

**VILLAGE OF NEW PALTZ PLANNING BOARD  
WORKSHOP & REGULAR MEETING JULY 18, 2006**

**Call to order:** The meeting was called to order at 7:00 p.m.

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

**Members Late:** Marion DuBois arrived at 7:40pm

**Also present:** George Sifre, Peter Mueller, Dino Toscani, Maurey Levitz, Rick Alfandre, Erin Quinn, Judy Flynn, John *Cappello*, Sam Liebman, Trey Daniels, Building Inspector, 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 May 2, 2006 workshop. The motion was seconded by Mr. Curran and passed unanimously by the Board.
- A motion was made by Mr. Curran to adopt the minutes of the May 9, 2006 regular meeting. The motion was seconded by Ms. Elwell and passed unanimously by the Board. (Ms. Heady was not present at that meeting and therefore unable to vote.)
- A motion was made by Ms. Elwell to adopt the minutes of the June 6, 2006 workshop. The motion was seconded by Mr. Curran and passed unanimously by the Board. (Mr. Danskin was not present at that meeting and therefore unable to vote.)
- A motion was made by Mr. Danskin to approve the minutes of June 13, 2006 regular meeting. The motion was seconded by Ms. Elwell and passed unanimously by the Board.

**Pending Applications:**

PB04-16: Seakill Custom Home Builders. Victorian Square, LLC. South Manheim Blvd. (NYS Rt. 32).  
Site Plan/Special Use Permit: FEIS Overview/Status  
Applicant Present: George Sifre

The Chair noted the Final Environmental Impact Statement (FEIS) had been submitted to the Board and consultants on June 20, 2006. Due to scheduling problems, he had not yet tasked the consultants to review this document. He will do so this week requesting that the consultants respond prior to the Board's special meeting dedicated exclusively to the Victorian Square FEIS which was later scheduled to be held on August 15, 2006. Planning Board consultants will be in attendance.

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

Mr. Toscani had submitted the information requested at the previous meeting including drawings (showing corrected distances, handicapped parking spaces) and information about the berme prepared by a licensed engineer.

The remaining issues concerned the hours of operation and any other special conditions the Board deemed appropriate for this application. Since there are no all night food establishments in the downtown area and only the Bistro serves breakfast, the applicant requested that the restaurant be opened 24 hours to simulate a diner's capacity to provide breakfast at any time. He suggested a trial period of three months to see if (1) business warranted the additional hours and (2) if there would be any complaints/impacts associated with the extended hours. The Chair emphasized that a special use permit should not be more disturbing than a generally permitted use, pointing out that permitted retail uses usually close at approximately 9:00-10:00pm. He suggested the restaurant close at 10:00pm and noted that there were 20 seats at the bar. Ms. Elwell also observed that 24 hour diners were not located adjacent to residential areas.

Mr. Toscani confirmed that there were never any complaints regarding his restaurant which is open until to 2am. After discussing comparable establishments in the area, most Board members did not want to impose more restrictions on this application than on the other surrounding business (Blockheads, Foleys).

Mr. Toscani then brought up the issue of entertainment. This was the first time that topic was mentioned and Board members were adamant that no amplified music would be allowed.

Regarding the removal of two parking spaces on the street required by the NYS Department of Transportation, the Chair clarified that this was an issue for the Village Board, not the Planning Board and would write a letter to the Village Board advising them of this situation.

The Board concluded that this was an unlisted action with no significant environmental impact. A motion was made by Ms. Heady to approve the special use permit with the following conditions:

1. The hours of operations would be 6:00am to 2:00am.
2. No amplified music would be allowed.
3. Seating capacity at the bar would not exceed 20; seating at the tables/booths must not exceed 90.

4. The berme must be graded, seeded and mulched within 30 days of this approval in accordance with the plan prepared by Synergy Design dated 6/20/06.
5. There would be no additional exterior lighting
6. This approval also constitutes site plan approval to provide associated restaurant/bar parking at 123 Main Street in accordance with the site plan "Site Parking Plan" prepared by Synergy Design, revised 7/13/06.

