

City of Port Jervis, New York



PLANNING BOARD

August 18, 2015

Attendance

The following Board members were present:

Tom Vicchiariello, Chairman	Dan Aumick
Ralph Hessberger	Donald Schields
Regis Foster	William Hubbard

Member(s) absent: Henry Dunn

Also present: Planning Board Attorney Michael McCann, Council Liaison Robert Ritchie, Building Official Dave Rivera, and Mayor Kelly Decker

Regular Meeting

The regular meeting of the Planning Board was called to order in the Council Chambers, 14-20 Hammond Street, Port Jervis, New York on Tuesday, August 18, 2015 at 7:04 p.m.

January 20, 2015 minutes approved

Motion by Mr. Aumick, seconded by Mr. Schields to approve the January 20, 2015 meeting minutes.

AYE: 4 ABSENT: 1 (Dunn) ABSTAIN: 2 (Hubbard, Hessberger) NAY: 0
CARRIED

July 21, 2015 minutes approved

Motion by Mr. Hubbard and seconded by Mr. Hessberger to approve the July 21, 2015 minutes.

AYE: 5 ABSENT: 1 (Dunn) ABSTAIN: 1 (Aumick) NAY: 0 CARRIED

Presubmission 4,6, & 8 Johnson Ave

Michael Ward/Susan Lambert
SBL: 5-18-3, 5-18-2, 5-18-4
4, 6 & 8 Johnson Avenue
Lot line change and consolidation

Mr. Fuller representing the applicants, is requesting to consolidate 4, 6, & 8 Johnson Avenue. There is a garage on one of the parcels and believes the plan is to tear down and rebuild it at a later time. There is some encroachments with the adjoining property owner and they are proposing a swap of land - an even amount. It will be a simple lot line change and consolidation.

Mr. Vicchiariello asked about the fence. Mr. Fuller stated the fence will be relocated along the property line.

Mr. Hessberger asked if they have DEC approvals. Mr. Fuller stated yes, there is an endorsement from them.

Mr. Fuller inquired if lot line change requires a public hearing. Mr. Vicchiariello replied yes.

Public hearing set
4,6 & 8 Johnson
Avenue

Motion by Mr. Hessberger, seconded by Mr. Aumick to schedule a public hearing for September 15, 2015.

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

Old Business

Mr. Vicchiariello asked Mr. Rivera about Rhea (laundromat). Mr. Rivera stated the laundromat's engineer is not very familiar with NYS building codes.

Mr. Vicchiariello asked if they filed a design. Mr. Rivera noted yes but no plans as of yet.

Mr. Vicchiariello stated they will have to be notified for the next meeting if they are not prepared and request an extension.

Mr. Vicchiariello stated if anyone is having issues with email contact the planning board secretary.

New Business

There will be two year reviews next month - Rite Aid, Burbridge, and Keith Brown. One will probably have to go to public hearing.

Zoning board
report given

Mr. Vicchiariello reported the board had another long discussion regarding 140 Jersey Avenue and the results were the same, it came to a three-to-three tie. The application was denied.

Code Enforcement
Officer report
given

Mr. Rivera reported the following:

1. KFC- a letter is being sent to Port Jervis Pizza, the owners, to discuss procedures since work has started.
2. Mini Mall – the entire roof needs to be replaced.
3. Flo Jean – there is a contract with Norm Sullivan and the owner is trying to get better prices for asbestos abatement.
4. Mad Dog Liquor – Needs conditional use permit, will provide a date to the board.
5. Roberta Ginton – will look at the wall that is caving out on Ball Street.

Council Liaison
report given

Mr. Ritchie stated the zoning board had a heated discussion regarding 140 Jersey Avenue and it was denied but he is under the impression that they have not heard the end of it.

The IDA had a special meeting this past week regarding Future Home Technologies/Excel breach of the pilot agreement. The CFO came and spoke before the board and asked for a six month extension since their projections were lower than anticipated. The IDA will make a decision at the September meeting.

Bluestone issue - Mr. Hill made a proposal to the city for three parks. The council had a special meeting and will seek three bids for the same specs for bluestone removal and to fix the sidewalks/steps.

Mr. Vicchiariello commented that the board would have to look at the bluestone issue from a safety standpoint. If any removal of bluestone was warranted and needed replacement, if it's to be replaced with concrete it's the cities decision on how thick the concrete has to be. There

has been discussions that replaced areas have cracks and this is the type of issue that the planning board might have to deal with in the future.

Mr. Rivera added that he has found the guy doing the concrete work is very experienced and they do a very good job. There were two hairline fractures reported but that is part of the shrinking process.

Mr. Vicchiariello asked the minimum thickness required by city. Mr. Rivera stated 3 ½ inches without rebar but requires the use of metal mesh regardless.

Public Comment

Ms. Kay Riviello, 91 Ball Street, commented on the Salvation Army issue.

1. 98 Ball Street is listed on the tax roll as a parking lot without any other building in an R2 district and applicant applied to use as a private playground. They are not using as a private playground. Private playgrounds are not an accessory use.
2. Questioned the lot being used as an accessory use as the lot is across the street from the building. Accessory use does not apply.
3. Referenced Zoning Law Chapter 535 Zoning Article 2 - private playgrounds as an accessory use to a principal building for a membership club. The church is not a membership club nor is it a private playground but a public one.
4. If this had went to zoning board and they were to build a basketball court, regulations states there should be a 12 foot fence as it abuts a private residence. They have been using the lot as a public space.

Ms. Riviello discussed safety issues, lack of supervision on site, noise issues and noted Salvation Army is in violation of code and should be cited for everyday not in compliance. Was unaware it was discussed in July. Noted she is not in foreclosure, and questioned why it was brought up and added the application should have gone to the zoning board.

Mr. Vicchiariello thanked her for her comments and stated the approvals were dated back in 1984 before the zoning laws mentioned were adopted and it was discussed at length. It is a private lot and as long as it is used for parking as needed what they do with their property is their concern. Any concerns must be brought before the building department not the planning board.

Mr. Kelly Decker noted that at last month's meeting he did not comment on anyone's name, nor did it have any bearing on the planning board's decision.

- 100 Pike Street – Had a meeting with Mr. Palladino. There were with DEC that had to be resolved. He will be providing planning board information on the exterior in order to move forward.
- Training – Per Mr. Church, there are printed guides on the internet that are available. They are willing to come over to do a workshop but prefer weekdays. The board should be receiving an email for the self-guides and workshops.

Adjournment

Motion by Mr. Hessberger, seconded by Mr. Schields to close the meeting.

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

The next meeting will be held on Tuesday, September 15, 2015 at 7:00 p.m.

Respectfully Submitted

JoAnne Gordon-Burton, Secretary