

City of Port Jervis, New York



PLANNING BOARD

June 18, 2013

Attendance

The following Board members were present:

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

Board member(s) absent: Michael Cicalese

Also present: Planning Board Attorney Robert Krahulik, Council Liaison Carl Hendrick, Mayor Potter, Councilman-at-Large Kelly Decker, Councilman Frank Bell, Councilman, Gerald Oney, Councilman Robert Ritchie, Corporation Counsel Damian Brady, Building Official Wayne Kidney, Director of Public Works Vincent Lopez, Police Chief William Worden, and Zoning Board Chairman Tim Simmons

Public Hearing(s)

No public hearing(s) were held.

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, June 18, 2013 at 7:00 p.m.

Approval of 5/21/2013 Regular Meeting Minutes approved

Motion by Mr. Hessberger, seconded by Mr. Schields, to approve the minutes of the May 21, 2013 regular meeting.

AYE: 6 ABSENT: 1 (CICALESE) ABSTAIN: 0 NAY: 0 CARRIED

Orange & Rockland Extension approved

Mr. Vicchiariello stated that there would be a slight change to the agenda. The Board would first consider the site plan extension approval for Orange and Rockland Utilities.

Mr. Erik Denege, Project Manager, Mr. Michael Homenick, Senior Civil Engineer, and Mr. Mark Licari, Senior Electrical Engineer, were present. Mr. Denege had spoken to Mr. Vicchiariello prior to the meeting to update him on the status of the project. The project, expected to begin in 2017, has had a slight reduction in the scope of work and has been modified to maintain reliability. The changes, which include removing one (1) transformer from the scope of work, will benefit the City by ensuring continuity of service throughout construction of the substation. Mr. Denege stated that the company is requesting a six-month extension. Mr. Licari spoke about the transformers in the project which will be servicing the City.

Mr. Vicchiariello asked if the footprint would be the same as on the original site plan. Mr. Denege stated that the footprint is the same and assured the Board he would return prior to any changes in the original plan being made. Mr. Licari added that just the scope of work was being reduced. Mr. Vicchiariello noted that as long as the footprint remains the same no new application was necessary. Mr. Kidney added that, if the site plan was being amended, a revised plan for the public to view must be submitted to the Building Official's office prior to the start of construction.

Mr. Lopez inquired if additional work would be done in the West Main Street/canal area where conduit had previously been installed. Mr. Licari stated that the conduit was still being used and spoke about the overhead and underground circuits. Mr. Lopez asked if Orange and Rockland would be requiring and/or requesting additional road openings between now and the beginning of construction. Mr. Licari stated that he was unsure but would obtain that information and contact Mr. Lopez.

Motion by Mr. Hubbard, seconded by Mr. Aumick, to grant a six-month extension from June 18, 2013 for the Orange and Rockland site plan approval for the Port Jervis Substation Project.

AYE: 6 ABSENT: 1 (CICALESE) ABSTAIN: 0 NAY: 0 CARRIED

Pre-Submission(s)—
Ellicott Development
SBL: 12-9-1.1

Ellicott Development
100 Pike Street
SBL: 12-9-1.1
Site Development Plan and Conditional Use Permit
for future tenants

Mr. Tim O'Brien, of Bohler Engineering, represented the applicant and distributed a revised set of plans for the Board's review. Mr. Obrien spoke about the Rite-Aid building and stated that he had met with City department heads earlier in the day. Some revisions discussed during the on-site visit were an improvement to the access by Burger King as recommended by Chief Worden, an alignment of the center island, modifications to existing signage to improve visibility, improvements to crosswalks, identification of easements and right-of-ways, elimination of the median at the intersection of Hammond and Pike Streets, inclusion of an acceptable trash enclosure, and inclusion of storm water lines to the site plan. Mr. O'Brien stated that changes to the signage would be submitted to the Board for approval. Drainage was also discussed. He commented that the company is eager to begin the public hearing as soon as possible.

Mr. Vicchiariello noted for the record that Mr. William Paladino and Mr. David Hall, of Ellicott Development Company, and the traffic engineer were not in attendance.

Mr. Vicchiariello commented on the May 24, 2013 letter received from Ellicott Development and SEQR. He also noted that the traffic light, although not included as a part of the Rite-Aid portion of the plan, has an effect on the project and easements and right-of-ways must be discussed and finalized. Mr. Vicchiariello stated that items requested by the Board from the developer had not been received. Mr. O'Brien stated he was not aware of the May 24, 2013 letter.

