

City of Port Jervis, New York



PLANNING BOARD

January 15, 2013

Attendance

The following Board members were present:

Thomas Vicchiariello, Chairman
Dan Aumick
Regis Foster
William Hubbard
Donald Schields, Jr.

Board member(s) absent: Michael Cicalese and Ralph Hessberger

Also present: Board Attorney Robert Krahulik, Council Liaison Carl Hendrick, Councilman Stan Siegel, and Zoning Board Chairman Tim Simmons

Public Hearing—
Mad Dog Liquor
291-293 East Main
Street
SBL: 20-7-5

Mad Dog Liquor
291-293 East Main Street
SBL: 20-7-5

Site Development Plan for new construction of a liquor store with
an accessory apartment

Mailings were submitted by the applicant and are on file.

Mr. John Fuller, representing the Pellicanis, gave a brief description of the applicant's proposal to demolish existing structures on the property and build an approximately 2,000 ft² liquor store with a residential apartment on the second floor.

Mr. Fuller submitted a revised site plan that addressed issues discussed by the Board during the application's pre-submission in December.

The owner(s) anticipates being the residential tenant/caretaker and hopes to begin construction as soon as possible.

Mr. Fuller spoke to Mr. Lopez concerning the East Main Street widening project and its impact on this parcel.

Mr. Fuller reviewed the site plan, which included landscaping, signage, curb cuts, traffic flow, dumpster enclosure, lighting, hours of operation, number of employees, and Fire Inspector's comments. The hours of operation will be Monday through Saturday from 9:00 a.m. to 9:00 p.m. and Sunday from 10:00 a.m. to 6:00 p.m. The Pellicanis anticipate having a maximum of two (2) employees occupying the store at any one time.

Mr. Simmons inquired about parking stops. Mr. Fuller stated that parking has been rearranged from the previous plan, and parking stops have been added.

Mr. Hubbard asked if the applicant would need additional employees. Mr. Pellicani requested the number of employees be increased to four (4), and the site plan will be revised to reflect the increase.

Mr. Krahulik inquired about the potential of one-way traffic flow impeding deliveries. Mr. Fuller stated that deliveries are done on an “as needed” basis and feels the loading zone is more than adequate for unloading without interfering with traffic flow. Mr. Vicchiariello asked for clarification of the flow for one-way traffic, and Mr. Fuller explained the ingress and egress. Mr. Vicchiariello commented that he felt there would be less confusion if the traffic pattern remained as is shown on the site plan. Mr. Fuller added that access around the building was for emergency purposes, such as firefighting.

Mr. Vicchiariello reviewed department head comments.

Mr. Fuller explained the reason for the position of the parking spaces. Mr. Hubbard recommended “squaring off” the parking. Mr. Fuller added that signage could be added if needed to restrict traffic.

Mr. Vicchiariello asked if the applicant had notified Orange County and Deerpark. Mr. Fuller stated that mailings were done on January 4, 2013.

Motion by Mr. Schields, seconded by Mr. Foster, to close the public hearing at 7:25 p.m.

AYE: 5 ABSENT: 2 (CICALESE, HESSBERGER) ABSTAIN: 0 NAY: 0 CARRIED

Regular Meeting

The regular meeting of the Planning Board was called to order in the Council Chambers, 20 Hammond Street, Port Jervis, New York on Tuesday, January 15, 2013 at 7:25 p.m.

**Approval of
12/18/2012 regular
meeting**

Motion by Mr. Aumick, seconded by Mr. Hubbard, to approve the minutes of the December 18, 2012 regular meeting.

AYE: 5 ABSENT: 2 (CICALESE, HESSBERGER) ABSTAIN: 0 NAY: 0 CARRIED

**Discussion of Public
Hearing—Mad Dog
Liquor**

Mr. Vicchiariello reviewed the site plan changes to be made and noted that Orange County Planning Department’s comments will need to be reviewed and addressed when received.

Motion by Mr. Hubbard, seconded by Mr. Foster, to declare the City of Port Jervis Planning Board as lead agency and the application for Mad Dog Liquor at 291-293 East Main Street of the City of Port Jervis constitutes an unlisted action under SEQRA with no adverse environmental impact.

