

City of Port Jervis, New York



PLANNING BOARD

December 19, 2013

Attendance

The following Board members were present:

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

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

Also present: Attorney Dennis McConnell, Council Liaison Carl Hendrick, Councilman-at-Large Kelly Decker, Councilman George Belcher, Building Official Wayne Kidney, and Zoning Board Chairman Tim Simmons

Mr. Vicchiariello introduced Mr. Dennis McConnell. Mr. McConnell was attending the meeting for Mr. Krahulik.

Public Hearing(s)

No public hearings were held.

Regular Meeting

The regular meeting of the City of Port Jervis Planning Board was called to order in the City Hall Conference Room, 20 Hammond Street, Port Jervis, New York on Thursday, December 19, 2013 at 7:00 p.m.

Approval of 11/19/2013 Regular Meeting Minutes approved

Motion by Mr. Aumick, seconded by Mr. Hubbard, to approve the minutes of the November 19, 2013 regular meeting.

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

Discussion of Public Hearing(s)

None

Pre-Submission(s)— Zahra Realty LLC 33-35, 37, and 39 East Main Street SBLs: 8-10-1, 8-10-14, and 8-10-15

Zahra Realty LLC
33-35, 27, and 39 East Main Street
SBLs: 8-10-1, 8-10-14, and 8-10-15
Conditional Use Permit for a Fast Food Restaurant with a Drive-Thru

Mr. John Fuller, civil engineer and representing the applicant, spoke about Zahra Realty LLC's plans for the former KFC property on East Main Street. He noted that the company owns a number of businesses in Westfall and Matamoras, Pennsylvania, and they seek to open a fast food restaurant similar to KFC but not a franchise operation. Site features will remain, but improvements will be made as a result of the property being vacant for a period of time. A drive-thru, as delineated on the site plan, will be added to make the business more successful. Mr. Fuller spoke briefly about the existing concrete pad and turning radius of the drive-thru and stated that there is sufficient parking on site to meet the City's parking ordinance.

Mr. Vicchiariello and Mr. Fuller reviewed the number of employees and hours of operation. Mr. Fuller stated that there will be a maximum of five (5) employees and the hours of operation will be from 10:00 a.m. to 10:00 p.m. He noted that the restaurant will not be breakfast-oriented. Mr. Fuller will ensure the number of employees and hours of operation are noted on the revised site plan.

The existing lighting is per standard engineering practices, and additional lighting will be added for the drive-thru.

There are three (3) pre-existing curb cuts.

Mr. Kidney asked if the applicant's would be combining the lots. Mr. Fuller stated that he had not discussed this with the applicant but that the owners would combine them if legally necessary. Mr. Kidney noted that past applications had combined lots.

Mr. Kidney asked if the five (5) gravel parking spaces would be paved. Mr. Fuller stated that the spots could be paved, which is a negligible amount for the site.

Mr. Kidney noted the need for "No Parking Anytime" signage for the handicap access isle. Mr. Fuller commented that the owner will be reusing the existing signage box. Mr. Kidney recommended the applicant seek approval for additional signage for the building to avoid the necessity for a variance. Mr. Fuller will discuss this recommendation with the owner.

Mr. Kidney inquired about deliveries. Mr. Fuller had not discussed deliveries with the applicant but will get clarification for the public hearing. He believes, however, that items being delivered will be off-loaded from a box type truck and moved by hand cart.

Mr. Kidney asked if the existing wood storage shed would remain on site. Mr. Fuller was unsure and will also get clarification on the shed.

Mr. Vicchiariello asked if the curb cut on Elizabeth Street will be used for deliveries. Mr. Fuller stated that he believes the owner will keep the curb cut for access but it would not be used for public access. He added that an "Employee Only" sign and a barricade could be added.

Mr. Kidney asked if the parking spaces meet City ordinance. Mr. Fuller stated that the spaces did meet code requirements.

Mr. Vicchiariello and Mr. Fuller briefly discussed the dumpster enclosure and the new City code.

