

City of Port Jervis, New York



PLANNING BOARD

July 16, 2013

Attendance

The following Board members were present:

Michael Cicalese, Acting Chairman
Dan Aumick
Regis Foster
William Hubbard
Donald Schields, Jr.

Board member(s) absent: Chairman Thomas Vicchiariello, Ralph Hessberger

Also present: Planning Board Attorney Robert Krahulik, Council Liaison Carl Hendrick, Mayor Potter, Councilman-at-Large Kelly Decker, Councilman George Belcher, Councilman Frank Bell, Councilman Michael McCarthy, Councilman Gerald Oney, Councilman Robert Ritchie, Council Stanley Siegel, Building Official Wayne Kidney, and Zoning Board Chairman Tim Simmons

Public Hearing(s)—
Ellicott Development
SBL: 12-9-1.1 (Rite-Aid)

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

The public hearing was opened at 7:00 p.m.

Mr. Bill Paladino, of Ellicott Development, gave a brief history of parcel since the company's purchase of the property in 2012. Burger King restaurant has been completed, and the company is now seeking to build a 14,900 ft² Rite-Aid building on the lot. Ellicott Development hopes the existing Burger King and new Rite-Aid will help to rejuvenate the plaza, bringing new, as well as returning, tenants to the space. Studies on the 80,000 ft² plaza building's roof, floor, wall structure, and retaining wall are being completed. The redeveloped plaza will contain retail businesses and restaurants. Exterior improvements will include new landscaping, removal of the median near McArthur Circle, and installing a traffic signal. Other changes include crosswalks and new signage. Mr. Paladino reviewed the site plan for the Rite-Aid building, detailing a loading door, two-lane drive thru, dumpster enclosures, and the brick-like façade.

Mr. Hubbard inquired about the easements discussed at the June meeting. Mr. Paladino stated that the easement agreements between Ellicott Development and the City were forwarded to Corporation Counsel Damian Brady for review. He also noted that an agreement has been signed with the MTA. The access and water agreements have also been forwarded for review.

Mr. Krahulik stated that he had spoken to Mr. Brady concerning the conditions for the project's approval. The agreement must contain language giving the City the right, but not obligation, to enter the property to access to sewer and water lines, particularly in the event of an emergency. The property owner will have the primary responsibility of maintaining sewer and water lines. There must also be a note added to specify a water shut down plan. The plan would ensure no homeowners would be adversely affected if water was shut off to this parcel. Mr. Krahulik recommended Mr. Paladino contact DPW Director Vincent Lopez to discuss the details of the plan.

The easement to the City-owned railroad turntable property needs to be better defined. Mr. Paladino explained that the company used the MTA agreement as a guideline but will confirm that there is adequate access, which will include access rights to maintain the City's sewer and water lines. The easement must address ingress, egress, and water and sewer access. Mr. Krahulik also asked that Mr. Paladino provide him with a copy of the original 1986 easement agreement.

Mr. Paladino added that the Fire Chief's request for adequate access for fire apparatus to the Rite-Aid drive thru will be provided.

Mr. Kidney asked for clarification of the note on page four (4) of site plan that addresses the proposed site entrance improvements. He asked if the improvements will be completed during or after this project. Mr. Paladino stated that this work will be done at the same time.

Public Comment

Ms. Kathy Shortell, 2nd Ward resident and City employee, commented on the property and the project. She spoke about how the property has been a problem to the City in the past and how the proposed improvements could enhance the downtown business district. She also commented on how a delay in this project could hurt the City and how moving forward could aid in the City's economic recovery. She encouraged the Board to support the Rite-Aid project.

Mayor Potter stated that he has worked with Ellicott Development and also encouraged the Board's support. He highlighted the positive aspects of moving forward, which included the economic impact to the City, improving the area's aesthetics, and increasing the number of jobs.

Mr. Belcher, 2nd Ward resident and Councilman, added that he and Councilman Robert Ritchie support Ellicott's proposal.

