

**VILLAGE OF NEW PALTZ PLANNING BOARD
WORKSHOP and REGULAR MEETING AUGUST 19, 2008**

Call to order: The meeting was called to order at 7:06 p.m.

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

Also present: Rick Bunt, Catherine Silberger, Juliette Fishman, Roy Miller, Orin Strauchler, Frank Kimbrough, Fred Bunt, Ed Sprague, Ethan Garr, Anthony Aebi, David Toder, David Shepler and Mary Holland, Kathy Moniz, Village Building Inspection; and other members of the public.

Announcements from the Chair:

The Chair said the application for a preliminary discussion on the Asian Bistro & Bar for 3 Plattekill Avenue had been withdrawn and reviewed the order of tonight's agenda items.

Approval of Minutes:

Review of the July 8, 2008 minutes were deferred to the end of the meeting.

Application with Public Hearing:

PB07-96: Frederick (Rick) Bunt. 56 Church Street. [SBL: 86.34-5-21 (R-3)]

Site Plan: Construction of a triplex, three bedrooms per apartment; with 12 off-street parking spaces. Ulster County Review Required; Public Hearing Required

Applicant Present: Rick Bunt

The Chair referenced the August 14, 2008 memo from Dave Clouser's office stating that all the items listed in their July 22 memo and July 29 email regarding code compliance for on-site drainage detention and other drainage issues had been addressed to their satisfaction. The applicant explained and showed the following additions on the revised site plan (dated 7/27) as requested in Dave Clouser's July 22 email: (1) Rain Garden Area Design details (depth, soil bed area and side slopes); (2) underdrain discharge location; (3) Rain Garden level spreader elevations; (4) roof leaders from the eastern building discharging to the Rain Gardens; (5) invert elevation of the existing catch basin and (6) the first floor elevation (noting height greater than the Rain Garden).

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. The vote was as follows: R. Curran – aye; M. DuBois- aye, T. Ward – aye, L. Welles – aye.

A number of residents in the neighborhood spoke, including Catherine Silberger (44 Church Street), Juliette Fishman (805 Briarwood Ct), Roy Miller (45 Church Street), Orin Strauchler (47 Church Street), Frank Kimbrough (58 Church) and letters were read into the record from Todd Quinlan & Tessa Killian (56 Church), Darchano Alba (203 Briarwood Court and Board member of Briarwood Homeowners Assoc), and Alex Brosowsky & Natalia Armonza (52 Church Street) as well as comments from the Ulster County Planning Board.

Most of the opposition to the project was related to potential drainage impacts on Church Street and Briarwood Court. Church Street residents were primarily concerned about additional run off spilling onto neighboring properties instead of being directly diverted into the storm sewer system. They questioned whether the rain gardens were adequate to control the run-off and noted that there were no curbs along the west side of Church Street.

Residents of Briarwood Court recounted a history of costly drainage problems (e.g. flooding, water main breaks) for which the development was financially responsible. Although the catch basin located in their parking lot is considered "public domain," it is privately owned and managed by

Briarwood. Owners felt that any additional storm water from the proposed project would overtax the drainage system and exacerbate the existing problems. They said it would be unfair for Briarwood to be financially responsible for remedying damages caused by this project.

Other concerns about the project included but were not limited to the following: foundation depth and re-calculations of rainfall (per Dave Clouser's memo July 22 memo), excavation and blasting; mechanicals; the lack of sidewalk, lot coverage, and the widening of the driveway. Neighbors felt that enlarging the driveway by 4' would result in additional runoff on their properties, car headlights (from the parking lot) shining into the adjacent houses and reduced street parking.

Frank Kimbrough (?), the next door neighbor at 58 Church, spoke in support of the project. He applauded the character of the applicant and believed the drainage concerns would be dealt with honorably. A letter from Mr. Brosowsky and Ms. Armoza, owners of the adjacent property at 52 Church Street, also supported the proposal and said the applicant was a responsive and conscientious landlord and neighbor.

The Chair read the comments from the Ulster County Planning Board (UCPB) into the record. The UCPB commended the use of a shared driveway as a matter of policy and recommended, as non-binding comments, the addition of architectural elevations and the types and location of proposed lighting fixtures and lighting levels. These items are included in the revised plan.

A motion was made by Ms. DuBois to close the public hearing. The motion was seconded by Mr. and passed unanimously by the Board. The vote was as follows: R. Curran – aye; M. DuBois- aye, T. Ward – aye, L. Welles – aye.

Discussion:

The Chair itemized the issues for review and discussion by the applicant and the Board.

Application: Regarding Ms. Silberger's comment that the application did not match the project described on the agenda, the secretary explained there had been several variations of the application based on changes to the site plan. Ms. Silberger was mistakenly shown an earlier iteration of the project scope instead of the final application describing the construction of a triplex with 12 parking spaces.

