

**VILLAGE OF NEW PALTZ PLANNING BOARD  
WORKSHOP MEETING JANUARY 9, 2007**

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

**Members Present:** George Danskin, Chair; Ray Curran, Marion DuBois.

**Members Absent:** Ms. Elwell.

**Also present:** Dino Toscani, Paul Caltagirone, Jay Samuleson, Jayne Daly, Frank Mandy, Cynthia Rosenberg, Jessup, Maggie Ramirez, Bob Hughes, David Porter, Erin Quinn (left after Toscani applications), Trey Daniels, Kathy Moniz, Bill Schnitzer, Michael Zierler; Village Trustee and Planning Board Liaison, and other members of the public.

**Announcements from the Chair:**

The Chair reviewed the agenda for this evening including project applications and the following Planning Board business items: (1) and update on Stoneleigh Woods and the consensus building process and the designation of a Planning Board representative for the initial phase of that project and (2) expectations for the January 20 meeting regarding the Affordable Housing Development District law and Palladia, the affordable housing project currently under discussion.

The Chair has no comment on the substance of the lawsuit filed by Save the Woods & Wetlands Association against the Planning Board and others, per the advice of the Planning Board's attorney. He said the applicant's representatives will update the Board later this evening on their meeting with the filers of the suit.

**Approval of Minutes:**

A motion was made by Ms. DuBois to adopt the minutes of the December 5, 2006 workshop and the December 12, 2006 regular meeting. The motion was seconded by Mr. Curran and passed unanimously by the Board.

**New Applications with Public Hearings:**

**PB07-01: Moshe Plotkin. 10 South Oakwood Terrace [SBL: 86.34-11-14 (R-2)]**

Site Plan: Construct addition on rear of existing house.

UCPB Review: Pending

The Chair announced that the Public Hearing will be held next week on Tuesday, January 16<sup>th</sup> and would take comments from the public at that time. He reviewed the background of the applicant's special use permit (SUP) approval for a House of Worship and the variance from the ZBA to build a larger structure within a specific alignment. He explained that site plan approval was required because the structure was a House of Worship as well as a residence and noted he had met with the applicant last month to review the requirements of a site plan application.

In addition to the site plan, Rabbi Plotkin submitted computerized drawings. He confirmed that the addition was 20' x 30' and included a bedroom on the second floor for residential use. He said there would be light blue vinyl siding and grey shingles to match the existing structure. The garage would be removed and the entire back area would have a white vinyl fence around the lawn to shield the view from the Center Street neighbor and the fence would be covered by an existing hedge. There would be 2' of plantings around the visible sides of the addition (not on the north side) and the fence would be moved over 6" to the newly defined property line. The current driveway which is 2' away from the house and sloped downward would be flattened and modified to be parallel and handicapped accessible to the house. He presented a drainage plan that he said was reviewed by the Village Department of Public Works and detailed footing drains that flowed into a dry well system (on the street side of Center Street) and emptied into Village storm drain system.

The Chair noted that the SUP approval stipulated that when the garage was taken down on the east side of the property, "the applicant must return to the Planning Board and address a buffering configuration to mitigate the impact of noise and light." He felt a vinyl fence would probably not be an adequate buffer, given the building's use as more than a residence. He suggested a dense planting of evergreen trees to effectively screen the view from the neighbor's first floor windows. The applicant said he wanted the whole yard as a play area for their children and noted there were bushes that would block the vinyl fence most of the year. There was a brief discussion about the size and use of the lawn area. The applicant said he would consider plantings that were not too expensive and not substantially reduce the size of the lawn. The Chair noted that the landscaping expense would be a small fraction of the total construction cost. The applicant was urged to return next week with a landscaping plan to buffer the area.

**Pending Applications:**

**PB06-41: Dino Toscani. 123 Main Street [SBL: 86.34-6-16.3 & 17 (B-2)]**

Site Plan for 13,200s/f of retail space, 24 apartments and parking.

Applicant Present: Dino Toscani, Jay Samuelson, P.E., Jayne Daly, Atty.  
and

PB06-33: Dino Toscani. 127 Main Street [SBL: 86.34-6-11 (B-2)]

Site Plan and Special Use Permit: To build an outdoor dining area for the restaurant downstairs and create a catering hall upstairs.

Applicant Present: .DinoToscani, Paul Caltagirone, Attorney, Sall, Caltagirone & Coleman Esq.

The Chair asked the representatives from both of Mr. Toscani's applications to come to the table simultaneously since they shared parking requirements and a proposed road connection. He noted that one of the conditions of the SUP granted for the restaurant at 127 Main Street (5/2006) was on-site parking at 123 Main Street, and that the additional parking requirements for the catering hall and outdoor dining at 127 Main Street was also initially sited at 123 Main Street. He concluded that the total parking requirement for all three uses could not be fulfilled at 123 Main Street. He was also very uncomfortable that one of the conditions (parking) on which the restaurant approval was granted was now being changed and also questioned what should happen to the occupancy rate when that lease expires. The applicant said the parking conditions have changed because the Board requested the projects be presented/reviewed in phases. Mr. Caltagirone said that the last phase, which is now being presented, effects the prior phases and this would not have been the case if the entire project could have been presented at once.

