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Village of New Paltz Planning Board  
Regular Meeting of Tuesday, June 4, 2019  
Village Hall - 7:00 PM  
**APPROVED MINUTES**

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Present: Eve Walter, Chair  
Denis McGee  
John Oleske  
Tom Rocco, Alternate

Absent: Cody Schatzle  
Noelle Kimble McEntee, Alternate  
William Murray, Village Board Liaison

Also Present: Rick Golden, Planning Board Attorney  
Alana Sawchuk, Planning and Zoning Secretary

***Welcome***

7:00

Chair Walter opens the regularly scheduled June 4, 2019 meeting of the Planning Board.

***Public Hearing(s)***

***1. Site Plan***

*New construction of deck*

PB19-06: 1 Orchard Lane

Applicant: Thomas Mulvihill

Zoning District: R-2

SBL: 86.42-4-23.100

7:00

No one from the public comes forward to speak.

Mr. McGee moves to close the Public Hearing for PB19-06, 1 Orchard Lane, Mulvihill. Mr. Rocco seconds. 4 ayes. Motion carries.

*2. Site Plan*

*Gas station mural*

PB19-08: 3 North Chestnut Street

Applicant: Elizabeth Sheehy

Zoning District: B-2

SBL: 86.34-2-13

7:01

No one from the public comes forward to speak.

Mr. McGee moves to close the Public Hearing for PB19-08, 3 North Chestnut Street, Sheehy. Mr. Rocco seconds. 4 ayes. Motion carries.

*3. Site Plan*

*Small deck addition*

PB19-07: 51 Elting Avenue

Applicant: Taylor Davis

Zoning District: R-2

SBL: 86.41-3-8

7:01

No one from the public comes forward to speak.

Mr. McGee moves to close the Public Hearing for PB19-07, 51 Elting Avenue, Davis. Mr. Rocco seconds. 4 ayes. Motion carries.

***Public Comment (00 Minutes)***

***7:01***

No one from the public comes forward to speak.

***Application Review***

*1. Site Plan*

*New construction of deck*

PB19-06: 1 Orchard Lane

Applicant: Thomas Mulvihill

Zoning District: R-2

SBL: 86.42-4-23.100

7:02

Nothing further to discuss as the applicant awaits approval from the Zoning Board of Appeals.

*2. Site Plan*

*Gas station mural*

PB19-08: 3 North Chestnut Street

Applicant: Elizabeth Sheehy

Zoning District: B-2

SBL: 86.34-2-13

7:02-7:04

Ms. Liz Sheehy and her classmates approach the Board. Chair Walter asks for any further comment

from the Board. Mr. Oleske expresses support for the project. Chair Walter proceeds with the Resolution.

Mr. McGee moves to approve PB19-08, 3 North Chestnut Street, Sheehy. Mr. Rocco seconds. 4 ayes. Motion carries.

### *3. Site Plan*

#### *Small deck addition*

PB19-07: 51 Elting Avenue

Applicant: Taylor Davis

Zoning District: R-2

SBL: 86.41-3-8

7:04-7:05

The applicant is not in attendance. Chair Walter moves forward with the Resolution.

Mr. McGee moves to approve PB19-07, 51 Elting Avenue, Davis. Mr. Rocco seconds. 4 ayes. Motion carries.

### *4. Site Plan/COU*

#### *Retail to restaurant*

PB19-09: 72-74 Main Street

Applicant: Kamran Khan

Zoning District: B-2

SBL: 86.143-1-15

7:06-7:33

Mr. Khan plans to convert the tattoo parlor (now closed) at 72-74 Main Street into a “fried chicken take-out” restaurant. Chair Walter begins with a question concerning how the ventilation system might function. The applicant explains that the building was a restaurant before it was a tattoo parlor, and that the exhaust systems will be installed in the same location where they once were. Chair Walter requests that the location of those systems be noted on the plans, as well as where they will exist in relation to surrounding buildings and shared alleyway.

Chair Walter also requests the location of the dumpster be noted on the plans.

The Board asks for further detail regarding a legal memo that was submitted concerning “right of way” use of the alleyway, as the alleyway in question is owned by the neighbor but the applicant is legally allowed to use it. Mr. Oleske, Attorney Golden, as well as the rest of the Board advise the applicant to confirm with his attorney that he does indeed still have ownership of the alleyway and that the neighbor would have no objection to his plans.

The applicant confirms he has no plans for seating in the restaurant.

Chair Walter asks for size and dimensions of proposed signage.

The applicant does not believe there will be any changes to lighting. Attorney Golden notes that should the applicant choose to change their lighting, the strength or voltage of that light could result in referral to the UCPB. As such, any change needs to be included on the plans.

Mr. Rocco expresses concern about a lack of information regarding light and ventilation systems prior to setting the Public Hearing. Mr. Oleske and other Board members agree. Applicant will make revisions as requested and return at a later date.

*5. Amended Site Plan/SUP*

*Mixed use building*

PB19-10: 51 Main Street

Applicant: Dimitri Viglis

Zoning District: B-2

SBL: 86.143-1-9.200

7:34-8:14

Mr. Viglis and Mr. Miller approach the Board in order to revise their previously approved Site Plan from a mixed use building with a restaurant to a mixed use building with retail/office space. The 2<sup>nd</sup> floor will still be office space and the 3<sup>rd</sup> floor will remain residential. The applicant will no longer need to install propane tanks, and the entire building will be electric. All exhaust equipment will be removed, including the A/C units along the fence line. Attorney Golden asks for confirmation as to whether or not the 1<sup>st</sup> floor is retail *or* office space, as those uses could require unique lot sizes.

Mr. Oleske finds that the plans as submitted seem to allow for no permeable space on the entirety of the lot. Mr. Rocco asks about whether or not the basement will be part of the 1<sup>st</sup> floor or if it will be storage, as the initial project submitted in 2017 planned to use it as a kitchen. Attorney Golden again states the importance of the applicant knowing precisely what they propose in terms of use (i.e., whether the 1<sup>st</sup> floor is office or retail).

Attorney Golden explains that if the applicant desires unlimited retail or office use, the Board would have to consider the most demanding of the permitted uses, and make a determination based on that. The Planning Board cannot determine whether or not this space is retail or office space, the applicant should come to the Board with that decision already made.

Mr. Oleske asks about the property owner, as the application lists Mr. Viglis, but the building is owned by an LLC. Attorney Golden requests the applicant obtain an owner authorization form and file it with the Building Department.

Attorney Golden asks about the dimensions of the 3<sup>rd</sup> floor residential space, and finds that the Building Inspector needs to be consulted as to whether or not certain areas, such as the balcony, be included in lot size.

Mr. Oleske expresses a concern about the number of available parking spots, especially if the 1<sup>st</sup> floor is office space.

The applicant confirms that the construction shed next to the building will be removed by next week.

The site plan should show proposed signage including location and size. The “takeout window” text should be removed.

The Board asks the applicant if they plan for the 3<sup>rd</sup> floor residential to be owner occupied or a rental. The applicant cannot confirm at this time.

***Administrative Business***

- *Approval of May 21, 2019 Minutes*

Mr. McGee moves to approve the 5/21/19 Minutes. Mr. Rocco seconds. 4 ayes. Motion carries.

***Adjournment***

Mr. McGee moves to close the June 4, 2019 meeting. Mr. Rocco seconds. 4 ayes. The meeting adjourns at 8:15 PM.

Respectfully submitted by,

Alana Sawchuk

Planning and Zoning Secretary