Drainage Issues:

The applicant said the design of the property is not to further impact the neighbors on Church Street. Everything from the rear side of the existing house is directed into rain gardens to have a ponding and filtration effect and to create temporary delay if there is a massive rainstorm. The plan had been redesigned to make the site flow to the catch basin. There have been numerous meetings between the applicant's engineer and Dave Clouser (the Planning Board's engineer) to resolve all the drainage issues and, as noted in Ms. Alba letter, the catch basin located in the Briarwood parking lot is in the public domain, and therefore can be used by other property owners. Mr. Bunt felt the legality of having water drain from one property to another was confirmed indirectly by Mr. Clouser's comments regarding adequate pitch for stormwater discharge to flow from the Rain Gardens towards the catch basin in the Briarwood Complex. He also noted that water draining from one (upland) property to another is prevalent throughout in the Village.

In response to Ms. DuBois' question, Mr. Bunt said there is no evidence to support the neighbors' claim that run-off from his property goes onto other Church Street properties and pointed out that the water flow initiates from further up the street where the pitch is higher.

Ms. Grant recommended that Mr. Clouser confirm whether there is a drainage easement on the Briarwood property as this would delineate responsibility for subsequent maintenance and repair.

Rain Garden Maintenance: To insure the landscaping will be well maintained in the future, a notation to that effect has been added to the site plan. The applicant had changed the fertilizer description to include more natural products when available.

Foundation/Topography/Blasting: The applicant had complied with all of Mr. Clouser's criteria concerning topography: studies were conducted with overlays, pre and post development maps, a revised drainage report and corrected drainage calculations were submitted. Six test holes were made verifying that the depth to bedrock was not an issue. The applicant confirmed there would definitely be no blasting and agreed to have a no blasting condition on the approval. If hard rock was encountered when building the 1st floor, the applicant said the footing would be pinned to the rock. The building inspector confirmed the process and noted that the elevation would remain the same. The Chair explained that if there were any significant changes to the site plan, the applicant would have to return to the Board for review.

Mechanicals: There are no mechanicals other than water storage tank and an oil tank. All the mechanicals are in the structure and there is a utility room.

Widening the driveway: The applicant explained the rationale for widening the driveway (from the required 12' to 16') was to provide appropriate ingress/egress to accommodate two cars passing each other on the driveway from the parking area to the road. He noted that the ZBA requested a larger driveway to better accommodate emergency vehicles. It was also pointed out that part of the driveway is on the neighbor's property (there is an easement) and more than the required number of parking spaces are provided on-site.

Sidewalk: The applicant believed there was no problem with residents using the driveway for ingress/egress to the apartments as this was the norm in the Village. The Chair agreed, noting that sidewalks are usually for public usage.

Lot Coverage: The building inspector confirmed that the application met the required lot coverage.

Lighting: The applicant is using wall pack units/shielded down to reduce spillage on adjacent units and has security lighting in the parking area which complies with the Village lighting standards. The building inspector felt the specification for light dispersion recommended by the UCPB was excessive for this size project.

Architectural Elevations: The structure will be 2-1/2 stories, similar to the building in front of it and will not be visible from the street due to landscaped buffering.

In summary, the Chair said the rain gardens and all related drainage issues (including the drainage analysis) had been reviewed thoroughly by the Board's engineer. Although he agreed there are no laws prohibiting natural water flow/drainage, he felt it was the Board's responsibility to research the potential impact and responsibility of this project on the adjoining properties given their long history of drainage problems.

Mr. Bunt agreed to the Board's suggestion to table the application until next month in order to resolve the issues concerning (1) the easement for the catch basin on Briarwood Court and (2) the additional run-off/spillage onto Church Street.

Pending Application:

PB08-89: Side South Associates. South Side Avenue between Pencil Hill Rd & S. Chestnut St.

[SBL: 86.041-1-13.20 (R-2)]

Amended Site Plan: Construction of a 30' x 40' storage building to be located on unused land and the site of the existing tennis courts at the rear yard of the property.

Ulster County Planning Board Review: No County Impact.

Applicant Representative: Ethan Garr, Property Director, Ed Sprague, Medenbach & Eggers.

The Board reviewed a memo from their attorney concerning the relocation of the proposed storage facility to a recreational site and confirming that the tennis courts were not included as a recreational requirement when the site plan was originally approved.

Last month the Board was critical of replacing a recreational facility with a utilitarian storage shed at a highly visible location and questioned the long-term use of the existing storage trailers on the site.

