

**VILLAGE OF NEW PALTZ PLANNING BOARD
REGULAR MEETING APRIL 17, 2007**

Call to order: The meeting was called to order at 7:12 p.m.

Members Present: George Danskin, Chair; Ray Curran, Ruth Elwell.

Members Absent: Marion DuBois

Also present: Dino Toscani, Drayton Grant, Dave Clouser, Al Wegener, Cynthia Rozenberg, Frank Mandy, Walter Kubow, Dorothy Jessup, Bill Schnitzer, David Porter, Bob Hughes, Michael Zierler; Village Trustee and Planning Board Liaison, and other members of the public.

Announcements from the Chair: The Chair reviewed the order of tonight's agenda which included an executive session to discuss a legal matter concerning a lawsuit filed in connection with the Board's action regarding Woodland Pond.

New Applications with Public Hearings:

PB07-08: 115 Main Street. Dino Toscani/119 Main Street LLC. [SBL: 86.34-6-13 (B-2)]

Site Plan: Enclose the existing outdoor patio.

Applicant Present: Dino Toscani

The public hearing was opened at 7:15 p.m. There were no comments from the public. Ms. Elwell made a motion to close the public hearing. The motion was seconded by Mr. Curran and passed unanimously by the Board. The Chair noted for the record that the Ulster County Planning Board's response to the referral of this application was "no county impact."

As requested by the applicant last week, Board members re-visited the site. Mr. Curran said that just last year Mr. Toscani persuaded him that an outdoor patio was a good idea as it allowed the applicant to expand his business while contributing to the character of Main Street. He felt this new application proposed the reverse. The applicant's initial application expanded the deli's activity out to the street in a positive way (e.g. sidewalk café) while this proposal eliminates and replaces the outdoor activity with an indoor kitchen/storage use. Mr. Curran was not persuaded that this change would benefit the neighborhood or the applicant. He felt the deli would be closed off to Main Street rather than celebrated. Ms. Elwell said this building had the most attractive design and streetscape of the three previous locations (the deli moved three times in the past 2 years). She urged him to wait another full season to measure the success of the outdoor dining area before proposing additional changes.

Mr. Danskin was concerned about the relationship of the addition to the street and the prevailing architecture. Since the building front is at an angle to the street, the line of the addition would be angled as well. He was also concerned about changing a fairly long shallow roofline into a structure that would feel imposing on Main Street. The Chair suggested tabling the decision until next month in order to prepare written reasons for denial. The applicant said he would prefer a vote tonight. He understood the Board's predisposition and accepted their preference.

Approval of Minutes:

Mr. Curran moved to approve the minutes for the March 6, 2007 workshop and March 13, 2007 regular meeting with one correction. The motion was seconded by Ms. Elwell. All voted in favor and the motion carried.

Executive Session:

A motion was made by Ms. Elwell to go into executive session. The motion was seconded by Chair Danskin and passed unanimously at 7:30pm. A motion to come out of executive session was made by Ms. Elwell, seconded by Mr. Curran and passed unanimously by the Board at 7:51 pm.

The Chair said they discussed a proposed settlement of the lawsuit brought by Save the Woods & Wetlands and other parties. A motion was made by Chair Danskin to authorize their attorney, Drayton Grant, to work with the other defendant in the lawsuit to make slight revisions to a draft offer of settlement and distribute that offer on the Board's behalf and if acceptable to all other parties, to execute it on behalf of the Planning Board. The motion was seconded by Ms. Elwell and passed unanimously by the Board.

Pending Applications

PB03-24: Kingston Regional Health Care System/New Life Management & Development Inc.
Woodland Pond at New Paltz, a proposed Continuing Care Retirement Community, North Putt
Corners Road. [SBL: 86.2-1-7; 86.2-1-2-112; 86.2-1-12.100 (PB and R-1)]

Applicants Present: Frank Mandy, NLMD; Cynthia Rosenberg, KRHCS, Troy Walter Kubow,
Engineer, The Chazen Companies.

Board Consultants Present: Drayton Grant, Grant & Lyons; Dave Clouser, Clouser & Associates;
Al Wegener

The Chair noted the site plan application was filed with the County Planning Board for review at its May meeting and a public hearing for site plan, special use permit and subdivision for May 8, 2007 at 7:30pm at Deyo Hall. The Chair said the Board will review site plan comments from Al Wegener and Dave Clouser noting that Brinnier and Larios' engineering annotations didn't allow much room for discussion.