Mr. Kidney highlighted the possible problems with the egress for the drive-thru and curb cut used as the entrance. He suggested the owner consider using an alternate entrance to avoid potential difficulties for motorists entering and exiting. Mr. Fuller added that signage could be added to define the entrance and exit for the drive-thru and suggested the possibility of closing one (1) of the curb cuts.

Motion by Mr. Shields, seconded by Mr. Hubbard, to set a public hearing for this application for January 21, 2014, with a snow date of January 23, 2014, at 7:00 p.m.

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

Old Business—
Orange and
Rockland Utilities,
Inc. Site Plan
extension approved

Mr. Erik Denega, Project Manager for Orange and Rockland Utilities, Inc., requested a six-month extension for the company's previously approved site plan. Mr. Denega stated that there were only minor changes to the site plan, noting no changes to the conceptual drawing previously submitted to the Board. He spoke about the company's plans to appear before the Planning Board in the neighboring municipality of Deerpark in the spring concerning the installation of a substation on Route 209. The addition of the Deerpark property will benefit the Port Jervis construction by enhancing the redundancy and reliability of the station. Construction will begin in 2017 in Deerpark, pending approval by their Planning Board, and begin in 2018 in Port Jervis.

Mr. Vicchiariello discussed a Freedom of Information Law (FOIL) request that had been received concerning the Orange and Rockland gas main project on West Main Street. He noted that the FOIL had been completed in regards to the Planning Board documents that had been requested.

Motion by Mr. Hubbard, seconded by Mr. Foster, to grant a six-month extension from December 19, 2013 for the Orange and Rockland site plan approval for the Port Jervis Substation Project.

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

Conditional Use Permit approved (Number One Nail, 1 Owen Street, SBL: 14-9-15

Mr. Vicchiariello reviewed department head comments in regards to the extension of the Conditional Use Permit for Number One Nail Salon, 1 Owen Street. There were no objections to the extension.

Motion by Mr. Aumick, seconded by Mr. Schields, to approve a two (2) year extension of the Conditional Use Permit for Number One Nail Salon, 1 Owen Street, SBL: 14-9-15.

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

Conditional Use Permit denied (I Donate Goods LLC, 1 Kingston Avenue and 32-34 Culvert Street, SBLs: 9-1-13 and 3-4-1.1)

Mr. Vicchiariello reviewed department head comments in regards to the extension of the Conditional Use Permit for I Donate Goods LLC, 1 Kingston Avenue and 32-34 Culvert Street. There were no objections to the extension.

Mr. Kidney noted that the clothing donation bins were never established at these sites.

Motion by Mr. Foster, seconded by Mr. Hubbard, to deny the extension of the Conditional Use Permit for I Donate Goods LLC, 1 Kingston Avenue and 32-34 Culvert Street, SBLs: 9-1-13 and 3-4-1.1, due to no clothing donation bins being established at these sites during the past year.

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

New Business

No new business was discussed.

Chairman's Correspondence reviewed

There was no correspondence received.

ZBA Report given

Applications for 100 Kingston Avenue and 9-9½ West Main Street were approved at the December 3, 2013 meeting. There is currently no business before the Board for the January meeting.

Code Enforcement Report given

Mr. Kidney had spoken to Mr. Fuller concerning Mad Dog Liquor. Site plans are expected before Christmas, and the project will be moving forward.

Rite-Aid is also moving forward, but work has slowed due to the weather. There has also been a change in electricians and plumbers.

Mr. Kidney is anticipating a substantial amount of commercial activity in the beginning of 2014, which will include renovations at Kolmar Laboratories.

Council Liaison Report given

Mr. Hendrick had received information about the new SEQR forms, which he requested by forwarded to Zoning and Planning Board members. He also wished everyone a Happy Holiday.

Mr. Vicchiariello commented on the Planning Board's use of the Council Chambers when a meeting must be rescheduled due to inclement weather.

Adjournment

Motion by Mr. Schields, seconded by Mr. Hubbard, to adjourn the meeting at 7:33 p.m.

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

The next meeting is scheduled for Tuesday, January 21, 2013 at 7:00 p.m.

Respectfully submitted by
Robyn Hendershot, Secretary