

**VILLAGE OF NEW PALTZ PLANNING BOARD
WORKSHOP MEETING JUNE 6, 2006**

Call to order: The meeting was called to order at 7:07 p.m.

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

Members Absent: George Danskin

Also present: Maurey Levitz, Rick Alfandre, Rosa Diaz, Rosa Torres, Dino Tosani, Rabbi and Mrs. Plotkin, Trevor Hannigan, Jeannie Zetterstrand, Trey Daniels, Building Inspector, Michael Zierler; Village Trustee and Planning Board Liaison, and other members of the public.

Announcements:

Mr. Curran announced that the presentations by Woodland Pond regarding their FEIS and Palladia's introduction to their proposed workforce housing are scheduled for the June 13, 2006 meeting.

Applications with 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

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

Applicant Present: Maury Levitz, Rick Alfandre, Architect

Mr. Alfandre submitted a response from Joseph G. Lenskold (consulting engineer) in response to Mr. Clouser's comments on the initial Storm Water Management Plan. Copies of this report will be forwarded for additional review by Mr. Clouser (Board's consulting engineer) and Bleu Terwilliger, Superintendent of the Village DPW, who is also in the process of evaluating the project's utility usage and sidewalks.

Last month the Chair voiced concern about the connection of the existing sidewalk at the lot line where the grade was higher. Mr. Alfandre brought in some photos of the area and said the issue did not appear to be particularly complicated. On the drawing, he showed an existing piece of concrete sidewalk that has a small piece of curb sticking out to the road edge that would have to be cut back and the sidewalk, which is currently blacktop, extended down. He said that there was not a dramatic grade change and that this issue would be addressed in the field during construction.

Regarding the design and style of the building, Mr. Curran had previously asked the applicant to consider a building more consistent with the flavor and style of the neighboring structures and the nearby entrance to the historic district (e.g. punched single windows, conventional gabled buildings). Ms. DuBois felt that the style and design of the two adjacent buildings were not noteworthy (vinyl sided) and did not conform to the historic district. And although this structure didn't conform to the historic district either, it had its own character. She said materials and color were more important in maintaining consistency in an area and that the applicant had already made some concessions to blend with the community. Ms. Heady pointed out that there is a Laundromat across the street and that this structure would provide a transition from the eclectic buildings of the commercial district to the historic district.

Mr. Alfandre said that the details on the adjacent buildings do not support the character of the historic district; they simply copy some idea of a style without the inherent architectural quality of the older historic buildings. He said the proposed building will be made of durable materials, with appropriate color and lighting; they will also study and try to simulate the window pattering of the more historic buildings.

After the public hearing next week, Mr. Alfandre said he would request the Board provide some guidance prior to beginning design development. Mr. Curran reminded the applicant to use landscaping to buffer the parking areas. Ms. Heady asked the applicant to review the landscaping plan noting some plants appear inappropriate to the terrain.

In response to Mr. Levitz's question concerning reusing a sign/sign permit from 2005, the Board referred him to the building inspector.

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 applicant will be using existing space in the Owl and the Serpent and sharing the entrance door. The Board questioned whether a physically separate space would be needed to provide

privacy when tattooing and piercing. Ms. Diaz said they would use screens to create a more isolated space when required.

When Ms. Elwell said that hours of operation were usually specified in a Special Use Permit, Ms. Diaz said she planned to be open from 11am-7pm during the summer and 11am to 6pm the rest of the year.

Ms. Elwell noted that tattoo parlors are not regulated by the Board of Health (because they are not legal in Ulster County) and the Board is quite concerned about the health and safety of the patrons. Ms. Diaz said she is a licensed practitioner in NYC (tattooing was legal there in 1997) and is very conscientious about sterilizing equipment and disposing of needles. She uses only disposable needles sterilized by the manufacturer. All related refuse is bagged in bio-hazardous containers and picked up by authorized disposers. She has a small autoclave for sterilizing equipment, dates all the sterilized packages and uses spore tests for the autoclave (to maintain accurate records insuring sanitary conditions). She noted that the autoclave can be placed in several rooms in the store (including a storeroom) where there was adequate ventilation.

The Board gave the applicant a copy of the NYS Department of Health's Guidelines for the Prevention of Blood-Borne Disease During Tattooing. A public hearing will be held next week.

