

**VILLAGE OF NEW PALTZ PLANNING BOARD
REGULAR MEETING MAY 13, 2008**

Call to order: The meeting was called to order at 7:10 p.m.

Members Present: Raymond Curran, Chair; Marion DuBois, Linda Welles

Also present: Kip Ruger, Adele Ruger, Dino Toscani, Ronald Turner, Peter Healy, David Jakim, Rachel Lagodka, Kathy Moniz, Village Building Inspection, Michael Zierler; Village Trustee and Planning Board Liaison and other members of the public.

Announcements:

The Chair listed the items on tonight's agenda and announced that the public hearing for the Farmers' Market was postponed; the application had been deemed incomplete since the site plan was just submitted this evening and the required written description was not included. The Chair also noted that the public hearing on the amended site for the Elting Memorial Library had been rescheduled for June 10, 2008.

Applications with Public Hearing:

PB07-69: Kip and Adele Ruger. 15 Mulberry Street [SBL: 86.26-2-23 (R-3)]

Site Plan: Four new attached residential units on a lot with an existing residential building.

Applicants Present: Kip and Adele Ruger; Bob James, Engineer.

The Chair read part of Mr. Clouser's May 12, 2008 review of the revised site plan and stormwater analysis (revised May 9, 2008) stating that the size of the pond had been "reduced to the greatest extent practicable and the riprap stone was removed and replaced with grassed areas." The memo also stated the applicant had addressed all the concerns outlined in his previous memo and recommended that (1) the sewer and water design and connection be reviewed by the Village Department of Public Works (DPW) and (2) the Planning Board review the revised landscaping plan and fence design to minimize visibility and safety.

Before opening the public hearing, the Chair asked the applicants to describe the current site plan and explain each of the modifications implemented in response to David Clouser's memo of May 6, 2008. Items included, but were not limited to the following: the downsizing of the detention pond by approximately 25%; the addition of an erosion control blanket along the slope, use of wetland seed mix, the construction of a fence to encompass the detention pond, landscaping along the road side of the fence and parking area (including 8 new trees along the street and 2 new trees on the interior); tree removal; tree retention, inclusion of an area for a future sidewalk along Church Street and its potential connection to Mulberry Street, parking lot materials, and lighting.

Public Hearing:

Ms. DuBois made a motion to open the public hearing. The motion was seconded by Dr. Welles and passed unanimously by the Board. Ronald Turner distributed individual packets to the Board members. Mr. Turner said he was the Chairman of the Board of Assessment Review for the Town of New Paltz and that the packets contained information used by that Board to evaluate grievances. He said there would be grievances related to this particular application due to recent decisions made by the ZBA. In response to the secretary's question, Mr. Turner said he was speaking as a private citizen, not as a representative of the Assessment Review Board.

Mr. Turner said the informational material submitted was related to the impacts of similar projects and identified all the documents including but not limited to due various maps, classification codes, inventory sheets, accessibility of site and property values. He commented on the negative effects of

student housing on property values, its affects on contiguous neighborhoods and the Village's liabilities. He also noted concern about drainage problems in the area.

In response to a question from Peter Healy, the Chair clarified that the application under review was for new construction and did not include renovations to the existing building on the lot. He also said the applicant would be asked to respond to this issue after the public hearing was closed.

Ms. DuBois made a motion to close the public hearing. The motion was seconded by Dr. Welles and passed unanimously by the Board.

Discussion:

Mr. Ruger confirmed that although renovations to the existing building were not part of this application, they had agreed to clean up the building and create an appearance uniform to the new construction. The applicant agreed to include the following item as a condition of the site plan approval:

- The applicant must re-side all of the existing building to match the new construction including window trimmings.

Regarding Mr. Turner's comments, the Board clarified the following points:

1. ZBA decisions are not under the purview of the Planning Board;
2. Site Plan approval will be conditioned upon DPW's approval of the water/sewer design and connection.
3. Issues related to property values/housing are not under the purview of the Planning Board.

Ms. Ruger said she was curious how Mr. Turner, speaking as a private citizen, knew there will be grievances regarding this property. She believes the new construction and improvements to the existing building will improve the look of the neighborhood and actually increase property values.

There was a brief discussion regarding future student housing and neighborhood impact; the Chair noted the potential moratorium proposed by the Village Board to study the issue in the R-3 district. The applicant said approximately half of their properties were student rentals. Ms. Ruger said declining neighborhood values result from rundown properties created by neglectful landlords rather than a specific type of tenant. Although they prefer to rent to longer-term tenants rather than students, Ms. Ruger emphasized that housing discrimination is illegal.

Mr. Zierler pointed out that any assumptions or discussion regarding potential rental inhabitants was discriminatory. On a personal note, he thought it was ridiculous to malign students as a group of people and agreed that property values decline because owners choose not to take care of their properties. He said it was the landlords' responsibility to choose appropriate tenants and maintain their property and emphasized that most of the problems identified with "student housing" were ultimately code and enforcement issues, issues which the Village Board is currently researching.

The Chair clarified that the Planning Board made an informal inquiry on this issue, as it has frequently done in the past, and that the board is not in a position, nor wants to be in a position, to express any preferences or require such information on this matter.

Dr. Welles made a motion to approve the site plan conditioned on the following:

- Review and acceptance of the site plan by the Department of Public Works and
- Re-siding of the existing building to match the new construction including window trimmings.

