

**VILLAGE OF NEW PALTZ PLANNING BOARD
WORKSHOP MEETING MARCH 6, 2007**

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

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

Also present: Dino Toscani, Paul Caltagirone Frank Mandy, Cynthia Rosenberg, Susan Boyer, Walter Kubow, Nancy Vlahoes, Dorothy Jessup, Michael Zierler; Village Trustee and Planning Board Liaison, and other members of the public.

Announcements from the Chair:

The Chair noted the following applications would not be discussed this evening

1. 123 Main Street: The applicant's consultants aren't ready to proceed right now; they asked to appear before the Board in April 2007 and
2. 10 South Oakwood Terrace: Engineering changes are currently being made in compliance with Mr. Clouser's recommendations concerning the drainage system. A completed plan will most probably be submitted for next week's regular meeting

The Chair noted that Rachel Lagotka would be interviewed this evening for the vacancy on the Planning Board.

In response to questions from the audience regarding 10 South Oakwood Terrace, the Chair summarized that after last month's meeting there were two outstanding issues: (a) the landscaping/buffering plan in regards to the property to the immediate east – which the Board believes has since been resolved and (b) engineering criticism of the storm water drainage system – which the applicant is currently addressing. Regarding issues of non-compliance with the Special Use Permit for a House of Worship, the Chair reiterated that he felt it was unfair to discuss a case when the applicant was not present and said that whatever discussions the Board may have about this case will not be held until the applicant is present.

Approval of Minutes:

Approval of the minutes for the February 6, 2006 workshop and February 20, 2007 regular meeting was postponed until next week.

Preliminary Discussion

PB07-05: Kip and Adele Ruger. 15 Mulberry Street. [SBL: 86.26-2-23 (R-3)]

Site Plan: Construction of a 14 unit multiple dwelling (studio apartments) either one or two stories.

Applicant Present: Kip and Adele Ruger

The applicant proposed constructing 14 studio apartments within one building on the lot at 15 Mulberry Street. They felt this would provide a more reasonable financial arrangement to meet the current housing need for single working adults; although they would also entertain renting to others. Mr. Ruger showed drawings for both a one story and two story structure; the length of the building would remain the same and the front (with doors/porches) would face Henry W. DuBois. It was noted that the single family house currently on the lot would remain as a rental property.

There was a brief discussion concerning density. Although the applicant and the Building Inspector had considered this "one building," Ms. Elwell pointed out this was not a single family house (with multiple bedrooms and a shared kitchen/bathroom etc.) but a multiple family dwelling since each unit was separate and complete.

The Chair suggested that he and the building inspector meet with the ZBA Chair regarding the interpretation of the code in the context of this parcel and determine how to measure the density for this structure. Considering the existing single family building use requirements (in terms of density and lot size) already on this parcel, they will determine how many additional dwelling units would be allowable. The Chair will contact the applicant with the results before next month's meeting.

The Board was very positive about the concept of individual studios, and expressed opinions that it would be more affordable and beneficial to the Village than larger sized apartments. Ms. Elwell, a long-time proponent of changing the zoning code to accommodate greater density for smaller dwelling units, felt this was a good location for such a development. Since the code is currently based only on the number of dwelling units, there is no incentive for smaller apartments (e.g. if five dwelling units were permitted, the owner could build either five studios or five 1-or 2-bedroom apartments).

Pending Applications:

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: Dino Toscani, Paul Caltagirone, Attorney, Sall, Caltagirone & Coleman Esq.

