townhouse density). The creation and maintenance of private yards was suggested rather than having split public access to the front and back of the buildings.

Rather than an established minimum parking and other fixed requirements, the Board suggested using a range (minimum and maximum) to ensure reasonable flexibility in designing and previewing proposals of this kind.

- Quality of Life
The Board questioned the quality of life for families situated in the densest part of the village with an extremely active student nightlife (including bars). Unlike other residents who choose to live in the neighborhood because they feel the benefits (close proximity to parks, schools and churches) outweigh the negative (noise, foot traffic), these residents will have fewer options in the selection of their location because of their affordable housing status.

Right now, the Village cannot provide the needed support services within walking distance (e.g. supermarket, drug store). Unless the designated mixed use space will provide these services at affordable prices, the residents will be forced to either drive uptown or to Rosendale or pay higher prices at the local stores. The footprint designated for the mixed-use building would be too small to accommodate a larger brand name store, even if the entire site was used commercially.

- Traffic Impact on Main Street.
The increased number of vehicles will impact traffic/congestion along Main Street even with two proposed access roads to the development. Working families with children may have more than one vehicle per apartment.

In order to go forward at this point in time, Palladia has requested a letter of support from the Village Board which will be presented to DHCR for the first round of funding. If the agency considers the project to fit their criteria, the project can proceed to site plan review and a 2nd round of funding approval from DHCR. The Board noted that all the zoning issues would need to be resolved before they could start site plan review.

Other Business: The Village Board's Proposal to Remove Senior Housing Density.
The Board voted unanimously to request the Village Board to hold any action on this issue until the Planning Board develops a recommendation at the July 18th meeting of the Planning Board.

Approval of Minutes:
The approvals of the minutes for the May meetings were postponed until July.

Adjournment:
A motion to adjourn was made by Ms. Elwell, seconded by Ms. Heady and passed unanimously by the Board at 10:30 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

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