Ms. Daly said the spaces for the restaurant were leased at 123 Main for only one year and now the applicant has demonstrated (by the parking study just submitted this evening) that there is adequate parking for all three uses (107 spaces) within the 400' radius as required by the code. In addition to the parking study, the applicant said there was 45 additional leased parking spaces located at 108 Main Street (a letter was presented) and 101 Main Street (no new letter was presented from Mr. Savago since 1995). Ms. Daly noted this application was before the Board prior to, and thereby not subject to, the moratorium and therefore, also concluded that 123 Main Street was a completely separate and independent project.

The Chair noted that daily commuters parked on Prospect Street for the Trailway buses from early in the morning to late evenings and the applicant responded that these were still "public" spaces. Ms. Daly explained the study and said they relied a lot on the initial studies from Alandre Architects in calculating the demand and availability (number) of spaces. She also noted that the Board's traffic consultant, Mr. Chamberlin, advocated reducing the parking requirement at 123 Main Street. The Chair reiterated that he wanted to review the projects together.

Specific Issues: 127 Main Street.

Language for open admissions/cover charge. Mr. Caltagirone did not present draft wording limiting the applicant's use of a cover charge to meet the concerns of the Board (night club, frat parties, open bar), as requested at the last Board meeting. He said his attempts to define the situation left the operation more open to misinterpretation and felt that the availability of food one hour prior to closing and the fact that the applicant would have to return to the Board for a special use permit for entertainment demonstrated that this was a food based established.

Since there is no definition of a catering hall in the code, the Chair suggested Mr. Caltagirone could perhaps define the actual use by stating what it is and not concentrating on what is isn't. The Chair then presented a letter from concerned neighbors about the projects to all representatives. Mr. Caltagirone objected to the submission as inappropriate at this time given that the public hearing on 127 Main Street had been closed (and noted that the public hearing for 123 Main Street hasn't even been scheduled).

**Specific Issues: 123 Main Street**

Mr. Samuelson said he wanted to get the site plan process moving forward on this application. The following items/issues were noted:

1. Parking/Transportation: The Chair asked Mr. Samuelson to respond to Mr. Chamberlin's report and suggested that he direct any questions to the Board's consultant. Mr. Samuelson said he found no major or irresolvable issues in the report and would correspond with Mr. Chamberlin and respond in writing to the Board.
2. Application Status: Mr. Samuelson said the application was complete except for building elevations. The draft has been revised from three stories to two stories; new drawings will be submitted to the Board as soon as the architect adds the elevations. He said they have shown a fairly detailed concept plan although there is still a lot of engineering work to be done and some alternations to be made regarding Mr. Chamberlin's letter and would like to start the SEQR process for this application.
3. Storm Water Management: Mr. Samuelson noted there were several alternatives to control the increased runoff based on the new DEC regulations; the option he proposed was a series of pipes underneath the parking lot that would detain the water and release it at a rate equal to the current run off. There will be access points that would be privately maintained. The Chair asked if this plan would incorporate the drainage change undertaken by the applicant a year and a half ago. Mr. Samuelson said this issue was not resolved. He would like to discuss this with Mr. Clouser to determine whether the starting point is from today's conditions or the existing conditions prior

to those improvements. The Chair suggested reviewing and incorporating what had been done into the evaluation, assessment and resolution of this issue; he did not believe the previous work would be grandfathered in despite the applicant's assertion of having acquired state and local approval for this work.

4. Density: The Chair suggested that the applicant provide a project summary indicating the density calculation based on the proposed change from residential to commercial use on the second floor.
5. Buffers/Landscaping: Mr. Samuelson described the general proposed landscaping plan within the 30' buffer area including a 2 tier wall about 6' each and separated by 12' to allow plantings between the walls around the north and west sides to provide screening for the neighbors in the apartment buildings located about 12-13' below the parking lot.
6. Access: The applicant is attempting to gain access through other adjoining properties instead of Main Street. Ms. Daly noted there is at least a 20' grade differential between this site and the neighboring ones. The current proposal is to connect this property to the driveway for 127 Main Street.
7. Grading/Fill. The Chair stated the Board would need information about filling and grading.

The Chair asked the applicants to think about merging the two applications in some fashion for review purposes (and to facilitate the required impact statement for 123 Main Street) although one application is much closer to completion than the other. He also would like to have a clearer idea of what the Village Board is planning for parking and how it may apply to this application. Mr. Curran agreed that it would be less confusing to present the two applications together to determine their relationship to each other.

The Chair will contact Mr. Clouser about this proposal and Mr. Samuelson will follow-up with Mr. Clouser next week. For the next meeting, Mr. Samuelson will submit written comments on Mr. Chamberlin's traffic/access report and either he or Mr. Clouser will present a resolution regarding the drainage situation. The Chair reiterated his concern about the elimination of designated parking spaces for 127 Main Street at 123 Main Street and will follow-up on this issue with the Board's attorney.