After reviewing the letters from the Village Board's attorney to Ms Grant (Planning Board's attorney) and Ms. Grant's memo, Mr. Caltagirone felt there was not a conflict between the two pieces of correspondence. He said the Village Board attorney agreed with Ms. Grant's definition of the term

prospectively as “going forward” but disagreed with her opinion that the moratorium applied to this application, stating that the moratorium would not apply to any application which was pending and complete at the time of the effective date of the moratorium and that the Planning Board would determine whether an application was “pending and complete” at the time of the moratorium. Mr. Caltagirone said that when the moratorium went into effect, the application for the outdoor dining area was pending and complete and the Public Hearing had been held. Therefore, he said, the moratorium did not apply to the outdoor dining portion of the application. He said the applicant was willing to compromise by moving forward with the outdoor eating area and putting the 2nd floor catering hall portion of the application on hold. The second floor component would track the application for 123 Main since the noise mitigation issues (for 127 Main) are to be addressed by the development of that parcel. During the interim time, the applicant would waive time limitations to allow the matters to proceed in that fashion. *Issues pertaining to the 2nd floor would not be addressed until the Board was satisfied with the noise mitigation efforts required in developing the 123 Main Street parcel.* The applicant stipulated that the outdoor deck would close at 9 pm instead of 11 pm during that period.

The applicant confirmed the size of the deck as 40' x 40' with a maximum capacity of 60 patrons. There would be an 8'h decorative block wall to the north and east; and a 40" wall on the west side.

Regarding parking issues, Mr. Caltagirone said the original (restaurant) application as submitted had ample parking to include the deck and that the question of ample parking arose when they included the additional patrons upstairs. He noted that their parking study and additional information was in conjunction with the upstairs portion of the application which will now be delayed. He reiterated that (1) there is ample parking based on the original application and (2) the parking study showed more than adequate parking. He said the 123 Main Street lot and two leased lots provided more than sufficient parking for the first floor restaurant (already approved) and the deck.

The Chair pointed out that at one point the parking for the first floor restaurant (33 spaces), the deck (20 spaces) and the second floor catering hall (54 spaces) at 127 Main Street had all been attributed to 123 Main and later on December 13, 2006 the applicant rescinded that parking plan noting that he did not intend to renew that one year lease.

The Chair said the Village is on the verge of adopting a revision to the parking code. Although the Board agrees with the applicant's concept of shared parking, implementation is more difficult. Based on recent experience, the Chair wanted more stringent requirements to avoid pragmatic difficulties and insure greater enforceability (e.g. longer leases, binding clauses, signage). He cited the case of Blockheads, where the Board allowed additional seating based on the parking agreement with the Bank of NY and now that property is closed to all but bank business parking.

Mr. Caltagirone said the applicant needed only 8 parking spaces and identified the following 45 spaces: 8 on-site at 127 Main; 25 spaces from agreements with Skytop (across the street) and 12 spaces from Pete Savago. He said the parking study clearly shows that there are much more than 8 spaces available even if they don't use any parking at 123 Main Street; although the applicant could dedicate 8 spaces at 123 Main and provide the Board with the information they requested.

Ms. Elwell repeated the concern about lease agreements; noting that without an easement or long-term lease, the current owner could sell the property at any time and the new owners would not be obligated to continue the agreement.

Mr. Caltagirone appreciated the Board's concern and predicament but noted three applications had been approved without additional long term off-site parking commitments during the time this application was pending. He agreed that such commitments should probably be part of the code revisions and enforceable, but emphasized that such requirements not be applied in this case since the application has been pending for more than a year and that it would be unfair to apply different standards to different applications.

Since the parking was no longer assigned to 123 Main Street, Ms. Elwell reiterated her position to abstain on applications based on parking studies because they deal with an unworkable/ambiguous piece of legislation.

Mr. Toscani said that the 37 off-site parking spaces would eventually be incorporated at 123 Main Street. Mr. Caltagirone explained that all the spaces would either have to be calculated as part of the parking study if off-site parking is required at 123 Main or will be included in 123 Main Street. Mr. Curran asked if the Board could include, as a condition of approval, that those 37 spaces eventually be included in 123 Main Street. Although Mr. Toscani said that the current plan for 123 Main includes over 50 extra spaces of which 37 could be allocated to 127 Main Street, Mr. Caltagirone said they couldn't guarantee that parking until the 123 Main Street application was approved with a specific number of required parking spaces. Since each project involved different financial parties, one party couldn't make a commitment concerning the other property.

