

# City of Port Jervis, New York



## PLANNING BOARD

February 16, 2016

### Attendance

The following Board members were present:

Tom Vicchiariello, Chairman	Dominic Cicalese
Gerald Oney	Joseph Butto
William Hubbard	Hank Dunn

Absent: Donald Schields

Also present: Planning Board Attorney Michael McCann, Mayor Kelly Decker, Council Liaison Stanley Siegel, Building Official Dave Rivera, Fire Inspector Mike Reilly, and Zoning Board Chairman Tim Simmons

### Regular Meeting

The regular meeting of the Planning Board was called to order in the Common Council Chambers, 20 Hammond Street, Port Jervis, New York on Tuesday, February 16, 2016 at 7:01 p.m.

### Opening Remarks

Mr. Vicchiariello thanked the new members, Dominic Cicalese, Joseph Butto, and Gerald Oney for serving on the board. Noted the terms of office are three years not five. The mayor sent a thank you letter to board members no longer serving on the board. The council does not provide zoning books for board members. Any questions or research regarding zoning can be done online. Bill Hubbard named deputy chairman in chairman's absence.

Motion by Mr. Dunn, seconded by Mr. Hubbard to declare McGoey & Hauser planning board engineers for the year.

AYE: 6 ABSENT: 1 ABSTAIN: 0 NAY: 0 CARRIED

Motion by Mr. Dunn, seconded by Mr. Hubbard to table the approval of the October 20, 2015 minutes.

AYE: 6 ABSENT: 1 ABSTAIN: 0 NAY: 0 CARRIED

### Presubmission KBX Holdings LLC

APPLICATION # PB-2016-0001 KBX HOLDINGS LLC 33 EAST MAIN ST. SBL: 8-10-1  
CONDITIONAL USE PERMIT FOR A RESTAURANT & USE OF THE ADJACENT PROPERTY LOCATED AT 29 ELIZABETH ST

Mr. Fuller representing applicant, stated the application is for 33 East Main St, aka former KFC, to establish a fast food local owned restaurant (same proprietors of Port Jervis Pizza) in the SC zone. It is deficient on parking - regulations requires one parking space for every 75 sq. ft. gross

area. The lot is slightly over 2200 sq. ft. and requires over 30 parking spaces. The applicant will need to go to the zoning board for parking variances. The adjoining property on Elizabeth Street will be used for additional parking to maximize efforts in meeting requirements.

Mr. Vicchiariello stated the dumpster requires an enclosure. Mr. Fuller replied it will be enclosed and permanent.

Mr. Vicchiariello questioned lighting - anything that would be obtrusive? Mr. Fuller stated there are existing wall sconces but had not done a light propagation but can for next meeting.

Mr. Vicchiariello asked if all liens on property been resolved. Mr. Fuller replied he will ask attorney for verified documentation.

Mr. Vicchiariello asked if the applicant will need any easements from the city. Mr. Fuller stated no.

Mr. Vicchiariello questioned the area in the back with arrows. Mr. Fuller noted it's parking for employees.

Mr. Vicchiariello asked which direction water will be drained. Mr. Fuller stated there has been recent paving and it goes in all directions. No need for a catch basin. Everything pitches away from the building into the street.

Mr. Hubbard asked if there is an intent for a drive-thru. Mr. Fuller replied there is intentions to do that but not at this point. Will have to come back to do that at some point.

Mr. Cicalese asked the distance of fence between house and property. Mr. Fuller stated about 3 ft.

Mr. Fuller stated there will be dine-in and take-out at the restaurant and will seat upwards to 50 but don't expect that many at one time.

Mr. Vicchiariello stated a copy of site plan needs to be forwarded to Jennifer MacLeod at Orange County Department of Planning.

Motion by Mr. Oney, seconded by Mr. Cicalese to send the application to the zoning board of appeals for parking variances and tentatively schedule a public hearing upon ZBA's decision.