The motion was seconded by Ms. Elwell and passed by a vote of 4 ayes to 1 nay (Mr. Danskin).

Mr. Toscani said he would be returning shortly to discuss creating a catering room upstairs (site of the previously approved Rachel's Inn).

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: Required Modifications

Applicant Present: Maury Levitz, Rick Alfandre, Architect

The two outstanding issues from last month included the storm water management system and landscaping. The Board did not have time to review Dave Clouser's comments on the latest storm water system report from Joseph Lenskold and Alfandre Architecture since the report was just received late this afternoon. Mr. Clouser will be contacting Richard Ruth, Brinnier & Larios and Bleu Terwilliger, DPW Superintendent to confirm agreement with his analysis of the two options (both of which do not increase the rate of storm water flow) and his preferred choice. Mr. Alfandre pointed out that the other alternative required the Village to first build a storm sewer; this would be an unreasonable restraint since the design actually reduces the storm flow.

Mr. Clouser suggested that the following minor items be included in site plan approval: (1) location of the drainage structure (entirely on the applicant's property), (2) inspection ports and (3) maintenance schedule for the storm water management system.

After meeting with Mr. Wegener (the Board's landscape consultant), Mr. Alfandre revised the landscaping plan and identified the new number and types of trees used in the design (4 shade trees in the rear; 2 Sycamore Maples in front; a Japanese Maple and Japanese Cherry at each entry; small shrubs to screen the parking area and a variety of smaller shrubs for color around the front of the building). He is also working with professionals to determine an appropriate grass seed mix. Based on the observations and recommendations of the Board, he will submit revisions to increase the caliper of the shade trees to 2-1/2."

The Chair read the following "required modifications" recommended by the Ulster County Planning Board:

*"Curbing: The applicant should upgrade the curbing to commercial driveway standards so that the access point is clearly defined for safe turning movements."*

The drawing submitted showed a new 3' sidewalk connecting to Mr. Cafferty's sidewalk. The Chair asked if there was going to be a grass strip between the sidewalk and the road or a curb at the road and requested a cross section indicating the transition (connecting) to the property to the east. Since the sidewalk is discontinuous before their property, Mr. Alfandre said any correction would require going onto the adjacent neighboring property and the cooperation of Mr. Cafferty (noting that the applicant would then be assuming the cost to remedy his neighbor's problem). The Chair asked the applicant to think about how this situation could be remedied both with and without the cooperation of that property owner and to indicate that solution on the drawing (asphalt or bullnose) to insure that the Board and Building Inspector understand what is to be constructed at the site.

For next month's meeting, the applicant will incorporate the changes noted in the landscaping (including a hose bib/spigot) and the UCPB recommendation into a revised plan.

Regarding the design of the structure, most board members felt that the hand drawn sketches submitted were sufficient since it showed mass, form and the description of the materials. Mr. Alfandre pointed out that the code doesn't require regulating the exterior of buildings except in the Gateway District. Ms. Elwell noted that finished rendering were not required by the code and felt the submission was sufficient as long as the final design did not deviate significantly from this drawing. Mr. Curran disagreed with this interpretation concerning the nature and extent of drawings required for site plan approval.

Mr. Danskin was comfortable with the two elevations shown, but felt that the two other elevations were equally if not more important and requested that the applicant include all four elevations in the next submittal. Mr. Alfandre said he would also include as many details as time permitted before the next meeting regarding material samples, colors, and detailed elevations.

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

Preliminary Subdivision Plat Review

Applicant Present: Erin Quinn

The Chair felt the Board could better assess the issues at next month's meeting since they just received Dave Clouser's report regarding general engineering issues (with the exception of the

drainage issues which will be forwarded under separate cover) and conformance with the Zoning Code. The report cited the omission of sanitary and water connections for both lots and driveway access easement metes and bounds (and easement agreement). He noted that area variances would be required from the ZBA as the plan did not show code compliance regarding rear yard setbacks (lot A), residential parking (both lots) and possibly lot width.