To ascertain whether the application was completed before the moratorium was enacted, the Chair reviewed a brief history of the application and moratorium:

09/08/06: The site plan and SUP for the outdoor dining and second floor catering hall application specified that all required parking would be located at 123 Main Street.

10/07/06 The restaurant moratorium expired.

- 11/14/06 In a workshop discussion, the applicant stated that since he owns the parking lot in the back, he would not be required to provide any on-street or public parking spaces.
- 11/15/06 Received non-binding comments from the Ulster County Planning Board
- 11/21/06 The public hearing was opened, conducted and closed after which there was a discussion with the applicant on a variety of issues.
- 12/06/06 The Village Board adopted an extension to the restaurant/bar moratorium and included phraseology related to being applied "prospectively."
- 12/12/06 At a Planning Board meeting, the applicant gave the Board its first indication that parking at the establishments at 127 Main would not be provided at 123 Main Street. In discussing 123 Main Street, attorney Daly commented they could not provide parking for 127 Main because they have to plan to develop that parcel for commercial use. Mr. Caltagirone confirmed parking requirements for all three establishments at 127 Main (107 spaces) and that the applicant would perform a parking analysis per similar cases. Mr. Zierler indicated the moratorium had been adopted by the Village Board.
- 12/13/06 The moratorium was filed with the Department of State.
- 01/09/07 The Board received the parking study which served in lieu of on-site parking at 123 Main.

Mr. Caltagirone noted that the original (approved) application did include a letter reflecting a one-year lease at 123 Main Street. When this special use application was submitted, the applicant was relying on the same lease and the availability of those parking spaces. When the moratorium was re-enacted and the Board expressed concerns regarding the availability of those spaces (which are still available to them), the applicant agreed to also submit a parking study similar to those submitted by the other applicants who had been approved during the first moratorium. *Mr. Caltagirone asserted that the application was complete, relying upon the available parking pursuant to the lease, prior to the enactment of the moratorium.* Although they did not file the parking study until after the effective date of the moratorium, he said that as of the effective date of the moratorium, the application was complete and showed ample parking available at 123 Main Street – which still remains available at this point in time.

The Chair felt that the application was incomplete at the time the moratorium took effect since the parking study was submitted after the moratorium took effect. The applicant said that even if the agreement expires at 123 Main in three months, there still is ample parking. The applicant will put up signs, advertising parking for 127 Main, at 123 Main Street.

Ms. Elwell said this application was as complete, or more complete, at the time the second moratorium was adopted as Blockheads and the other restaurants were at the time the first moratorium was adopted. Mr. Curran agreed and preferred to move forward with the evaluation of the proposal itself based on the parking availability offered by the applicant.

A motion was made by Mr. Curran to determine that the application was complete at the time of the moratorium and therefore was not subject to the moratorium. The motion was seconded by Ms. Elwell and carried by a vote of 3 ayes to 1 nay (Mr. Danskin). The secretary asked for confirmation regarding whether the change in parking from off-site at 123 Main Street to the parking study was a substantive change that required a new public hearing. There was no support for the need of another public hearing from three of the four board members.

The Chair asked Mr. Caltagirone to return with a written protocol for documenting, advertising, monitoring and protecting the off-site parking area. Mr. Caltagirone said that this application should be subject to the same, not more, stipulations as the previously approved applications and noted those applicants were not required to provide such documentation. The Chair asked if they could improve the situation by addressing those issues.

ZBA Recommendations

ZB07-05: Bassam Serdah. 3 Prospect Street. [SBL: 86.34-6-9 (B-2)]

Use Variance: to convert the lower level of the building from commercial space to a residence with a professional office

Applicant Present: Bassam Serdah

The Board reviewed the history of the application including the recently approved area variance to create commercial space on the lower level of the building (based on financial hardship) which made the building more conforming. The applicant said that since he was unsuccessful leasing this space commercially (he said the low ceiling height prohibited potential restaurant and laundromat tenants), and is currently renting the space as a residence with a professional office to meet increasing expenses (insurance, taxes). He is requesting a variance to legitimize this current use. The building inspector said that the height requirement for a commercial space is actually less than for a residence and if the ceiling is less than 7-1/2 feet, it will have to be modified to qualify as a residence.