PB04-16: Seakill Custom Builders. Victorian Square LLC. South Manheim Boulevard  
(NYS Route 32). [SBL: 86.42-7- 1-13, & 17 (R-2)]

Findings

Applicant Present: George Sifre, Barry Medenbach, Medenbach & Eggers

The Board reviewed the revised Findings Statement and one item regarding tree removal was amended for clarification purposes. A motion to adopt the Findings was made by Mr. Curran, seconded by Ms. DuBois and carried unanimously by the Board. The Planning Board secretary will distribute the Findings to all involved and interested parties.

The Board confirmed that the proposed on-site and off-site wetlands mitigations must be approved by the Army Corps of Engineers before site plan approval could be granted. It was also noted that the applicant's attorney was still researching the issue of age-restrictive and non-restrictive housing laws and compliance with the Federal fair housing law.

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 Wojciekofsky;  
The Chazen Companies

Mr. Mandy said they would not discuss site plan issues tonight since a lawsuit was filed against the Village questioning the application's adherence to the SEQRA process. Since that time, they have attempted to negotiate with the groups that filed the suit; they had met with them and offered some minor changes to the site plan to accommodate their concerns about the wetlands and buffers. Since only the Planning Board has the authority to approve such changes, the applicant's purpose tonight is to acknowledge the meetings that had occurred and to inform the Board of the proposed site plan revisions. If the groups that filed the suit are satisfied with the changes and withdraw the suit, the applicant would still have to return to the Planning Board to approve those changes. Ms. Rosenberg said the revisions were not being submitted for review at this time since significant compromises were made that they would not want the Board to consider if the lawsuit is not withdrawn. The applicants are scheduled to meet again with the two groups next Monday.

Mr. Mandy showed the revised site plan and identified the (15 acres of federal) wetlands, the 100' buffer around the area, and the areas that infringed upon the buffers (main access road, the secondary access road – and the road to the storm water detention basin). Some of the site plan changes noted were as follows: cottages were squeezed closer together (one cottage was placed in front of the loading block), the emergency (secondary access) road was moved, the shape of the parking area was changed and landscaping areas were eliminated in order to move the access road further from the wetlands.

Mr. Mandy summarized the results of these changes as following:

1. Of the 16 acres of wetlands, there is now only one area of direct wetland impact of 1/10 of an acre; this represents less than 3/4 of one percent direct wetland impact for the entire project. (The creation of the entrance road via North Putt Corners requires enlarging the existing culvert on the farm road into the property.)
2. The total "buffer" area is @ 32 acres, and the revised plan shows development in only about one acre of that buffer area. Therefore 31 acres (97% of the total buffer area) surrounding the on-site wetlands remain completely untouched. (The 3% intrusion is due to road construction.)

The applicant didn't know whether they could make too many more site changes without affecting the community's ability to operationally function as it should and serve the needs of the residents. Ms. Rosenberg noted that many revisions had been done since the initial site plan and each iteration resulted in the loss of internal landscaping. Ms. Rosenberg explained that this plan, which is primarily unrelieved hard surfaces within the development area, is *only* being offered to achieve the withdrawal of the lawsuit.

The applicant plans to return next week to continue the discussion of site plan issues.

Regarding road issues, the Chair clarified that the Board's consultant recommended having a secondary road. This week, Mr. Chamberlin and Mr. Clouser will visit the site and evaluate the potential for a realistic interconnecting road to meet the concerns of Mr. Ermin, one of the adjoining property owners. Chazen engineers/botanists will also be consulting with Mr. Wegener and Mr. Clouser regarding the western slope.

Mr. Zierler said the report from the Open Space Committee will be forwarded shortly.

**Other Business:**

Stoneleigh Woods Consensus Building: Planning Board Representative

The contract with the facilitating group has been signed. There was a brief discussion about the next steps and stakeholders in this process. Mr. Curran nominated Mr. Danskin as the Planning Board representative for this phase of the project. Ms. DuBois seconded the nomination and Mr. Danskin was appointed the Board's designee.

January 20, 2007 Meeting: Palladia and the Affordable Housing Development Law

The meeting will have two parts

1. Presentation by Behan Associates on the proposed affordable housing development law.  
The Board has a copy of the proposed law and will have an opportunity to ask questions at the meeting. Mr. Zierler requested the Planning Board try to present formal comments to the Village Board (VB) shortly thereafter since the VB has scheduled a public hearing on this item for January 24, 2007.
2. Presentation of Site Plan by the Palladia Development Team. Alfandre Architects will submit a small size site plan to the Board early next week. Board members will have an opportunity at the meeting to ask questions and comment on the plan. The Chair also hopes to be able to accommodate questions or comments from the public.

**Adjournment:**

A motion to adjourn was made by Mr. Curran, seconded by Ms. Dubois and passed unanimously by the Board at 9:08 pm.

Respectfully submitted,

Alison Shestakofsky

Secretary to Village Planning Board

Copies to Trustee Michael Zierler  
David Clouser, Engineer  
Bob Chamberlin, Traffic Engineer

Drayton Grant, Attorney  
Ted Fink, Planner