The Chair suggested the applicant review whether this subdivision was practical given the complications and problems inherent in the plan. Ms. Elwell concurred that there was no way to treat the proposal as two separate lots with the configuration presented. She emphasized that the problem was not having two houses but having the two houses on two separate odd-shaped parcels.

As noted last month, Ms. Quinn reiterated that the existing house was set back far from the street and the proposed new house would be more in line with the streetscape and that the expansion was planned to accommodate the existing wet areas and preserve the large maple tree in the front.

While the Board and applicant wait for Mr. Clouser's report on the drainage issues, the Chair suggested that Ms. Quinn meet with the building inspector to review the various code requirements for the subdivision as well as whether the existing lot size is adequate to accommodate two structures without the property being subdivided.

### **ZBA Recommendations**

ZB06-22: Dennis Annastas, 113 N. Chestnut Street. [SBL: 86.26-1-15 (B-3)]

Area Variance: Use of front yard for handicapped parking with additional spaces.

Mr. Danskin recused himself from reviewing this application since the selling realtor of this property is a real estate colleague of his.

The applicant identified the size and location of the property (across from Stewarts) and summarized the original 1999 approval which included 10 parking spaces on the side and in the back. He is requesting to construct handicapped parking in the front yard (replacing the existing lawn) to accommodate handicapped accessibility (ramp) through the front of the property. Mr. Annastas pointed out the minimum distance between the end of the building line to the street was 60' (and the maximum was about 125'), the 25' setback from the road, and 125' distance from the end of the parking area to the stream. He said he had contacted DOT and allowed for a 25,' 50' road from Route 32. He calculated the distance from the center line to the existing white line on the side of the road (12-1/2') and allowed another 12-1/2' which he called the 'buffer,' and showed 46' to the street parking along Route 32. He said the parking area would be either blacktopped or gravel.

Ms. Elwell thought that this application did not require a variance since every business in the (highway) B-3 district has parking between the street and the front of the building. She noted there were restrictions related to parking in the B-1 and B-2 districts but not in the B-3 district.

She made a motion recommending that if the ZBA determined a variance was required, it should be granted since this application was in accordance with the parking usage between the street and the building throughout the 0B-3 District and had no impact on the community. The motion was seconded by Ms. DuBois and passed unanimously by the Board.

Mr. Curran clarified that if the variance is granted by ZBA, the applicant would be required to return to the Planning Board for site plan approval at which time the application would be reviewed for design, landscaping, and vegetative buffers.

### **Other Business:**

1. Updating the Master Plan. The Chair announced the Village Board had requested the Planning Board's opinion on hiring Behan Associates to update the Master Plan. Michael Zierler summarized the history, process and progress of the review committee in evaluating the 12 year old Master Plan. The Village Board has proposed hiring Behan Associates to assume the work from the review committee and recommend a series of zoning changes to help implement the Master Plan. Noting Behan's previous work in the Village, the Board endorsed the concept and scope of the proposal including the incorporation of open space and design standards, and recommended the consultant meet with the review committee as well as with the Planning Board, ZBA and Historic Preservation Committee.
2. Review proposed Local Law Removing the Density Bonus for Senior Housing. When the Village Board proposed to repeal the density bonus for senior housing, the Chair requested to review the proposed law and submit comments from the Planning Board. After several requests, the Planning Board just received the material yesterday, July 17, 2006. Both the Planning Board and Village Board have just become aware of a provision in the Village code (section 212-69) detailing the protocol/procedure for initiating changes in the zoning portion of the Village code that includes: (1) an official written referral from the Village Board to the Planning Board and (2) a period of 45 days for the Planning Board to review and prepare its report to the Village Board (prior to a public hearing). The code also states that the Village Trustees cannot take any action contrary to the Planning Board's report that recommends disapproval or modification of the proposed amendment except by the adoption of a resolution setting forth the reasons. (The entire Text of 212-69 is at the end of this section.)

