

# City of Port Jervis, New York



## PLANNING BOARD

March 19, 2013

### Attendance

The following Board members were present:

Thomas Vicchiariello, Chairman  
Dan Aumick  
Michael Cicalese  
William Hubbard  
Donald Schields, Jr.

Board member(s) absent: Regis Foster, Ralph Hessberger

Also present: Planning Board Attorney Robert Krahulik, Council Liaison Carl Hendrick, Councilman-at-Large Kelly Decker, Councilman Stan Siegel, Building Official Wayne Kidney, and Zoning Board Chairman Tim Simmons

Public Hearing—  
Robert Burbridge  
116-122 Franklin  
Street  
SBL: 14-1-6

Robert Burbridge  
116-122 Franklin Street  
SBL: 14-1-6  
Conditional Use Permit for Auto Repair Shop

Proof of mailings is on file.

Mr. Robert Burbridge stated that he had made changes to the site plan submitted for his automotive repair shop. The shop will be primarily an automotive repair shop and not an auto body shop. The hours of operation and number of employees stated on the site plan will remain as 7:00 a.m. to 10:00 p.m. and four (4), respectively. Basic automotive repair work, however, will end at 9:00 p.m. Mr. Burbridge stated that trees may be removed on the parcel and he will maintain the grassy area. There will be weekly pick-up of hazardous materials, such as tires, but waste oil, however, will be picked up on an as-needed basis. Mr. Burbridge assured the Board that tires will not collect on the property. He noted that an Orange and Rockland light was not functioning properly for lighting but there was a light on the peak of the garage which does not impact traffic. Mr. Vicchiariello asked about blocking the sidewalk and a fire lane. Mr. Burbridge has spoken with Fire Inspector Michael Reilly concerning this issue. Mr. Kidney recommended adding a "No Parking Anytime" sign on the building facing the space in question, and Mr. Burbridge noted there is an existing "No Parking" sign.

Mr. Vicchiariello reviewed the department head comments. The Fire Chief and Director of Public Works gave the Chairman a verbal approval. The Fire Inspector noted sixteen (16) comments, which were reviewed. A copy of the Fire Inspector's comments will be given to the applicant.

Mr. Burbridge had spoken to Mr. Kidney concerning vehicle storage. Six (6) unregistered vehicles awaiting repair may be stored behind a fence, which is an area obscured from the street. Mr. Krahulik recommended adding a stipulation of no unregistered vehicles to be permitted outside the fenced area. He also recommended the Board review the code for a motor service center. Provisions to consider include not permitting work to be performed on a vehicle outside of the shop, the storage of materials waiting for disposal, and screening requirements along lot lines adjacent to other property owners. Mr. Krahulik also suggested that the Board add the condition that no car, truck, or trailer sales or rentals be permitted. Mr. Burbridge asked if his private vehicle could display a "For Sale" sign when parked on the property. Mr. Kidney stated

that it would not be permitted.

Mr. Kidney suggested the location of the fire lane, the corrected hours of operation, and security lighting be noted on the final site plan submitted for signature.

Mr. Vicchiariello detailed Mr. Reilly's comments concerning the fire lane requirements.

Motion by Mr. Schields, seconded by Mr. Aumick, to close the public hearing at 7:24 p.m.

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

**Regular Meeting**

The regular meeting of the City of Port Jervis Planning Board was called to order in the Council Chambers, 20 Hammond Street, Port Jervis, New York on Tuesday, March 19, 2013 at 7:24 p.m.

**Approval of  
1/15/2013 and  
2/19/2013 Regular  
Meetings Minutes  
approved**

Motion by Mr. Cicalese, seconded by Mr. Schields, to approve the minutes of the February 19, 2013 regular meeting.

**AYE: 4 ABSENT: 2 (FOSTER, HESSBERGER) ABSTAIN: 1 (AUMICK) NAY: 0  
CARRIED**

The date for the January minutes was incorrectly noted as January 12, 2013. The correct date is January 15, 2013.

Motion by Mr. Schields, seconded by Mr. Aumick, to approve the minutes of the January 15, 2013 regular meeting.

**AYE: 4 ABSENT: 2 (FOSTER, HESSBERGER) ABSTAIN: 1 (CICALESE) NAY: 0  
CARRIED**

**Discussion of Public  
Hearing and  
Application  
approved—Robert  
Burbridge**

No public comment was given.

Motion by Mr. Schields, seconded by Mr. Cicalese, to declare the City of Port Jervis Planning Board as lead agency and the application for Robert Burbridge at 116-122 Franklin Street of the City of Port Jervis constitutes an unlisted action under SEQRA with no adverse environmental impact.

