

**VILLAGE OF NEW PALTZ PLANNING BOARD
REGULAR MEETING MARCH 17, 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: Michael Rizza; Ken Casamento; Ruth Elwell; Dino Toscani; Maurice Weitman; Michael Zierler, Village Trustee and other members of the public.

Announcement from the Chair:

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

Approval of Minutes:

- A motion was made by Dr. Welles to approve the minutes of the February 3, 2009 workshop. The motion was seconded by Mr. Ward and approved by the Board. The vote was as follows: R. Curran – aye; T. Ward – aye; L. Welles – aye.
- A motion was made by Dr. Welles to approve the minutes of the February 17, 2009 regular meeting. The motion was seconded by Mr. Ward and approved by the Board. The vote was as follows: R. Curran – aye; T. Ward – aye; L. Welles – aye.

Dr. Rocco did not participate in the voting as he did not attend the meetings.

Applications with Public Hearings:

PB08-170: Michael Rizza. 87-93-113 N. Chestnut St. [SBL: 86.26-1-15.86.26-1-14.1 & 86.26-1-14.2 (B-3)]
Lot line Alteration

Applicant Present: Michael Rizza; Kenneth Casamento, CPSDC

Mr. Casamento explained that the applicant was returning to formalize and correct the lot line revision approved last month. He explained that the initial application paperwork did not reflect the third lot.

Description of the Project

The applicant proposes to (1) purchase 11,982 s/f of 113 N. Chestnut Street to add to 93 N. Chestnut Street and (2) move the lot line from 93 N. Chestnut (by 5,778 s/f) to 87 N. Chestnut Street. The revised lot areas would be as follows: lot #1: 33,030 s/f (with commercial building); lot #2: 41,966 s/f and lot #3: 40,061 s/f (dwelling on lot). The revision would make lot #1 less non-compliant and lot 2 compliant with the municipal code requirement of 40,000 s/f for minimum lot size and align the lot line with the line for the Park & Ride site plan.

The Chair read the portion of a memo received from Dave Clouser shortly before tonight's meeting listing the code requirements for sketch plan and preliminary plat approvals.

Public Hearing:

Dr. Welles made a motion to open the public hearing. 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.

Ruth Elwell, president of the Walkill Valley Rail Trail, had no objections or problems with the lot line revision and looked forward to having landscaping along the edge of the parcel abutting the rail trail. Dino Toscani supported the application. Maurice Weitman (Village EnCC) asked about the proximity of the new lot line to the stream. It was noted that the distance of approximately 20' would be relevant when a site plan for proposed development was before the Board, rather than the current lot line application.

There were no further comments from the public. A motion was made by Dr. Welles to close the public hearing. 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.

Discussion and Vote:

There was no additional discussion by the Board except the stipulation that the applicant make the appropriate changes in accordance with Mr. Clouser's memo. A motion was made by Dr. Welles to approve the application as submitted with the condition that the final plat complies with the standards set forth in Mr. Clouser's memo dated March 15, 2009, under the section titled Subdivision Plan Required Information, with the exception of the clause related to "as-built" survey and certification related to completed improvements. The motion was seconded by Dr. Rocco and approved unanimously by the board. The vote was as follows: R. Curran – aye; T. Rocco – aye; T. Ward – aye; L. Welles – aye.

Preliminary Discussion:

PB09-008: Michael Rizza. 87-93-113 N. Chestnut St. [SBL: 86.26-1-15.86.26-1-14.1 & 86.26-1-14.2 (B-3)]
Site Plan (Conceptual Plan): Commercial Parking Lot
Applicant Present: Michael Rizza; Kenneth Casamento, CPSDC

The applicant noted the Park & Ride under construction includes 63 parking spaces and the proposed additional lot would provide 48 new spaces and a pedestrian connection to the Rail Trail. There will be some construction in the flood plain and information will be provided regarding erosion control and stormwater facilities. The applicant will need to demonstrate compensatory storage to meet FEMA's requirements (that there is no increase in the total water volume in the floodplain) and comply with the Village's code for obtaining the necessary floodplain development permit and provide all necessary information for site plan review, including the completion of a full EAF (Environmental Assessment Form).