Mr. Krahulik asked and Mr. Vicchiariello provided answers the following questions concerning the property in regards to SEQR:

- Is it a public park? No
- Is it designated a historical place on the National Register? No
- Has a state historic preservation officer nominated it for inclusion in the National Register?
No

This is an unlisted action, and not a Type 1 action, under SEQR. Therefore, a short form Environmental Action Form (EAF) can be accepted. The Board, however, can require a long form if it feels it is necessary.

Mr. Vicchiariello asked if a separate Planning Board application would be necessary for the Rite-Aid portion of the project. Mr. Krahulik commented on his concern of segmentation of the environmental review, which is not permissible under SEQR, and reminded the Board to look at the cumulative impact of the entire project. The long form EAF may be necessary to determine any environmental impacts and if the applicant is doing what is necessary to mitigate those impacts in the overall project.

Mr. Vicchiariello noted that such items as the footprint and elevation were not changed and asked if it would be pertinent for the applicant to submit a short form for only the Rite-Aid portion of the project. Mr. Krahulik stated that he feels an additional short form would not provide the Board with any more information than the previously submitted short form EAF. He added that a long form could be requested of the applicant.

Mr. O'Brien commented that the only change was the addition of one (1) building, noting that the use is adequate for the parking lot. He added that Rite-Aid would not generate a great deal of traffic. He stated that by addressing concerns raised by the Board and/or department heads he feels that a long form EAF would not be necessary.

Mr. Scott Quinn, of McGoey, Hauser and Edsall Consulting Engineers, added that so long as the applicant is willing to provide the information requested a long form may not be necessary.

Mr. Krahulik noted that the Board also has the option to hold the application open until the necessary information, such as additional studies, is provided to the Board. He added that a long form EAF would not be difficult to complete and submit.

Mr. O'Brien commented that that company is trying to move the project forward.

Mr. Krahulik recommended the company complete and submit the long form EAF to ensure the project moves forward in a timely manner. Mr. O'Brien will review this issue with the developer.

Mr. O'Brien stated that he has worked with McGoey, Hauser and Edsall in the past and is confident he can address any concerns. Mr. Quinn briefly reviewed his comments for the site plan of the proposed Rite-Aid. Mr. O'Brien stated that he will have the site plan revised to incorporate Mr. Quinn's recommendations, which include combining several plans that had been submitted separately and providing a full-size set of site plans to the engineer.

Chief Worden stated that he was satisfied with the changes made as discussed during the site visit.

Mr. O'Brien stated that he will also address comments made by Mr. Lopez and will provide him with a set of drawings. He had also been in contact with Fire Inspector Michael Reilly via email and will address his concerns as well.

Mr. Lopez asked for clarification concerning the removal of a portion of the island at the intersection of Hammond and Pike Streets without installing a traffic signal. Mr. O'Brien stated that, although he does not have a part in that off-site improvement, he believes removing the portion of island would allow for greater access. Mr. Lopez asked if this was part of the Rite-Aid project. Mr. O'Brien stated that it was not part of this project. Mr. Vicchiariello commented that it does have an impact on the Rite-Aid project, and the issue should be resolved as quickly as possible. He suggested the company consider installing a flashing yellow/red traffic signal that has the capability of being changed to a traffic light when needed.

Mr. O'Brien spoke about easement and right-of-ways that will be granted to the City and stated that the company is attempting to finalize agreements as soon as possible.

Mr. Vicchiariello asked if an additional traffic study will be completed. Mr. O'Brien stated that only new traffic counts will be done to show the difference in volume between winter and summer months. Mr. Vicchiariello commented that both Hammond Street and MacArthur Circle locations must be addressed.

Mr. O'Brien stated that Phase III of the project has begun. Structural engineering and asbestos surveys have been completed, and contracts should be finalized within the next two (2) weeks. Some interior demolition has also been done.

Mr. Vicchiariello inquired about removing existing blacktop within the Rite-Aid footprint. Mr. O'Brien discussed repairs to be made to the blacktop, including existing potholes. Mr. O'Brien stated that he has taken photographs of the problem areas. Mr. Vicchiariello noted that the Board may request a long-term blacktop maintenance plan due to previous problems on the parcel.

