

VILLAGE OF NEW PALTZ PLANNING BOARD
REGULAR MEETING
APPROVED MINUTES
June 3, 2014

Present: Maurice Weitman, Chairman
Richard Steffens
Michael Zierler
John Litton

Absent: Elizabeth Harschow

Also Present: George Rodenhausen, Village Planning Board Attorney
Bren White, Village Planning Director
Thomas Rocco, Village Board Liaison
Brogan O'Donnell, Village Planning and Zoning Board Secretary

Call to Order:

Chairman Weitman called the June 3, 2014 Regular Meeting of the Village Planning Board to order at 7:05PM

**PB14-03: Proposed – Mixed Use Restaurant and Apartment Building – 51 Main Street
Site Plan Application for New Project including new buildings and site improvements**

Applicant: Dimitri Viglis

Zoning District: B-2, Core Business

00:02:41-00:024:38

The Applicant, Mr. Dimitri Viglis, and his Architect, Mr. Richard Miller, discussed the parking and seating details that were requested from the Planning Board on May 20, 2014.

It was confirmed that the parking code change request enabling the code's parking requirements to be considered guidelines that was previously sent to the Village Board from the Village Planning Board, was enacted as a Local Law.

The downtown parking study conducted by the Village of New Paltz in 2006 was also discussed.

The applicant confirmed that he will have 100 seats within his businesses, meaning that a total of 34 parking spaces are required. The site plan was also updated to include 4 bike racks, since the Village Code states that one bike space is to be provided for every 10 parking spaces.

The Village Planning Director summarized the meeting memo dated May 30, 2014 for the applicant, and his Architect. The memo reads:

The applicant has proposed a mixed use structure for this parcel with restaurant space on the first and second floors and an apartment on the third floor. From a planning perspective, the application looks like a solid one. The B-2 zone is an appropriate one for mixed use, which typically strengthens neighborhood character and promotes pedestrian and bicycle friendly environments – which the Village should (and does) encourage.

Although current zoning allows for three stories, the applicant has chosen to set the third floor apartment back from

Main Street, which should alleviate any concern about height. The applicant claims that the third floor apartment is crucial to the viability of the project and will be owner occupied which is appreciated.

The applicant has adjusted the original plan to include porous pavement in the small parking lot. Since the parcel is currently at 100% impervious surface, any porous additions will certainly be an improvement on potential drainage and stormwater issues in the area. The addition of porous pavement will bring the project into compliance for impervious lot coverage, which I was concerned about during the pre-application phase.

The applicant proposes two parking spots to be included on site, which is what exists currently. According to a local law passed in April (I believe) of last year, the Planning Board should “exercise discretion in determining off-street parking requirements for non-residential uses” throughout the Village. The Board should take into consideration the surrounding municipal parking spots – including metered spaces – as well as any parking spaces that might be shared with another nearby use because of staggered hours of operation.

The proposed uses require 2,500 ft² plus 5,000 ft² for limited business retail (the restaurant) and residential (the third floor apartment), respectively. The parcel in question is 2,614 ft² which would require a substantial Area Variance for lot size should this project be approved. While the Area Variance is undoubtedly a ZBA decision, the Planning Board might appropriately consider the intent of the B-2 zoning that permits mixed use projects. While the Village clearly wants to encourage mixed uses, there are no parcels on this block and very few in the downtown area that are large enough to not require an Area Variance for such a use.

The question from the Planning Board’s point of view should be – *is this an appropriate space for mixed use?* I believe the answer is yes.

Mr. Steffens moved to consider PB14-03 complete. Mr. Zierler seconded. 4 Ayes. 0 Nays. 1 Absent – Ms. Harschow. Motion Carried.

Mr. Litton moved to schedule a public hearing for PB14-03 on July 15, 2014. Mr. Steffens seconded. 4 Ayes. 0 Nays. 1 Absent – Ms. Harschow. Motion Carried.

ZBA Referral

ZBA14-10: Proposed – Mixed Use Restaurant and Apartment Building – 51 Main Street

Area Variance

Applicant: Dimitri Viglis

Zoning District: B-2, Core Business

00:24:41-0:050:44

Mr. Steffens moved to give a positive recommendation to the ZBA for the reasons set forth in the Village Planning Director’s memo. Mr. Zierler seconded. 4 Ayes. 0 Nays. 1 Absent – Ms. Harschow. Motion Carried.

Chairman Weitman moved the following resolution for the Memorandum of Agreement between the Village of New Paltz Planning Board and Zoning Board of Appeals in regards to Area Variance Referrals and SEQRA Lead Agency. Mr. Steffens seconded. 4 Ayes. 0 Nays. 1 Absent – Ms. Harschow. Motion Carried.