The motion was seconded by Ms. DuBois and passed unanimously by the Board. The vote was as follows: The vote was: R. Curran – aye; M. DuBois- aye, L. Welles – aye. The application was noted as a Type 2 action and therefore exempt from the SEQR process.

New Applications

PB08-68: Dino Toscani/Bird Dog LLC. 27-29 Main Street [SBL: 86.34-2-15 (B-2)]

Special Use Permit: for a Farmers' Market to sell foods prepared by the applicant's business and produce from local farmers.

Applicant Present: Dino Toscani.

This application was presented at last week's workshop; no drawings or written narratives were provided. The applicant had verbally defined the project as a daily, year-round Farmers' Market/open air market located both outdoors, in the area recently cleared adjacent to the Wachovia Bank (approximately 90' x 80'), and indoors, in the basement of the bank (approximately 7,000 s/f). Mr. Toscani brought a site plan to tonight's meeting to show the Board.

Mr. Toscani said that the Farmers' Market would be temporary, for a year or two, as he is planning to add condominium apartments over the bank. The Farmers' Market, called "New Paltz Farmers' Market" will include a number of produce and meat vendors located in the outside area and in the basement of the bank. Ms. Moniz, the building inspector, confirmed that there was no change to the building footprint and the proposal included adequate parking.

Mr. Toscani said the outside area will not require any lighting due to daylight business hours. Although the plan showed railroad ties around the perimeter and flexi-pave on the interior; Mr. Toscani said the plan would be revised to show grass throughout the entire interior space with stone walkways and plantings along side the walkway. The applicant said there would be no curb and the pedestrian entrances would be located off the front and back of the property.

The Chair noted the application requested a farmers' market "to be placed in the existing site." Neither the application nor the site plan presented this evening showed any indication of using indoor space in the bank.

The Chair reminded the applicant that a full written description of the Farmers' Market detailing all aspects of the project (including internal and external space, ingress/egress, hours of operations, vendors and products, location and description of tents (materials), when they would erected and taken down, etc.) as well as a revised site plan was required for the application to be considered complete. Once complete, the application would be reviewed further by Village Planning Board and forwarded to the Ulster County Planning Board for their comments and recommendations.

Other Business:

Millbrook Sanctuary. Presentation by David Jakim, Rachel Lagodka Co-Chairs, Village EnCC

In response to proposed development in the Village, Mr. Jakim discussed the need to provide additional protection for the Millbrook sanctuary and create a Conservation Overlay District. Several strategies were presented including grants, negotiations with landowners, working with the Open Space Committee and legislation to increase buffers around wetlands and streams and protect additional habitat. The Chair noted the complexity of development rights and summarized some strategies for creating/protecting preserves, such as tightly cluster developments, acquiring land, easements etc.

Housing Task Force:

There was a brief discussion of the Housing Task Force in relation to the proposed Moratorium in the R-3 district. The Task Force will be reviewing the code for definitions, changes, enforcement and enforceability. Dr. Welles suggested that a member of the Planning Board and ZBA be included in the Task Force and volunteered her services. Mr. Zierler said he would discuss this suggestion with the Mayor.

Adjournment:

A motion to adjourn was made by Ms. DuBois, seconded by Dr. Welles and passed by the Board at 8:50pm. The vote was: R. Curran – aye; M. DuBois- aye, L. Welles – aye.

Respectfully submitted,

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

Drayton Grant, Attorney Bob Chamberlin, Traffic Engineer
Ted Fink, Planner

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For Internal Use Only

Ruger: 15 Mulberry Street

Modifications Made:

Significant reduction in the size of the pond: 25 %

Relocation of all or part of the pond to the northwest corner of the site to reduce public visibility and potential safety issues.

Other Comments

Applicant Responses:

1. Rolled erosion control product instead of riprap stone plan	Erosion control blanket along the slope; where sheet flow might be coming off the parking area and a riprap ditch leading from a swale in the front lot into the detention pond.
2. Use of wetland seed mix	Wetland seed mix included in detail sheet
3. Fence location needs to be added to the plan	Fencing has been included on the plan; 100' ft long fence encompasses the detention pond for safety (shown on Sheet 1 and 3)
4. Additional landscaping along the top of the pond's berm	Landscaping on top of the berm would be shrubs (barberry and foxwood), placed 6' on the center; on the road side of the fence. The fence detail is similar to the existing fence by Bill's garage (photo of the fence)
5. Tree Retention: 28" tree (NE corner)	Tree will be preserved
6. Tree Removal: 30" maple in NE corner	BJ: Tree to be removed
7. Proposed sidewalk to be shown/labeled	Inclusion of a proposed sidewalk along Church St. with potential connection to Mulberry St. on site plan, detail and landscaping plan
8. Landscaping Plan	Landscaping on top of the berm would be shrubs (barberry and foxwood), placed 6' on the center; Also landscaping around the parking area; 8 new trees along the street and 2 new trees on the interior
9. Parking Lot Material/marketing spaces	Material will be 5" of shale and 5" of item 4 over geotextile (gravel); over the entire area up to the street.
10. Variance info needs to be on the drawings	Information with be included on detail sheets
11. Lighting	Catalogue cuts previously submitted: lights are bldg. mounted; downward shielded; 2 lights on corners; other lights are soffits.