Motion by Mr. Hubbard, seconded by Mr. Schields, to close the public hearing at 7:21 p.m.

**AYE: 5 ABSENT: 2 (HESSBERGER, VICCHIARIELLO) 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, July 16, 2013 at 7:21 p.m.

Mr. Cicalese led all those present in the Pledge of Allegiance.

**Approval of
6/18/2013 Regular
Meeting Minutes
approved**

Motion by Mr. Hessberger, seconded by Mr. Schields, to approve the minutes of the June 18, 2013 regular meeting.

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

**Discussion of Public
Hearing**

Mr. Hubbard, Mr. Aumick, and Mr. Foster voiced their support of the project.

Mr. Scott Quinn, of McGoey, Hauser, and Edsall Consulting Engineers, detailed his comments of the site plan and EAF long form review dated July 16, 2013 and submitted to the Board for their consideration. A copy of the comments is on file. Mr. Quinn also noted he had spoken to Mr. Lopez concerning this project and had these additional two (2) comments: the raised concrete walkway should have bumper blocks added and traffic from the railroad property through the Rite-Aid parking lot area must be addressed. Mr. Cicalese read comments submitted by Mr. Vicchiariello. A copy of the comments is also on file.

Mr. Paladino clarified that the landscaping and lighting would be completed with this project.

Motion by Mr. Aumick, seconded by Mr. Hubbard, to declare the City of Port Jervis Planning Board as lead agency and this application for the Rite-Aid building by Ellicott Development Corporation constitutes an unlisted action under SEQRA with no adverse environmental impact and hereby adopts a negative declaration.

The approval has the stipulation of a one-year renewal.

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

Motion by Mr. Hubbard, seconded by Mr. Schields, to conditionally approve the site plan for the Rite-Aid building by Ellicott Development Corporation subject to the following conditions:

1. The 911 address of 76 Pike Street must be noted on the plan.
2. It is subject to a review of satisfactory easement agreements between the applicant and City of Port Jervis.
3. It is subject to easements agreements being recorded with the Orange County Clerk.
4. Recording information of the easements must be placed on the site plan prior to the Chairman signing the final site plan.
5. All McGoey, Hauser, and Edsall's technical review comments must be added to the site plan.
6. Two (2) sheets on the current site plan are labeled "C-1"; one sheet must be labeled "C-1A" or "C-2".
7. The raised concrete sidewalk from Rite-Aid to the plaza should contain bumpers.
8. "C-1" on plan 8 and "AL1" needs to contain an easement for the sewer line for Washington Avenue storm line and the lightly-dated easement for the sewer line should be twenty foot (20') wide "on paper".
9. The width of the "Hammond Street" right-of-way should be no less than twenty-two feet (22') wide.
10. All parties must agree to the traffic signal installation at Hammond Street. Ellicott Development Corporation will be responsible for the cost of the installation of the traffic light.
11. Two (2) bonds must be posted. One (1) will be a performance bond to ensure the completion of all infrastructures. The second bond will be for the completion of the landscaping. The revised site plan must clearly depict what work will be done.

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

Pre-Submission(s)— None	No pre-submissions were held.
Old Business	Mr. Schields commented that construction has begun on the Library parking lot.
New Business	No new business was discussed.
Chairman's Correspondence reviewed	No correspondence had been received.
ZBA Report given	The Zoning Board of Appeals held a public hearing for a use variance request at 136 Jersey Avenue for the conversion to a single-family dwelling. The public hearing will be continued at the next meeting to be held August 13, 2013.
Code Enforcement Report given	There was no information to report in regards to the Planning Board.
Council Liaison Report given	The Code Committee, in accordance with §535 of the City code, will refer zoning amendments to the Planning Board for review. The Board will be allowed up to 45 days for their review.

Adjournment

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

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

The next meeting is scheduled for Tuesday, August 20, 2013 at 7:00 p.m.

Respectfully submitted by
Robyn Hendershot
Secretary