Acknowledging the importance of this issue, Board members volunteered to research and discuss the topic with a number of experts in the field prior to discussing this matter at the next workshop. The Board noted the recommendation of “disapproval” from the Ulster County Planning Board.

Mayor West said the response time for the Planning Board may actually be 60 rather than 45 days. He wasn’t sure if the recent Public Hearing on this proposal was still open. If closed, he said it would be re-opened at a future date. He stated there was nothing urgent about this proposal and noted that the density bonus did not refer to “affordable” housing

The Chair said the Planning Board would submit their comments to the Village Board within the 45 day period (starting 7/17) and suggested residents direct their comments directly to the Village Trustees. Section 212-69 reads as follows:

*“The Board of Trustees may, from time to time, on its own motion, or on petition, or on the recommendation of the Planning Board, amend the regulations and districts under this chapter provided that requirements for Planning Board review, notice, and public hearing are observed. A. Every proposed amendment not initiated by the Planning Board shall be referred to the Planning Board for an advisory report prior to public hearing. (1) The Planning Board advisory report shall be submitted within 45 days of the date of referral or within such longer time as may be agreed to. (2) The Planning Board report shall contain its written recommendations supported by a full statement of the reasons for such recommendations (3) The Board of Trustees shall not take action contrary to a Planning Board report which recommends disapproval or modification of the proposed amendment except by the adoption of a resolution setting forth the reasons for such contrary action.”*

3. Review proposed Local Law Providing for Affordable Housing in the B-2 District

Palladia has appeared a number of times before the Village Board to discuss their proposed 50 unit workforce housing for Plattekill Avenue but only presented this proposal to the Planning Board last month. A public hearing on the proposed local law regarding affordable housing in the B-2 District (which would allow this project to move forward) has already been scheduled for next Wednesday, July 26, 2006, although the Village Trustees have not received comments from the Planning Board. Ms. Heady stressed the need for better communication between the two boards, emphasizing the importance of including the Planning Board in the early discussions of projects that clearly affect planning and zoning in the Village. This proposed law is subject to the same procedures noted above requiring the Board of Trustees to request a report from the Planning Board prior to a public hearing

The Planning Board had engaged Michael Buser of Behan Associates to review the Palladia project and the proposed law; which was prepared by the Palladia’s attorney. Mr. Buser’s report and comments from Ruth Elwell were distributed to Village Trustees and the applicant. The applicant noted they have a finite time period in which to move forward (due to funding restrictions) and stressed that their threshold question is whether the Village is comfortable with this type of density. Ms. DuBois stated the question of density was extremely important and the impact of the proposed law was a far greater issue than just this one particular project.

Mr. Danskin announced that a meeting has been scheduled with Mr. Buser, Mr. Zierler and representatives from Palladia for next Wednesday to provide an opportunity for the experts and authors of the proposed law to share information and discuss the various issues in person. Several issues that Board members said they would like explored included: density; alternative code related approaches (planned unit development, flexible density); integration of market rate and affordable housing (the applicant said their funding source precludes this arrangement), greater commercial components, and the potential benefits of using a GEIS.

Board members said they would like to review the results of that meeting along with other comments from the business and residential communities prior to revisiting this proposal at the August 1, 2006 workshop.

4. Woodland Pond FEIS: Meeting between Applicant Board Consultants. The Chair asked Mr. Curran to prepare a memo to the Board summarizing the July 12, 2006 meeting between the Woodland Pond applicant and board consultants prior to the special meeting on July 25, 2006 regarding the FEIS.

**Adjournment:**

A motion to adjourn was made by Ms. Heady, seconded by Ms. Elwell and passed unanimously by the Board at 9:25 pm

Respectfully submitted,

Alison Shestakofsky  
Secretary to Village Planning Board

Copies to Trustee Michael Zierler  
Drayton Grant, Attorney  
Ted Fink, Planner

David Clouser, Engineer  
Bob Chamberlin, Traffic Engineer