The change in use would make the building entirely residential and thereby less conforming in both area and use for the B-2 district. Ms. Elwell felt this was a self-imposed hardship and did not meet the standards for a use variance. Mr. Curran supported the variance from a land use prospective noting that only while that corner was in the B-2 district, the remainder of Prospect Street was in a residential district. He felt this change in use did not add any demands on the site and that an additional residence with an office was acceptable, perhaps even desirable, in this area.

A motion for a positive recommendation was made by Mr. Curran and seconded by Ms. DuBois. The motion passed by a vote of three ayes to one nay (Ms. Elwell).

ZB07-06: Martin Pidel. 17 S. Manheim Blvd. [SBL: 86.42-3-60 (R-2)]

Area Variance: to add a fourth bedroom by converting the garage to a bedroom (with bath).

Applicant Not Present

The Board did not review this application as the applicant was not present.

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, Susan Boyer, Landscape Architect, The Chazen Companies.

The Chair noted that the Board would not be commenting on the plans presented as they are seeing it for the first time this evening. Susan Boyer, landscape architect, said the goal was to create a landscape for the development which would be beautiful, interesting and varied and provide opportunities for the residents to contribute. The conceptual plan shows the relationship of the major trees and shrubs to the roads, buildings and parking areas. She followed the Village guidelines and felt this plan embraced the spirit of the Village.

She identified and reviewed the design goals and designated plantings, buffers and screenings for each area around the buildings, courtyards, walkways and other areas (parking lots, loading areas). The main entrance is a tree lined boulevard with flowering trees down the middle; the cottages have more naturalistic plantings

Mr. Curran asked about the possibility of saving additional trees within the site. The applicants said, they were skeptical that additional trees could be saved in the middle of the development but they would look into the areas along the periphery (e.g. along the edges of the western slope). They have created a protection and construction plan identifying the trees to be saved. Once the plan is completed, it will be submitted for Mr. Wegener's review.

Ms. Elwell felt the park-like setting was appropriate by the buildings and would like to see more benches in the center area. There is a looped sidewalk (close to the building) around the entire site (1/2 miles). Mr. Mandy said an exterior sidewalk had been eliminated because it infringed on the buffers. Mr. Curran suggested the applicant look at creating a sidewalk from the cottages to the loop as that connecting portion might become a link to the potential connector road.

Mr. Curran asked about the bio-retention area(s) and asked the applicant to confirm the number and locations with Mr. Clouser.

Ms. DuBois was concerned about the wetlands areas and conveyed some information from her conversation with Mr. Clouser regarding the wetlands survey (of AA), the road through the wetlands (AA and ZA) and a survey for reptilian/amphibian critter crossing. There was a brief discussion about the issues (including property lines) and the Chair requested that Mr. Clouser send his concerns and comments in writing directly to the Planning Board. The applicant said the secondary access road was not indicated to be paved. The Chair said he didn't think the Planning Board and or any of the impact statements ever indicated that the road in question would not be used as an alternative vehicular road and noted this was a strong position made by the Board's traffic consultant. The question of paving has yet to be decided.

The Chair has asked Mr. Clouser and Mr. Chamberlin to review the two proposed alternative roads. Mr. Chamberlin felt that from his perspective, either plan worked; Mr. Clouser is currently reviewing the two plans in terms of land use (proximity to the wetlands etc.) and will advise which plan is the more advantageous route.

Ms. Boyer said their engineers have determined that they could compact soil to 85% or less in the planting zones and thereby meet Mr. Wegener's requirement for compaction. To expedite the discussion process, the Chair requested that in the future the applicant send the materials directly to the appropriate board consultant(s) so they can come to the meeting informed and prepare comments and/or responses for the applicant.