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

Preliminary Subdivision Plat Review

Applicant Not Present

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 reviewed the following issues:

1. Location of 34 parking spaces. Although the applicant had provided an agreement between 127 Main Street and 123 Main Street for "as spaces as are required," the Chair had requested specific language in the agreement identifying the number of spaces, the exclusivity of those spaces and the duration of the agreement (with a minimum of one year; two years preferable) or an anti revocation clause. .

After some discussion about the number of spaces and previous lease agreement letters (SkyTop), the Board again asked for a letter of agreement for on-site parking at a specific location stipulating 34 parking spaces for duration of at least one year.

2. Comments from the NYSDOT. The Chair had asked the DOT to comment on Mr. Toscani's plan indicating parking at 127 Main Street. The engineer said that parking along Main Street should be restricted for 15 feet on either side of the access drive to increase sight distances (street parking is under the purview of the Village Board) and that parking in the driveway should be restricted. The applicant said that the handicapped parking in this area had been approved in 1995 and DOT did not have jurisdiction over this lot which was "private property." Ms. Elwell pointed out that the lot will now provide a different use and there will be a higher level of traffic accessing the property. The applicant felt that the word "restricted" referred to handicapped parking (which is its current use) but the Board requested a further explanation of from DOT. The secretary of the Planning Board will follow up on this issue.
3. The distance from the residential area. The applicant said the distance from the front door to the residential district was 191 feet. He reiterated that a 200' distance is required for "bars," not restaurants, and that his establishment is a restaurant.
4. The lights in the parking area are identified on the drawing as requested.
5. The construction of a berm instead of a fence. At the last meeting, the Board discussed the use of an 8'high stockyard type fence to temporarily mitigate the noise and light impact on the owners of the condominiums behind this property. Mr. Toscani had met with Mr. Daniels, the Building Inspector to discuss the availability and structural soundness of 8'h fencing (8' fencing is hard to come by and not as structurally sound). Originally the applicant was going to put in a 2' berm with a 6' high fence. When fill became available, the applicant started to build a berm.

Mr. Daniels felt that a 12'W 8'H berm would be more effective in reducing the impact from lights and noise in the parking area and would be easier to maintain than fence panels. Ms. Elwell noted that the area looked more like a long pile of dirt than like a berm. The applicant said he had been unable to finish the job, including seeding the entire area, due to the recent inclement weather.

Ms. Elwell pointed out that although the Planning Board had discussed a fence with the applicant, the applicant proceeded to do a berm instead. Ms. Elwell emphasized that if the applicant wanted to do something different than what was decided at the meeting, he must provide a landscaping plan for the Board to review, and precede only if it is approved. Before there is any more work done on this project, Ms. Elwell insisted on seeing a design for the berm

prepared by a landscaper (including how it be constructed and stabilized and showing the landscaping on the berm) and stamped by a licensed engineer.

Mr. Curran stated that according to Village law, an applicant should not be doing any site plan work until the site plan is approved by the Board. Therefore, Mr. Toscani had violated the law by proceeding without site plan approval. In order to insure that he does not violate that law again, the Board requires the applicant to present a drawing/plan for the berm prior to performing any additional work on this site.

For next week's meeting, the applicant will submit (1) a lease agreement letter designating the number of parking spaces, duration and exclusivity and (2) a site plan for the berm. Ms. Shestakofsky, secretary, will follow-up with the NYSDOT.

ZBA Recommendations

ZB06-19: Moshe Plotkin, 10 South Oakwood Terrace. [SBL: 86.34-11-14 (R-2)]

Area Variance: Area Variance (side yard and front setback):

Construct addition on rear portion of the house and extend the second floor

Applicant Present: Rabbi and Bracha. Plotkin; Trevor Hannigan, Attorney

Copies of the two letters addressed to the planning/zoning boards received today were given to Rabbi Plotkin to review. Rabbi Plotkin explained his revised plan to expand the size of his house. The addition on the back of the house (on the first floor) would be use as a meeting room/student center for their congregation. This would be the only public area in the building and would include handicapped access from the front of the house and a handicapped accessible bathroom next to it. The second floor renovation would include a bedroom, bathroom and walk-in closet. There would be no increase in density as the total number of bedrooms will remain the same (one of the existing bedrooms would be removed in this process of creating access to the upstairs addition).

Rabbi Plotkin discussed how this plan was different from the initial one, showing that the setback sides were smaller and the roof line lower. The Building inspector's report noted that the side setback encroachments in this submission had been reduced by 6' on the north side and 3' on the south side; and although the depth of the addition had increase, it was within the required rear set-back.