The applicant updated the Board on their progress since last month's meeting as follows:

1. Susan Boyer (applicant's consultant) met with Mr. Wegener. The few outstanding landscaping issues will be discussed tonight. Walter Kubow (applicant's engineer) and Cynthia Rozenberg met with Dave Clouser to compare their lists and review the status of site plan issues, which will also be addressed tonight.
2. There's been no further progress regarding the routing of the water and sewer line and the PILOT agreement, both of which are under the purview of the Village and Town Boards. (The PILOT is back with the mayor and supervisor pending additional review. The applicant said he's been emailing the mayor on both these issues. Mr. Zierler said the mayor has not brought these items to the attention of the Village Board and encouraged the applicant to address correspondence to the individual members of the Village and Town Boards.
3. Mr. Mandy said the developer of the Lent subdivision was amenable to granting an easement and requested that only 2 parcels receive water and sewer lines as the rest of the subdivision already has plans and approvals for wells and septic systems.
4. The applicant has an agreement, in principal, with the Erman estate regarding a (paved) roadway on the west of the property.

Landscaping Issues. Mr. Wegener discussed his memo of April 16, 2007, identifying in detail the resolved items and the items that require further information and/resolution including the following:

- Item 5: The use of structural soil to provide soil volume for trees in the tree islands and bump outs. Mr. Wegener recommended this method while the applicant preferred the use of smaller trees spaced further apart due to the increased financial expense. Mr. Mandy said green space was given up to retain the 100' buffer from the wetlands as a result of the lawsuit. Ms. Rozenberg said this was also an issue of scale, noting that she preferred large trees around the big building but not in the small parking islands. For the next meeting, the Chair asked the applicant to provide the incremental cost differential between the two methods and to identify the specific trees and tree areas in the equation.
- Item 6: Planting for Zone A of the west embankment. Mr. Curran requested information about the amount and density of the plants/trees on the western slope.

- Item 7: Blockade Fencing in relation to the tree. Ms. Rozenberg agreed to create a low boulder wall to keep the foot of the western slope back so the tree can be saved. She noted that if this protection, at the 1.5' radius ratio pushes the boulder wall back further east so that an engineered retaining wall is required, and only in this case, they will sacrifice the tree, not construct the engineered wall, and replant a negotiated tree. Ms. Elwell said they understood that due to the nature of this site, all the landscaping and tree plantings cannot be totally planned out in great detail. The Board must allow some flexibility within the basic precepts, concepts, and numbers.
- Item 8: Procedure to Prevent Compacting of Soil. After discussing the protocol for documenting procedures for the construction workers and landscapers, the Chair requested the applicant outline the procedure at the time of site plan approval.

The Chair said the Board would entertain comments/questions from the audience. Mr. Clouser distributed his memo to the Board listing "site plan review comments to be addressed" which consolidated issues identified at the April 4, 2007 meeting with other documentation from the Board and the applicant. Some of the issues had been previously resolved and/or agreed to by the applicant. The following items were discussed in more detail for clarification and consensus:

Item 3: Stormwater Design: The applicant's engineer is currently working on the Stormwater Pollution Prevention Plan (SWPPP) for the approval of both DEC and the Planning Board. Since the applicant will be disturbing more than 5 acres at a time a DEC waiver will be required. Due to the contaminated soil and the size of the project, Mr. Mandy said it would be impossible to build the project without the waiver. The waiver request and staging plans, which will be developed by Mr. Kubow and the builder, will take some time to complete. The applicant discussed procedural timetables and said the waiver would be obtained between site plan approval and the beginning of construction (@ 12 weeks). Mr. Clouser said phasing is important, due to temporary disturbances, and the SWPPP should be obtained before site plan approval and noted that the SWPPP was a joint responsibility between DEC and the municipality. Ms. Rozenberg clarified that the SWPPP will be prepared and submitted to the Board before site plan approval but the DEC waiver will come later. The Board asked Mr. Clouser and the applicant to resolve any remaining issue on this topic.