Although neither NYS DOT nor Ulster County have requested an expansion of the Park & Ride to date, Mr. Rizza wanted to review the procedure and costs involved in obtaining the proper permits to construct a parking lot either as an extension of the Park & Ride or as a private long-term parking lot. He noted that similar Park & Ride projects in other locations have proven quite successful and that there is a need for long term parking in the Village.

There was a discussion regarding the proximity to Tributary 13 and concerns were noted regarding run off and integrity to the stream. The applicant said the current plan complies/exceeds the required distance from the stream (25' from the narrowest part) and noted that according to DEC, Tributary 13 is not a protected waterway.

The applicant also discussed landscaping, including the back side of the rail trail, and identified locations where @12-18 existing trees would be maintained and @24-30 new trees would be planted. @6-8 trees will be removed. The applicant said the current bridge would be moved to form a consistent path ending by the pool and Stewart's Drug Store and widened to accommodate 2 bicycles. Most of the landscaping and the storm water pond and compensatory facility would be on lot #1. The applicant intends to obtain an easement which will allow him to maintain the storm water facility and landscaping on lot #1 from lot #2.

There was also some discussion on the feasibility of creating a public nature walk along the stream given the flood plain location and the necessity of an easement from the adjourning property owner.

As the project is on a state road, Mr. Casamento said he would meet with DOT engineers regarding the issue of increased traffic generation and ingress and egress (the applicant is not planning additional ingress or egress at the site). Chair Curran said the project did not warrant a traffic study as any increase on the road would be minor. Mr. Ward noted that DOT might be requested to put in a traffic light since the pedestrian traffic would be increased by the expanded parking lot. Dr. Welles was

concerned about the impact of construction on Tributary 13 and whether some parking spaces could be removed from that corner of the lot.

Mr. Casamento will meet with David Clouser to review the plans and next steps for the project.

PB09-05: Richard Cusanno. New Paltz Gardens Tennis Club. 151 Rt. 32 North [SBL: 78.82-1-12(B-3)]
Site Plan: Indoor Recreational Facility – tennis courts.

Applicant: Richard Cusanno

The applicant submitted a sketch plan of an indoor recreational facility, a steel building large enough to house 4-tennis courts, located on 2-1/2 acres (which includes his home) which showed compliance with current zoning setbacks, lot coverage and parking.

The applicant said that since SUNY closed its indoor tennis bubble, local residents have to travel to other towns, especially during the winter, to play tennis. He said there is a need and a lot of support for this project from local residents, the Mohonk Mountain House and SUNY New Paltz. He said the facility could include tennis lessons and tennis clinics for children and adults, host tournaments, and provide space for summer camps and school teams (focusing on tennis or other athletic activities). Depending on the actual size and configuration, the building could also include a concession stand (an accessory use) and other uses, such as a health & fitness room, a game and a day room.

Mr. Cusanno placed the building in the front of the property and parking in the back. He noted that all his neighbors are commercial properties, with the exception of the house directly across Rt. 32. There was some concern about buffering the back of the property which abuts the rail trail (4' from the property line) and the applicant said he would leave the natural buffers in place.

It was noted that Tributary 13 does not go across the property but under Rt. 32 by Stewarts (behind BOCES) and there was a discussion of the stream on the site (which DEC classified D – a drainage ditch) and Tributary 13.

The access road to the facility along Mr. Cusanno's property, the size of the current driveway (code compliant at 25' wide), and the secondary road (Old Kingston Road) were also noted. The applicant wished to avoid a large curb cut. To reduce traffic impact, there was discussion about the possibility/feasibility of shared access (driveway and parking) with Agway and an extended sidewalk past Agway was also mentioned.

As the height of the proposed building is 35' and the code maximum is 25' for that district, the applicant was advised to seek an area variance from the Village Zoning Board of Appeals.

Chair Curran said the project sounded promising and exciting and suggested the applicant determine the actual size, placement and scope of services (the number of uses) for the facility and then meet with the building inspector to review all the information required to complete the site plan application.

