

**VILLAGE OF NEW PALTZ PLANNING BOARD
REGULAR MEETING
MINUTES
April 5, 2011**

Present: Maurice Weitman
Tom Rocco
Rich Steffens
Linda Welles

Also Present: Amanda Erickson, Village Clerk
Rodney Watrous, Building Inspector
Jean Gallucci, Trustee

Call to Order:

Chairman Weitman called the April 5, 2011 Regular Meeting of the Planning Board to order at 7:05p.m.

Public Hearing:

PB11-001: Moxie Cupcake LLC, 4 Carroll Lane, New Paltz, New York 12561. The applicant is requesting a Site Plan/ Special Use Permit Approval at a property located at 215 Main Street, New Paltz, New York 12561. The proposed use of site is existing uses continued and bakery added as a use.

Ms. Welles moved to open the public hearing regarding Planning Board application PB11-001: Moxie Cupcake LLC. Mr. Steffens seconded this motion. 4 ayes. Motion passed.

The public hearing was opened at 7:07pm.

Mr. Eriole, on behalf of the applicant gave a description of the proposed use.

Sandy Kaplan asked where the baking would take place.

Mr. Eriole answered that the baking will be done on site in a legal commercial kitchen.

Lagusta Yearwood stated that Moxie vegan cupcakes are great and she would like to lend her support to the business.

Leonard Loza stated that this seems like a superb idea, and anything that can add activities for tourists in the Village is welcomed

Ms. Welles moved to close the public hearing. Mr. Steffens seconded this motion. 4 ayes.

The public hearing closed at 7:16 pm.

SITE PLAN AND SPECIAL PERMIT APPROVAL

**MOXIE CUPCAKE LLC APPLICATION FOR SITE PLAN
APPROVAL AND SPECIAL USE PERMIT**

**215 MAIN STREET, VILLAGE OF NEW PALTZ
PB APPLICATION # PB 11-001**

Date: April 5, 2011
Resolution No. PB11-001:2

Moved by: Maurice Weitman
Seconded by: Rich Steffens

WHEREAS, Moxie Cupcake LLC applied on February 18, 2011 for site plan approval and special use permit for the change of use at 215 Main Street, Village of New Paltz to a bakery use; and

WHEREAS, the applicant has proposed a specialty bakery, a use permitted by special use permit in the B-1 District as a non-specified retail use under Village Code 212-13(E)(3)(p), for which the off-street parking requirement may be met by the existing parking lot for the building; and

WHEREAS, at its meeting on March 2, 2011, the Planning Board determined that the project was not likely to have any potential significant environmental impact and that a draft environmental impact statement would not be prepared; and

WHEREAS, referral to the County Planning Department under General Municipal Law section 239-m is not required pursuant to the County's MOA with the Village because no additional off-street parking spaces are required; and

WHEREAS, a duly noticed public hearing on the application was held on April 5, 2011, at which all members of the public wishing to be heard were heard; and

NOW, THEREFORE, THE PLANNING BOARD MAKES THE FOLLOWING FINDINGS:

- 1. The use of a portion of the existing structure as a bakery for the preparation of cupcakes and similar pastries and confections, savories and related specialty retail goods is compatible with and consistent with the surrounding business district; and**
- 2. The applicant is not proposing a full bakery making breads and rolls for wholesale delivery to restaurants, but rather a bakery limited to making cupcakes, pastries and similar confections, savories and related specialty retail goods and for retail sale on the premises and wholesale deliveries ; and**
- 3. The kitchen will use a stove designed for residential use and a commercial oven that does not require an outside vent;**
- 4. The use of a portion of the building for the proposed use will generally benefit the business district and is consistent with the intent of the district; and**
- 5. The existing parking lot provides a sufficient number of spaces for existing business and the proposed bakery use, to wit, 14 for the restaurant, 2 for the antique shop and 6 for the proposed bakery; and**
- 6. The bakery use is permitted by special permit as a retail use not otherwise specifically mentioned but in accordance with the intent of the district" under section 212-13(E)(3)(p) of the village code.**

NOW, THEREFORE, IT IS HEREBY RESOLVED:

- 1. That the proposed special permit for a specialty bakery use at 215 Main Street, as set forth in the application dated February 18, 2011, including the interior floor plan is hereby approved.**
- 2. The application for site plan is hereby approved, with the detail set forth in the application and EAF dated February 18, 2011, and the Planning Board chairman is hereby authorized and directed to sign the approved floor plan.**

Ms. Welles: Aye
Mr. Rocco: Aye
Mr. Steffens: Aye
Mr. Weitman: Aye

New Applications/Review for Completeness:

PB11-002: Lagusta Yearwood and Jacob Feinberg, 1 Watch Hill Rd. New Paltz, New York 12561. Application for Site Plan/Special Use Permit Approval at a property located at 25 North Front Street. New Paltz, New York 12561. Current use of site is empty; was previously a Laundromat. Proposed use of site is a small chocolate shop limited to retail business.

Mr. Steffens stated that his issue with the site is that there is no curb cut and a minimal sidewalk. The property owner is customarily the person responsible for installing a sidewalk in front of the building.

