

**VILLAGE OF NEW PALTZ PLANNING BOARD  
WORKSHOP/REGULAR MEETING MAY 19, 2009**

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

**Members Present:** Raymond Curran, Chair; Thomas Rocco; Terence Ward, Linda Welles

**Also present:** Nathaniel Karron; Brain Smith; Polly Adema; Rachel Lagodka; Maurice Weitman, EnCC liaison; Pete Healy, Village Trustee; Kathy Moniz, Building Inspector; Drayton Grant, Planning Board legal counsel; Michael Zierler, Village Trustee and Liaison and other members of the public.

**Announcement from the Chair:**

Chair Curran noted the order of the applications on the agenda.

**Applications with Public Hearings:**

PB09-014: Nathaniel Karron. 19 N. Front Street/26 N. Chestnut Street. [SBL: 86.127-1-1 (B-2)]

Special Use Permit to convert one residence in a 4-family house to a commercial space with no exterior changes to the building.

UCPB Review: Required Modification

Applicant Present: Nathaniel Karron

**Public Hearing:**

The public hearing was opened. There were no comments from the public. Dr. Welles made a motion to close the public hearing. The motion was seconded by Dr. Rocco and carried unanimously by the Board.

**Discussion:**

The applicant reviewed the information presented at the April workshop regarding the conversion of one of the existing four residential units (450 s/f on the ground floor) to a retail space. Although no physical changes were required to make the space commercial, the applicant renovated the interior space. He said general improvements and upgrades were needed and appropriate for both a residential or store front. The proposed tenant intends to sell women's clothes.

The parking issue was clarified. The required number of parking spaces for the mixed use of the building is 5: 3 spaces for the residential uses and 2 for the proposed retail space, of which one will be striped and designated for handicapped parking.

The building inspector noted the applicant is improving the condition of the front of the building and referenced the required modification from the Ulster County Planning Board to include an ADA compliant commercial entrance. Ms. Moniz said the ramp would be logically placed at the store entrance, which was off of the parking lot. She would require a drawing from the applicant and insure that it was compliant with ADA regulations.

Mr. Ward referenced the municipal code stating that special use permits require the same information as site plan review. There was a discussion regarding the necessity of including a site plan for a special use permit when there are no exterior changes to the building/footprint and when the changes were not significant and required by another governmental agency. Chair Curran and Building Inspector Moniz said the past practice of the Board did not require site plans for special use permits with no external alterations. If there were changes that altered the site, the application would also include a site plan component. Dr. Welles felt the ramp would alter the site and that the Board should review this change even if federally mandated. Trustee Zierler believed the Planning Board has the discretion to waive the requirements.

As the UCPB correspondence requiring the ramp was received just a few days ago, the applicant was not informed of the new requirement in time to prepare a drawing for tonight's meeting. To avoid delaying the approval for another month, two board members, Chair Curran and Dr. Rocco, suggested approving the application with the condition that the professionally prepared drawing of the ramp be reviewed/approved by the building inspector to insure code compliance and then signed-off by the Chair. The other two members, Dr. Welles and Mr. Ward, wanted the drawing to be brought before the Board and reviewed for impacts on the environment (e.g. visual). As there would not be adequate votes to approve the application tonight, the applicant was advised to submit the drawing by Tuesday, May 26 for review by the Planning Board at the June 2, 2009 workshop.

**ZBA Recommendations:**

ZB09-027: Brian Smith & Polly Adema. 8 Caroline Way. [SBL: 86.34-8-5.12 (R-2)]

Area Variance to extend the current deck to within 23 feet of the rear property line.

Applicants Present: Brian Smith & Polly Adema.

The applicants submitted photographs with their application showing the existing deck which extends 8' from the house and propose to expand the deck to 19' from the foundation. This would bring the deck 23 feet to 23-1/2 feet from the rear property line. The applicants said the requested variance of 2' was the distance between the end of the deck and village property and identified the Village easement between the rear of their property and the beginning of their neighbor's property beyond the easement.

Although a deck width of 19' sounded large to some board members, the applicants said the space was required to accommodate a round table seating four and some additional chairs. They said their neighbors were supportive of the project.

Although the proposed deck was a substantial enlargement, the Board noted the rear property abuts a village easement and the adjoining residential buildings were well recessed from the proposed deck. A heavily tree covered back yard would further reduce any potential impacts from the deck.

A motion was made by Dr. Welles to give the application a positive recommendation. The motion was seconded by Mr. Ward and carried unanimously by the Board. The vote was as follows: R. Curran – aye; T. Rocco – aye; T. Ward – aye; L. Welles – aye.

Secretary's note: Additional review of the application indicated the village easement referenced was a right-of-way privately owned by the applicant and the neighbor of the adjoining property.

**Approval of Minutes:**

A motion was made by Dr. Welles to approve the minutes of the April 7, 2009 workshop as written. The motion was seconded by Dr. Rocco and approved by the Board. The vote was as follows: R. Curran – aye; T. Rocco – aye; T. Ward – aye; L. Welles – aye.

**Other Business:**

- A. Review of SEQR Action Type Definitions: Presentation by Drayton Grant, Grant & Lyons  
Ms. Grant reviewed definitions, procedures and examples of SEQR Type Actions (Type 1; Type 2 and Unlisted Actions), the classifications/distinctions between involved and interested agencies and the differences between discretionary and ministerial approvals.
- B. Request to have planning board meetings video taped.  
Pete Healey, Village Trustee, asked the Board to reconsider having their regular meetings broadcast at one of the following levels: (1) live broadcasting with later rebroadcasts during successive weeks; (2) video taping with later re-broadcasts; (3) video taping and keeping a master and a copy for public record and distribution. The Board said they would discuss this at a future meeting.

**Executive Session:**

At 8:15pm Dr. Rocco made a motion to enter into executive session to discuss pending litigation. The motion was seconded by Dr. Welles and carried unanimously by the Board. At 9:02 pm Dr. Welles made a motion to come out of executive session. The motion was seconded by Mr. Ward and carried unanimously by the Board. No action was taken.

**Adjournment:**

Having no further business to discuss, Dr. Rocco moved to adjourn the meeting at 9:03 pm; Dr. Welles seconded the motion, and all voted in favor. The vote was as follows: R. Curran - aye; T. Rocco – 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