Ms. Elwell noted that when Rabbi Plotkin initially came for a special use permit for a house of worship, he said that wanted the permit even if he did not receive a variance to expand his house. At that time he said he used his home as the house of worship. As the meeting room will now be the only area designated for religious use (separated from the rest of the house), she noted that this proposal is a different kind of religious use from the original special use permit request that was approved just a few months ago.

Mrs. Plotkin said the activities will be the same, just conducted in a larger space with a separate entrance. Family and student Sabbath dinners will be conducted in the gathering room which is adjoining the kitchen. This separation will allow some private space in the living room for the family (e.g. young children). Rabbi Plotkin felt that having one public gathering space would make it easier to address the issues concerning code compliance related to public safety. The Plotkins noted that there will be no services over the summer and activities will resume in August when the students return.

Ms. Elwell said there is still the issue of whether the need to expand is a self created hardship. Rabbi Plotkin said prior to purchasing the house he spoke with the building inspector. He understood her to say he could construct some sort of an addition to accommodate family growth, but perhaps he misunderstood. They felt the size of house accommodated their needs at the time of purchase and had room for potential growth. A year and a half ago there was adequate space to accommodate all the students in one room. As the number has grown, the situation has become less than ideal (they are now using an L configuration for seating). The applicants explained that this addition would support their current situation and a little bit of growth while providing more domestic privacy. The plan also includes tearing down the existing garage and putting up a small pre-fabricated shed to hold tools and equipments.

Ms. Heady noted that the footprint of the gathering room is still rather substantial, at approximately 75% of the existing structure. Ms. Elwell reminded the applicant that if the variance was granted the Planning Board would have to review and approve the site plan, since the structure included a house of worship.

The discussion then turned to the status of the conditions listed with approval of the sup granted in -- Some of the outstanding issues included:

1. Certificate of Occupancy. Rabbi Plotkin said that the building inspector is scheduled to come to the house this Friday to begin the C of O process.
2. Code Compliance. The applicant said he won't know what the building code issues are until the inspection is completed; he also doesn't know whether any construction would be done prior to resuming services in mid-August. Ms. Elwell noted that in order to conduct the house of worship, he must be in compliance with the appropriate building codes and other conditions of the special use permit. The conditions would apply to (1) the proposed gathering room (if the variance is approved and when the addition is completed), and (2) the designated portion(s) of the existing residence (if the variance is denied or until such time that the addition is completed).

3. Buffers/Fence. Rabbi Plotkin said the fence installed on the north side is missing a few sections that would need to be removed for construction. Therefore, he said, it would be financially feasible to do this when the addition is completed (given that the variance is approved). The 6' high fence along the east side was done as a safety issue for the children and helps to buffer the adjoining property. The south side fence was also a safety issue as it helps keep the sidewalk clear by controlling wild overgrowth from his property.
4. Trash collection. The applicant plans to address this issue in the site plan (e.g. attaching the enclosure to the vinyl fence).

Mr. Curran pointed out that the initial approval of the special use permit was contingent upon compliance with the conditions included with the approval and therefore are independent of what the applicant may or may not have approval to do subsequently. The applicant said some of the items might take a little more time but he would comply with it as quickly as possible.

There was a brief discussion about the site plan process. Assuming the granting of the variance, the applicant acknowledged the next step would be site plan approval by the Planning Board, since the structure is a residence/house of worship. Rabbi Plotkin said the addition would look like an extension of the house. He would attempt to match the existing siding; the porch would remain, the roof would be a lighter color (to reduce heat absorption on the upper floor bedroom) and a small open porch would be constructed for the entrance way.

Mr. Curran addressed the recommendation to the ZBA. Board members noted (1) the pre-existing non-conforming status of the building (2) the footprint of the gathering room was still quite large for the size of the lot and the character of the neighborhood, (3) the amount of the variance requested was substantial, and (4) the addition would have an impact on the neighboring properties. Ms. Elwell, Ms. Heady and Ms. DuBois said they would be more comfortable with a smaller size addition. Mr. Curran said he did not share the same level of concern. A vote was taken. The vote in favor of a negative recommendation was three ayes (Ms. Elwell, Ms. DuBois and Ms. Heady) to one nay (Mr. Curran).

Approval of Minutes:

The approvals of the minutes for the May meetings were postponed until next week.

Adjournment:

A motion to adjourn was made by Ms. Elwell, seconded by Ms. Heady and passed unanimously by the Board at 8:45 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