MEMORANDUM OF AGREEMENT

Between

**Village of New Paltz Planning Board and Zoning Board of Appeals
Area Variance Referrals and SEQRA Lead Agency**

WHEREAS, Village Code § 212-59A(4) provides that with respect to matters not previously reviewed by the Planning Board, the Zoning Board of Appeals shall refer any appeal or application before it to the Planning Board for its review and report prior to the public hearing on the appeal or application; and

WHEREAS, when an appeal or application is for an area variance for a single-family or two-family residence and does not involve a Planning Board application for site plan approval, special permit approval, or subdivision approval, the Planning Board's expertise is not required; and

WHEREAS, when an appeal or application to the Zoning Board of Appeals is related to an application before the Planning Board for site plan approval, special permit approval, or subdivision approval, in fulfillment of its duties under 6 NYCRR 617.6, the Planning Board must circulate its intent to act as lead agency to the Zoning Board of Appeals, which has 30 days to respond; and

WHEREAS, in coordinated reviews of actions in which both boards are involved the Planning Board has greater capability for providing a thorough environmental assessment of proposed actions than the Zoning Board of Appeals; and

WHEREAS, both Boards desire to minimize the time and expense of lead agency communications and unnecessary referrals between the two Boards;

NOW THEREFORE BE IT RESOLVED AND AGREED by the Village of New Paltz Zoning Board of Appeals and the Village of New Paltz Planning Board that:

1. With respect to any appeal or application for an area variance for a single-family or two-family residence which does not involve a Planning Board application for site plan approval, special permit approval, or subdivision approval, the Planning Board defers to the Zoning Board of Appeals' judgment on the appeal or application and no referral pursuant to Village Code § 212-59A(4) shall be made to the Planning Board, but with respect to all other appeals and applications to the Zoning Board of Appeals, such referral shall be made; and
2. Whenever the Planning Board declares its intent to serve as lead agency in a coordinated review of a Type 1 or unlisted action in which the Zoning Board of Appeals is an involved agency, the Zoning Board of Appeals, by this resolution and agreement, shall be deemed to have consented to the Planning Board serving as lead agency, negating the need for the Planning Board to wait for, or the Zoning Board of Appeals to send, a response to the circulation.

Maurice Weitman, Chair, Planning Board

Kathryn Silberger, Chair, Zoning Board of Appeals

Chairman Weitman moved the following resolution to request the Village Board's review of Chapter 86 of the Village Code. Mr. Steffens seconded. 4 Ayes. 0 Nays. 1 Absent – Ms. Harschow. Motion Carried.

**VILLAGE OF NEW PALTZ PLANNING BOARD
25 PLATTEKILL AVE.
NEW PALTZ, NY 12561
(845) 255-3055
(845) 255-5103 Fax
RECOMMENDATION TO VILLAGE BOARD**

Date: June 3, 2014

Moved by: Chairman Maurice Weitman

Seconded by: Mr. Richard Steffens

WHEREAS, a site plan application for 51 Main Street is pending before the Planning Board for a proposed improvement that lies within the Fire Limits District established by Chapter 86 of the Village Code; and

WHEREAS, according to Village Building Inspector Travis, Chapter 86 of the Village Code references portions of the State Uniform Code which were applicable between 1984 until 2003, but are no longer applicable; and

WHEREAS, Building Inspector Travis further advises that since Chapter 86 still exists the applicant must follow the cumbersome procedures for a variance from the outdated standards set forth therein; and

WHEREAS, it is the understanding of the Planning Board that the present State Uniform Code effectively supersedes the requirements of the outdated Village Code references in Chapter 86;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Secretary forward this resolution to the Village Board requesting that the Village Board undertake a review of Chapter 86 as soon as practical to eliminate any unnecessary duplication of, or outdated reference to, the State Building Code; and

BE IT FURTHER RESOLVED, that the Village Board is requested to cooperate with the Building Inspector in expediting the Chapter 86 variance procedure so that the processing of the pending site plan application may proceed to completion.

John Litton AYE

Richard Steffens AYE

Maurice Weitman AYE

Michael Zierler AYE

1 Absent - Elizabeth Harschow

Maurice Weitman, Planning Board Chairman

Adoption of Draft Planning Board Minutes from May 20, 2014

00:51:52-00:52:25

Mr. Litton moved to adopt the Draft Planning Board Minutes from May 20, 2014. Mr. Steffens seconded. 4 Ayes. 0 Nays. 1 Absent – Ms. Harschow. Motion Carried.

Adjournment

Mr. Steffens moved to adjourn the June 3, 2014 Village of New Paltz Planning Board Meeting. Mr. Litton seconded. 4 Ayes. 0 Nays. 1 Absent – Ms. Harschow. Motion Carried.

The Tuesday, June 3, 2014 meeting of the Planning Board was adjourned at 7:47pm.

Respectfully submitted by,

Brogan O'Donnell

Planning and Zoning Secretary for the Village of New Paltz