For the next meeting, Ms. Vlahoes will send a list of conditions from the DEIS, FEIS and Findings statement to be resolved during site plan review including those issues subsequently negotiated with the Board during the recent site plan discussions. The Chair gave the applicant his extensive list of potentially outstanding issues taken from the Planning Board minutes.

Mr. Kubow, a new engineer on the project, anticipated that a completed site plan, drawings and construction notes and specifications, could be prepared within a few weeks pending the confirmed resolution of such issues as the west slope, saved trees, and the location of the connector road and utility route. The applicant plans to be on the next Town Board agenda. The Chair asked if part of the site plan could be approved (e.g. site prep for the main campus center) while waiting for the resolution of other parts of the plan (e.g. analysis of an alternative access road). Mr. Curran suggested showing alternative "dotted" solutions on the plan. Mr. Mandy's was concerned that the Ulster County IDA would need a municipal service agreement before moving forward.

For next week (a) the applicant will submit a list of their site plan review items, (b) the Board will review the punch list for completing process and authorize the removal of the seven shag bark hickory trees in the development area before March 31, 2007.

Other Business:

Stoneleigh Woods: Status of Facilitated Meetings

The first consensus building meeting was held last Thursday at Deyo Hall with all the primary stakeholders. The group wanted to proceed in this facilitated process and the following ground rules were adopted:

1. Meetings would be private, not be open to the public.
2. The facilitators would prepare periodic press releases to inform the public of progress.
3. Stakeholders are free to go back to their respective groups with information.

The meeting was basically organizational and a secondary list of stakeholders was created. The next meetings are scheduled for March 15 and March 29. After the completion of several sessions, the applicant will decide if progress is being made and whether he will continue with the process. (The applicant is assuming the cost of the consultants.) The chair will email Board members the pre-assessment report by the facilitators.

Additional Business

Moratorium Extension: Mr. Zierler said the three month moratorium extension expires on March 12, 2007. As of two weeks ago when comments were sent to the Ulster County Planning Board and recommendations received from the Planning Board, Mr. Zierler was under the impression that the Village Board would be able to have a meeting in time to prevent any lapse in the moratorium. The Village Board had decided, with their attorney, to have a meeting this Friday for that specific purpose and the Village Clerk was instructed to notice that meeting in time to meet the 10 day posting requirement. Mr. Zierler just found out today that the Mayor unilaterally decided, more than a week ago, to tell the Clerk not to run the public notice or therefore not have that meeting on Friday. Mr. Zierler said the earliest a public hearing could be held on this issue would be a special meeting on March 19 or March 21, 2007 at their regular scheduled meeting.

Affordable Housing Law: The Village Board will be review the Planning Board's comments regarding affordable planned unit development and asked for clarification regarding the phase "relationship to other laws." The Chair said they wanted to insure that there were no inconsistencies/gaps between the existing affording housing (more administrative) and the affordable housing planned development (physical zoning law) sections.

Interview: Executive Session

A motion was made by Ms. Elwell to go into executive session to interview Ms. Lagotka for the Planning Board vacancy at about 10:10pm. The motion was seconded by Ms. DuBois and carried unanimously by the Board. A motion was made by Ms Elwell to come out of executive session at 11:00pm. The motion was seconded by Mr. Curran and passed unanimously by the Board.

A motion was made by Ms. Elwell not to recommend the appointment of Ms. Latgoka. The motion was seconded by Mr. Curran and passed by the vote of three ayes to one nay (Ms. DuBois).

Adjournment: A motion to adjourn was made by Mr. Curran, seconded by Ms. Elwell and passed unanimously by the Board at 11:03 pm.

Respectfully submitted,

Alison Shestakofsky
Secretary to Village Planning Board

Copies to: Trustee Michael Zierler
David Clouser, Engineer
Drayton Grant, Attorney