Trustee Gallucci stated that it is not required any place in the code and that this may be one of the properties that the Village blacktopped over.

Ms. Yearwood asked if the application could be split into two, so that she could move forward with the cosmetic renovations and the wholesale use of the business, while the special use permit for a retail portion of the shop is sorted out.

Mr. Rodenhausen stated that this is not possible and referenced section 175-17 of the Village of New Paltz Code.

Mr. Steffens moved to accept Planning Board Application PB11-002 as complete. Mr. Rocco seconded this motion. 4 ayes.

PB11-003: Discovery Institute, 64 Plains Rd. New Paltz, New York 12561. Application for Subdivision Plat Review and Approval at a property located at 6 Da Vinci Way (64 Plains Road) New Paltz, New York 12561.

Ed Kramer, member of the Board of Trustees, addressed the board on behalf of Discovery Institute, which is the owner of the property. He explained that the application is to subdivide the property into two parcels.

Mr. Steffens inquired about the septic system, and how this will fit on the proposed lot. He stated that the applicant will have to hire an engineer and consult with the UCBOH and provide documentation showing that there is a sufficient parking plan.

The applicant explained that the septic system is currently shared with the rest of the Discover Institute, but the issue is being looked into and the proposed lot size may be changed in order to accommodate the required septic system.

Mr. Steffens noted that this would be a parcel with no frontage on a public street, which is generally not allowed.

It was established that the question for the Board is whether or not they feel the creation of the lot is acceptable as a concept, recognizing that the applicant will have to go before Ulster County Board of Health Approval, and Village Board Approval because of the frontage issue.

The applicant asked whether or not a variance would be needed.

Mr. Rodenhausen and Mr. Watrous concluded that this is a pre-existing non-conforming use and would not require a variance.

The applicant asked about the parking situation.

The Board responded that the applicant should make sure that the easement to the right of way includes parking and that the right of way is wide enough for emergency vehicles.

Recommendation to Zoning Board of Appeals:

ZB11-003: Richard Cusano, 151 Route 32 North, New Paltz, New York 12561. Applicant is requesting a variance from section 212-13 (G) (6) of the Village of New Paltz Code. The applicant is seeking a height variance to allow for un-obstructed tennis play. A traditional indoor tennis facility requires 35 feet to the peak of the roofline so balls with not hit the ceiling.

Richard Cusano stated that he lived at 151 Route 32 North, and a couple of years back he had proposed this facility. Since the bubble at the college collapsed, he and other tennis players must drive up to 40 minutes to reach an indoor court. He made the point that the community has a desire and need for a court. There used to be 300 members of the New Paltz Tennis Association. He would like to have 1 court close to the road, so that parking could be put behind the courts and away from the road. The current zoning that is allowed is a 25 foot height. It would be open to the public for people to come and play. He believes that this will bring people back to New Paltz, people used to come and play and than go get lunch at the local restaurants. During the summer, he would host camps for kids. Eventually there it is there hope to put an out door court in as well.

He explained the structure is a steel structure that is not a permanent structure, and could actually be moved. The court will be a soft court.

Ms. Welles moved to not make a recommendation but send a letter to the Zoning Board of Appeals explaining that the Board does not feel that we are not in a position to make a recommendation without a site plan. The unofficial sketch raises some questions about having a building close to the road.
No second. Motion failed.

Tabled to the next meeting.

Other Business:

Discussion and Recommendations to the Village Board of Trustee Regarding Proposed Legislation addressing the issue of "Fracking"

Ms. Welles moved to support this document. No second. Motion failed.

Minutes:

Draft Minutes from the September 7, 2010 Regular Meeting of the Village of New Paltz Planning Board

Mr. Rocco moved approve the draft minutes from the September 7, 2010 Regular Meeting of the Village of New Paltz Planning Board. Ms. Welles seconded this motion. 3 ayes, 1 abstain (Mr. Steffens).

Draft Minutes from the October 19, 2010 Regular Meeting of the Village of New Paltz Planning Board

Mrs. Welles moved approve the draft minutes from the October 19, 2010 Regular Meeting of the Village of New Paltz Planning Board. Mr. Rocco seconded this motion. 3 ayes, 1 abstain (Mr. Steffens).

Draft Minutes from the November 2, 2010 Regular Meeting of the Village of New Paltz Planning Board

Mr. Rocco moved approve the draft minutes from the November 2, 2010 Regular Meeting of the Village of New Paltz Planning Board. Chairman Weitman seconded this motion. 3 ayes, 1 abstain (Mr. Steffens).

Draft Minutes from the November 16, 2010 Regular Meeting of the Village of New Paltz Planning Board

Chairman Weitman moved approve the draft minutes from the November 16, 2010 Regular Meeting of the Village of New Paltz Planning Board. Mr. Rocco seconded this motion. 3 ayes, 1 abstain (Mr. Steffens).

Motion to adjourn:

Mr. Rocco moved to adjourn. Mr. Steffens seconded this motion. 4 ayes.

The April 5, 2011 Regular Meeting of the Planning Board adjourned at 9:49pm.

Respectfully Submitted by,

Amanda M. Erickson, Village Clerk