Item 4: Soil Management Plan: The applicant said they would show the soil management plan on the site plan.

Item 5: Bus Stops: The applicant explained they will have their own van/bus service and did not intend on using UCAT services to meet the needs of their residents. They preferred passengers wait inside their lobby rather than outside. Bus schedules will be determined by a residents' council. Although the applicant was amendable to Mr. Curran's suggestion to explore having a UCAT stop for employees and visitors, the Chair clarified that the goal of the Board is only to insure that the residents have a means of transportation and the privately owned bus service provides that service

Item 6: Highway Work Permit: The Findings statement included a condition that a left hand turning lane be created on N. Putt Corners Road before the CO is issued. Noting that it would not be possible to obtain this permit quickly and that there would be a the long period of time until the facility will be operational, the applicant requested putting a note on the site plan acknowledging their intention to pursue this immediately after the start of construction. Mr. Clouser suggested the preliminary design be submitted to the County for review at this time.

Item 8: Site Lighting: The County will require additional detailed information on lighting. Mr. Mandy pointed out that the Village lighting guidelines designating a 12' lightpost will not provide adequate lighting of the parking lots for its senior population. Mr. Clouser agreed. Since the lighting criterion was stipulated in the Findings, the Chair will ask legal counsel regarding procedures to amend conditions that are no longer realistic.

Item 11: Fire Protection: The applicant will provide documentation from the Fire Department

Item 14: Construction Time Restrictions: The applicant said they didn't intend to work seven days a week, but would work on some weekends to make up actual or forecasted down time due to inclement weather and would always adhere to the noise ordinance.

Other issues that arose included the delineation of the open space preserve (this will be included in the most current site plans and brought to the public hearing) and the presentation of sample materials (a narrative of the specifications and a small sample will be provided).

Mr. Clouser also included a sample list of issues to be addressed in a Developer's Agreement between the Village and the Applicant, to be executed prior to final site plan approval, to cover any remaining outstanding issues.

Ms. Rozenberg read various iterations of site plan issues with their current status: The only remaining issues were the phosphorous loading report (which their engineers are working on), lighting (pending revision), construction oversight (Planning Board or Village Board issue) and the water-sewer-utility route and PILOT (the latter two are under the purview of the Village and Town Boards).

In response to the applicant's question about recreation fees, the Chair explained that a payment of a \$3,000/unit into the municipal recreational fund was standard for developments that did not provide on-site recreational facilities in order to meet the increased demand on the community. The Planning Board can determine that on-site recreation facilities are satisfactory to meet the residents' need. The applicant also noted their donation of land to the Greenway Preserve for public use. The Chair said they wouldn't make a decision on this until after the public hearing.

Mr. Curran expressed concern about neighborhood access to the proposed preserve through the development site. He noted that none of the four current ATV trails appear on the site plan. Ms. Rozenberg explained that since the cottages were moved over (due to the lawsuit) the access from the development to the lower area is on the maintenance road. Ms. Boyers had proposed some plantings, especially on the eastern side, to visually buffer a trail from the development area. Mr. Curran described and illustrated two possible access points (via sidewalks) that would create a circuit for more adventuresome senior residents without requiring any major changes in the site plan. The applicants were amendable to the plan but concerned the trails would go through the wetlands. Mr. Curran said his concern was access from the neighborhood and noted that open space consultants would develop the trails. The applicants took Mr. Curran's mock-up of access points.

Two other items were discussed: (1) The applicant requested a stenographer for the May 8, 2007 public hearing. (2) Although premature in the schedule, the Chair discussed waiving the default provisions for approval for subdivision. The state law requires that 62 days after a public hearing, a decision must be issued or approval is by default unless otherwise determined. The Chair suggested a stipulation on the record that the applicant will waive any rights to an approval by default or agree to suspend the deadline to the last day in June, 2007. Ms. Rozenberg said she needed to discuss this with her attorney.

Adjournment:

A motion to adjourn was made by Ms. DuBois, seconded by Ms. Elwell and passed unanimously by the Board at 9:56 pm.

Respectfully submitted,

Alison Shestakofsky
Secretary to Village Planning Board
Copies to Trustee Michael Zierler
David Clouser, Engineer

Drayton Grant, Attorney
Bob Chamberlin, Traffic Engineer