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

Motion by Mr. Hubbard, seconded by Mr. Cicalese, to approve this application with the following conditions:

- All sixteen (16) comments made by the Fire Inspector must be adhered to.
- No unregistered vehicles are permitted outside the fenced area.
- No automotive repairs will be permitted outdoors.
- All hazardous materials must be properly stored inside.
- No sales or rentals of vehicles will be permitted on the premises.
- Hours of operation will be 7:00 a.m. to 9:00 p.m.

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

Motion by Mr. Schields, seconded by Mr. Hubbard, to approve the conditional use permit for the above application for a period of one (1) year.

**AYE: 5 ABSENT: 2 (FOSTER, 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 Chairman that they would be unable to attend due to inclement weather and other issues. The pre-submission will be continued at the April meeting.

Mr. Vicchiariello spoke with representatives of the company concerning approvals and conditions needing to be discussed with the Police Chief and Director of Public Works. He recommended that they meet in person or by telephone. There are also some issues needing to be discussed in regards to Burger King, including blocking the travel way.

Old Business

No old business was discussed.

New Business—  
Conditional Use  
Permit (Keith  
Brown, 136 Jersey  
Avenue) approved

Motion by Mr. Schields, seconded by Mr. Hubbard, to renew the two-year Conditional Use Permit for two (2) personal service stores on the first floor and one (1) accessory caretaker apartment on the second floor for Keith Brown, 136 Jersey Avenue (SBL: 14-10-23).

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

Chairman's  
Correspondence  
reviewed

The Municipal Planning Federation is offering training DVDs for Planning and Zoning Board members. The DVDs have been ordered.

Mrs. Robin Waizenegger, City Clerk-Treasurer, notified the Board that Planning Board applicant Sussex & Warren Holding Corp, due to inactivity on the project Alexa Meadows Senior Housing, has a balance due for engineering services. The project is cancelled as of March 15, 2013 due to default.

In a letter to the Board, Fire Inspector Michael Reilly recommended modifying the approval process. Per §535-61(k) of the City code of the City of Port Jervis, it is not necessary for the Planning Board to have Common Council or Code Committee approval to make the modifications requested by Mr. Reilly. Mr. Krahulik recommended adding a signature line on the final site plan for the applicant. Mr. Kidney added that the applicant could also be required to sign one (1) a copy of the Planning Board's approval letter and return the signed copy for the Board's files.

Motion by Mr. Cicalese, seconded by Mr. Aumick, to require those Planning Board final site plans that are submitted for signature to be signed by the applicant and to require one (1) copy of the Planning Board's approval letter be signed by the applicant and returned for filing prior to the issuance of any certificate of occupancy.

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

ZBA Report given

The next ZBA meeting is tentatively scheduled for April 2, 2013 at 7:00 p.m. At this time, there is no business before the Board for the April meeting.

Code Enforcement  
Report given

Mr. Kidney noted that Mr. Keith Brown may need a zoning variance for the insurance office on Jersey Avenue. He is gathering the necessary documents and may be appearing before the Zoning Board for a lot area variance.

The Code Committee and Council are currently working on local laws concerning removal of illegal multi-kitchens and standardizing definitions for "family" and "dwelling unit" in the City code. Mr. Simmons asked about possible restrictions for kitchen facilities in other parts of a residence. Mr. Kidney spoke about this issue, citing examples of summer and/or outdoor kitchens. He stated it is difficult to address and will take time. Code Enforcement, Code Committee, and Corporation Council have been addressing the removal of illegal kitchens in dwellings that has lost their pre-existing, non-conforming use.

**Council Liaison  
Report given**

**Mr. Hendrick commented that, along with the Council's work on the multi-kitchens, the Planning Board could expect an application for a wine bar soon.**

**Mr. Decker added that the Code Committee has also been working on a local law for dumpsters.**

**Mr. Decker expressed his concerns about Ellicott Development's developer installing a new, separate building for Rite-Aid while only installing a new roof on the existing building and leaving it unoccupied. He recommended the Board require the applicant to fully rehabilitate the existing building or tear it down. Mr. Vicchiariello assured Mr. Decker that the Board will require the applicant to address the existing building. Mr. Kidney added that the applicant may feel installing a new building for Rite-Aid could enhance the ability to rent space in the other building.**

**Adjournment**

**Motion by Mr. Schields, seconded by Mr. Cicalese, to adjourn the meeting at 7:53 p.m.**

**AYE: 7 ABSENT: 0 ABSTAIN: 0 NAY: 0 CARRIED**

*The next meeting is scheduled for Tuesday, April 16, 2012 at 7:00 p.m.*

Respectfully submitted by  
*Robyn Hendershot*  
Secretary