AYE: 5 ABSENT: 2 (CICALESE, HESSBERGER) ABSTAIN: 0 NAY: 0 CARRIED

Motion by Mr. Hubbard, seconded by Mr. Schields, to approve this application with the following changes and/or conditions:

- The number of employees be increased to four (4).
- The parking be “squared off”.
- Orange County Planning Department comments be reviewed and addressed when they become available.

AYE: 5 ABSENT: 2 (CICALESE, HESSBERGER) ABSTAIN: 0 NAY: 0 CARRIED

**Pre-Submission(s)—
Ellicott Development
SBL: 12-9-1**

**Ellicott Development
100 Pike Street
SBL: 12-9-1
Site Development Plan and Conditional Use Permit
for future tenants**

Representatives from Ellicott Development had notified the Board that they would be unable to attend. Preliminary comments had been received from the County, and a traffic study had been submitted for the Board’s review. Mr. Vicchiariello asked that Mr. Hendrick inform the Council of the status of this application. The pre-submission will be continued at the February 19, 2013 meeting.

**Old Business—Port
Jervis Free Library**

Mr. Scott Quinn, of McGoey, Hauser and Edsall Consulting Engineers, represented the Port Jervis Free Library and submitted a revised site plan. The previously-approved application was contingent upon an agreement being reached between Mr. Sarfatti and the Library. No agreement had been finalized, so access to the 12-car parking lot has been modified. The site plan includes the same number of parking spaces, including one (1) handicap space.

Mr. Quinn detailed the revised site plan. He discussed the retaining walls, storm water drainage, catch basins, and Pike Street entrance.

Motion by Mr. Schields, seconded by Mr. Hubbard, to set a public hearing for February 19, 2013 at 7:00 p.m.

AYE: 5 ABSENT: 2 (CICALESE, HESSBERGER) ABSTAIN: 0 NAY: 0 CARRIED

**Conditional Use
Permit renewed—I
Donate Goods LLC**

Motion by Mr. Aumick, seconded by Mr. Hubbard, to renew the Conditional Use Permit for I Donate Goods LLC: JT Dobbs LLC, 1 Kingston Ave, SBL 9-1-13 and 32 Culvert Street LLC, 32-34 Culvert Street, SBL 3-4-1.1 for one (1) year.

Department heads approved this renewal without issues.

AYE: 5 ABSENT: 2 (CICALESE, HESSBERGER) ABSTAIN: 0 NAY: 0 CARRIED

New Business

No new business was discussed.

**Chairman's
Correspondence
reviewed**

Councilman-at-Large Kelly Decker, Code Committee chairman and on behalf of the Code Committee, requested the Planning Board require any commercial or three (3) tenement buildings or greater to have an enclosure for dumpsters on premises that meets the following criteria:

1. Three-sided solid or block concrete walls at least six feet (6') in height
2. The fourth side of the enclosure must have a privacy fence that securely closes but can open for trash and/or dumpster removal
3. No garbage of any type can be visible from outside the enclosure

The Board discussed the issue. Mr. Vicchiariello noted a possible problem with this solution if there is no room on the parcel for such an enclosure. Mr. Kraulik suggested either (1) requiring an applicant in this situation to seek a variance from the Zoning Board of Appeals (ZBA) or (2) permitting the Planning Board the discretion to waive this requirement. Mr. Simmons added that requiring an applicant to appear before the ZBA for a variance would cause delays and incur additional costs and recommended the second option. Board members also recommended the second option suggested by Mr. Kraulik. Mr. Vicchiariello stated that he would send a letter to Mr. Decker conveying the Board's comments.

Other correspondence received was *Rural Futures* and *Plan-It Orange* newsletter.

ZBA Report given

The Zoning Board of Appeals had no business before the Board for the January meeting, and there are currently no applications for the February meeting.

**Code Enforcement
Report given**

No report was given

**Council Liaison
Report given**

Mr. Hendrick stated that he will report the status of the 100 Pike Street application to the Council.

Adjournment

Motion by Mr. Schields, seconded by Mr. Aumick, to adjourn the meeting at 7:43 p.m.

AYE: 5 ABSENT: 2 (CICALESE, HESSBERGER) ABSTAIN: 0 NAY: 0 CARRIED

The next meeting is scheduled for Tuesday, February 19, 2013 at 7:00 p.m.

Respectfully submitted by *Robyn Hendershot*, Secretary