The applicant discussed the additional storage needs of this unique “furnished” apartment complex which is rented to university students during the school year and to senior citizens over the summer and submitted an updated site plan and a memo addressing several of the Board’s concerns about the apartment complex :

1. The proposed shed would be an attractive pre-fabricated structure. Mr. Garr emphasized that their success as landlords depended upon keeping the entire development attractive. He submitted photos of sample structures and showed various sightlines indicating that the shed would only be barely visible by their own tenants.
2. Recreational requirements. The applicant said the recreational building and pool were built well after the original construction and the tennis court is no longer in use or in demand. He noted the active recreational facilities would not be affected by the construction of the shed.
3. The portable storage units are included on the updated site plan and are used to store out of season furniture and fixtures and seasonal furnishings not used by current tenants. He said there is often an overflow of furniture which is stored in the recreational center. The applicant said they have exceeded their storage capacity and the proposed shed is intended as a supplement to, not a replacement for, the existing storage trailers.

The Chair again questioned the location of the proposed shed, noting visibility from a great deal of the property, and whether there was a time limit for temporary structures. Board members said they were under the impression that the storage shed would replace the old dilapidated trailers located at the back of the property where they are buffered by the tree line.

There was further discussion about (1) the elimination of a potential recreational facility; (2) the location of the permanent storage space and (3) whether the trailers should/could remain as additional storage space.

Adequate Recreational Facilities: The applicant again pointed out that the tennis courts were not used or requested by either groups (the students had new courts at the university) and the complex had adequate recreational facilities for their tenants (a 3,000 s/f recreational building with a pool, ballroom, card room, meeting room, pool table etc). Board members agreed the existing recreational facilities were sufficient and asking the applicant to upgrade the existing courts would be unduly burdensome.

Permanent Shed Location: The applicant said it was more financially feasible to build on the tennis court site because the existing asphalt slab would expedite construction. Mr. Ward and Ms. DuBois liked the idea of using the asphalt slab rather than the (trailer) location in the back because it would use existing impervious surface and prevent the removal of additional trees. They also felt the visibility of the shed at the proposed site could be greatly reduced by proper landscaping.

Existing Trailers: Ms. Welles was opposed to having the existing trailers remain on site long-term. Members questioned the legal time constraints of maintaining “mobile” temporary structures long-term and whether the Board had the authority to require their removal as a condition of approval. The Chair felt these issues needed to be clarified and resolved before the Board could move forward on the application.

Noting the applicant’s storage needs exceeded the dimensions of the proposed shed, and the Board’s opposition to long-term temporary structures, the Chair asked the applicant to consider constructing a larger structure at the site of the tennis courts, with an improved architectural/aesthetic elements and a landscaping plan. The applicant was asked to submit elevations and a landscaping plan addressing the visibility issue for the next meeting. At that time, the Chair will confirm the answers to the above referenced legal issues.

ZBA Recommendations:

ZB08-105: Alpenklee, Inc. 18 Cooper Street, Bonticouview Drive. [SBL: 86.26-2-42 (R-1)]

Area Variance: 3' height variance to allow construction of a single family dwelling with solar access for roof panels.

Applicant Present: Anthony Aebi, Builder; David Toder, Architect, David Shepler and Mary Holland, perspective buyers.

The Chair noted this request to accommodate good solar access for the photovoltaic roof panels was similar to a recent application in the same development.

The applicant presented plans and elevations comparing the construction of the one-family house within the 30' height requirement with the requested 3' height variance. The former would require a number of retaining wall and the removal of additional trees. Mr. Aebi explained that the building needs to be taller in order to absorb the sun's rays because the lot is small and mature trees form a buffer between the house and Tributary 13. Given the topography and shape of the lot, having the grade low at the garage doors, would require the grade around the rest of the house to be raised significantly. The applicant showed that the construction with the variance would not be visible from the adjoining properties or roads (the greatest height would be on the south side) and improve the exterior appearance of the house, a benefit to the owners and the neighborhood.

The Board felt there would be no negative impacts from this project and that the variance would actually reduce the environmental impacts by avoiding the removal of additional trees, the need to bring in supplementary soil and construct retention walls to satisfy the zoning requirements.

Based on the above, Ms. DuBois made a motion for a positive recommendation for the requested variance, a type 2 action. The motion was seconded by Ms. Welles and approved unanimously by the Board. The vote was: R. Curran – aye; M. DuBois- aye, T. Ward – aye, L. Welles – aye.

Other Business:

Crossroads Project: The discussion of the proposed Crossroads development in the Town of New Paltz was postponed until next month. The Town Planning Board has scheduled a third public hearing for September 8, 2008 and will accept public comments up to 10 days after the close of the public hearing.

Minutes: Review of the July 8, 2008 minutes was postponed until the September meeting.

September Meeting: One workshop/regular meeting was scheduled for September 9, 2008.

Adjournment:

Ms. Welles moved to adjourn the meeting at 10:10 pm; Mr. Ward seconded the motion, and all voted in favor. The vote was as follows: R. Curran - aye; M. DuBois – aye; T. Ward – 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