Mr. Vicchiariello noted that the graffiti had not been removed as requested. Mr. O'Brien stated that he had brought this issue to Ellicott's attention.

Mr. Hubbard asked if the traffic light would be included in the plan. Mr. Vicchiariello stated that the issue would have to be resolved due to the impact on the Rite-Aid project.

Mr. Kidney noted that the discussed modifications would cause a reduction in parking spaces by four (4) and a recalculation of the number of spaces must be noted on the site plan. He made recommendations to ensure the lot would maintain the adequate seventy-seven (77) spaces needed.

Mr. Lopez commented that he feels that an update of only the traffic count would not be adequate. Traffic projections should be included in the plan to demonstrate the anticipated increase in traffic into the mall area once businesses are open.

Motion by Mr. Hessberger, seconded by Mr. Hubbard, to permit public comment on this application.

AYE: 6 ABSENT: 1 (CICALESE) ABSTAIN: 0 NAY: 0 CARRIED

Mayor Potter stated that he has been working with Mr. Paladino since the beginning of the project. The company must begin construction in August or September, or the project will have to be delayed until next year. He asked that the Board do what it can to move the project forward in a safe manner.

Mr. O'Brien stated that Rite-Aid desires to begin construction immediately, and Mr. Paladino is willing to do what has been requested, including the additional traffic counts and right-of-way agreement. He requested that the Board set a public hearing as soon as possible.

Mr. O'Brien commented that Mr. Paladino attended a conference in Las Vegas last month to encourage tenants to come to Port Jervis. Having Rite-Aid will aid in obtaining other tenants.

Mr. O'Brien stated that he can address the City's and Board's issues and concerns. Mr. Vicchiariello noted that, over the past several months, he had repeatedly requested Mr. Paladino meet with Mr. Lopez and Chief Worden. He commented that the Board understands the importance of the project and asked if Ellicott Development would be prepared for a public hearing by July 16. Mr. O'Brien stated that he can address any issues on his drawings and will encourage Mr. Paladino to address any other issues. He added that his company will do its best to meet the deadline and understands that if the company is not prepared there will be no public hearing. Mr. Kidney emphasized that everything necessary for the public hearing must be received by July 6 to ensure the applicant is prepared for the public hearing on July 16.

Public Hearing set

Motion by Mr. Foster, seconded by Mr. Aumick, to set a public hearing for this application for July 16, 2013 with all necessary information and documentation submitted by July 6, 2013.

AYE: 6 ABSENT: 1 (CICALESE) ABSTAIN: 0 NAY: 0 CARRIED

Old Business

Mr. Vicchiariello asked for an update on Mad Dog Liquor on East Main Street. Mr. Kidney stated that the asbestos and abatement studies were complete, and the buildings on-site were expected to be raised by the end of next week.

New Business

No new business was discussed.

**Chairman's
Correspondence
reviewed**

No correspondence had been received.

ZBA Report given

The Zoning Board of Appeals meeting in May had the following two (2) public hearings: an area variance for a parcel on Jersey Avenue and a variance and front yard setback request for a corner property on Erie/Liberty Street. Both applications were approved. There was also a pre-submission for 136 Jersey Avenue for a conversion to a single-family dwelling. This application was set for public hearing on July 2, 2013.

**Code Enforcement
Report given**

Mr. Kidney noted that the use variance being sought by the owner of 136 Jersey Avenue would be difficult to have approved. The property is in the commercial corridor, and the request would move it to non-conformity within the zone. Mr. Simmons added that the owner has tried unsuccessfully to use the building as a commercial site.

**Council Liaison
Report given**

Mr. Hendrick distributed liaison reports detailing recent discussions and/or actions on the topics of wine bars, multi-kitchens, multi-family tenant conversion, and CBD concerns.

Mr. Kidney will be presenting information concerning the CBD conversion issue to the Council at a future Common Council meeting.

Mr. Vicchiariello asked if the wine bar had been presented to the Council. Mr. Brady and Mr. Hendrick stated that it was not ready for Council review at this time.

Adjournment

Motion by Mr. Hessberger, seconded by Mr. Schields, to adjourn the meeting at 8:09 p.m.

AYE: 6 ABSENT: 1 (CICALESE) ABSTAIN: 0 NAY: 0 CARRIED

The next meeting is scheduled for Tuesday, July 16, 2013 at 7:00 p.m.

Respectfully submitted by
Robyn Hendershot
Secretary