Review for Completeness:

PB08-163: Rascals Bar & Grille/127 Main Street LLC [SBL: 86.34-6-11 (B-2)]

Special Use Permit/Site Plan: extend the restaurant use to the second floor, as a catering hall, and add a deck to the second floor.

Applicant Present: Dino Toscani

Mr. Toscani submitted an application modifying the previously granted special use permit for a restaurant. As requested by the building inspector, the information submitted included the items required in David Clouser's memo of 1/28/09, an updated parking study, proof of ownership for 127 and 123 Main Street and a lease related to parking at 123 Main Street.

There was some confusion as to whether the second floor deck was included in the application. The applicant had withdrawn the deck on March 5, 2009 then re-instated it on March 13, 2009. The applicant explained the decision to withdraw the deck was based on a miscalculation in the parking

analysis; the deck was reinstated once he was sure there was adequate parking to accommodate the additional occupancy.

Mr. Clouser's memo of 2/27/09 cited insufficient off-site/leased parking for the catering hall with the deck. If the deck was excluded, the 112 parking spaces available within the 400' radius of the property would be sufficient as long as the board was satisfied with the terms/conditions of the agreements for the 45 leased parking spaces.

Mr. Toscani said the deficiency was remedied by a lease agreement designating 50 parking spaces at 123 Main Street. He said 50 spaces have been leased since 2004 for use by the restaurant and Piano Bar and since those spaces were never used, they were leased to Rascals. The applicant said he only requires 38 of these spaces to meet the requirements for existing and proposed uses at 127 Main Street.

It was noted that the lease agreement submitted listed the Piano Bar (not 127 Main Street) as the leaser. Mr. Toscani said he would bring in another lease noting the change to 127 Main Street tomorrow. The expiration date of the lease would remain 11/20/2024.

The Chair requested the applicant submit a plan showing where 123 Main Street exists as a parking lot. Although the applicant said that parking at that location was pre-existing, the Chair noted that the property has been radically transformed.

The applicant read the 123 Main Street lease agreement stating that the 50 parking spaces included 25 spaces on the north side and 25 spaces on the south side of existing Van Vleet Estate driveway. The applicant agreed to provide a site plan of the leased portion for the 50 parking spaces at 123 Main Street at the time the lease was initiated in 2004.

Since the board did not require a plan for the rest of the leased parking at other locations (e.g. Pete Savago) the applicant accused the Chair of spot zoning. It was noted that the last time Mr. Toscani was before the board he did not include 123 Main Street in his submission as he believed he had sufficient parking without that location.

In response to the Chair's request that drainage be included on the plan, the applicant said there was no drainage. The Chair said a site plan requires drainage and without that component the application is not complete. The applicant said he did not have a site plan application before the board for 123 Main Street. The building inspector explained the application for 127 Main Street became tied to 123 Main Street because of the parking agreement. The applicant reiterated that the parking at 123 Main Street is pre-existing since it is a sub-let of an existing lease.

The Chair again noted that the site had been dramatically modified over the past months – the berme required as a condition of a previous approval had been radically modified (the surrounding area had been raised) and a drainage plan had never been submitted to the building department as required when a plan is modified. The Chair said the requested site plan would then be reviewed by the Board's engineer for code compliance in terms of drainage, access, and buffering.

Chair Curran stated his position that if the board was going to include a site with 50 parking spaces, a site plan is required and that site plan must be acceptable to the Village engineer and in compliance with the code. The Chair emphasized this request is required by the code to deem the application complete and that the Board is not allowed to accept/approve anything that violates the code. The applicant said he would submit the site plan and requested information.

Dr. Welles made a motion that the application before the board was incomplete. The motion was seconded by Dr. Rocco and carried unanimously by the Board. The vote was as follows: R. Curran - aye; T. Rocco - aye; T. Ward - aye; L. Welles - aye.

Adjournment:

Dr. Rocco moved to adjourn the meeting at 8:40 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
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Drayton Grant, Attorney; Bob Chamberlin, Traffic Engineer
Ted Fink, Planner