**AYE: 6 ABSENT: 1 ABSTAIN: 0 NAY: 0 CARRIED**

Presubmission  
Fox N Hare  
Brewing Co LLC

**APPLICATION # PB-2016-0003 FOX N HARE BREWING CO LLC 46-48 FRONT ST. SBL: 13-5-24 SITE PLAN DEVELOPMENT**

Mr. Baras, representing applicant, stated the intention is to put a microbrewery in a multi-use facility. It will have a taproom, offices on second floor and residences on third floor. The brewery will be housed in the 48 storefront side with a hole cut on the first floor so machinery measuring 7 - 7 ½ ft. tall can be placed on the basement floor and protrude through the opening. It will have a rail around for viewing. On the left side, there will be a taproom which will have sampling and kitchen area for snacks and burgers. Second floor will have offices and

third floor will house three apartments - two studios and a one bedroom. No parking required in the CBD.

Mr. Vicchiariello questioned the interpretation of city code. Mr. Siegel stated a law was created providing definitions for microbrewery, brew pub and distillery. Local Law #3 of 2016 was passed. Mr. Vicchiariello stated the planning board had not received a copy of proposed laws for review and needs them prior to passing them.

Mr. Vicchiariello asked if the number of employees was adequate. Mr. Baras will follow-up with applicant.

Mr. Vicchiariello stated the applicant must comply with new ordinance regarding dumpster enclosure.

Mr. Cicalese questioned deliveries for the brewery. Mr. Baras stated it will be once a week in the early morning. Glass garage doors in the front will open up.

Mr. Vicchiariello asked about extra signage. Mr. Baras replied no.

Mr. Vicchiariello asked about water issues. Mr. Baras noted they need to resolve water issue with neighbor.

Mr. Vicchiariello questioned any mild to high hazardous materials that will be used. Mr. Baras stated no, it will be F2 not F1 classification which is more stringent. The brew master and owners will be at the next meeting to answer these questions.

Mr. Vicchiariello asked about a/c units on the roof. Mr. Baras replied no, they are looking at split systems.

Motion by Mr. Cicalese, seconded by Mr. Hubbard to schedule a public hearing for March 15, 2016 at 7:00 p.m.

AYE: 6 ABSENT: 1 ABSTAIN: 0 NAY: 0 CARRIED

Public Comment None.

Old Business Mr. Alan Lipman (Orange & Rockland) asked the board for an additional six month extension.

Mr. Mark Licari detailed the necessity for extension and process by which the upgrades will be completed.

Motion by Mr. Hubbard, seconded by Mr. Dunn to approve a six month extension for Orange & Rockland.

AYE: 6 ABSENT: 1 ABSTAIN: 0 NAY: 0 CARRIED

Mr. Vicchiariello stated the two year review for Number 1 Nail Salon needs to be tabled to give department heads enough time to review and provide comments. Mr. Reilly has asked to be tabled due to violations.

Motion by Mr. Dunn, seconded by Mr. Hubbard to table the two year conditional review of Number 1 Nail Salon.

AYE: 6 ABSENT: 1 ABSTAIN: 0 NAY: 0 CARRIED

New Business

Correspondence - Orange County Partnership newsletter

Zoning Board report given

Mr. Simmons reported a public hearing was held for 10 Minisink Avenue seeking a two family residence. The public hearing was extended another month due to questions the board had. KBX Holdings LLC will be coming to the board as well.

Code Enforcement Officer report given

Mr. Rivera reported the following:

- New program working well, should be able to provide reports quickly.
- Maintaining vacant registrations.
- Multiple dwelling inspections.
- Issuing lots of building permits.
- Laundromat moving along.
- 100 Pike St - working on the façade. Still need to presubmit
- 29-31 Front St - sub mitted plans.

Council Liaison report given

Mr. Siegel reported the following:

COUNCIL

- 24-32 Front - purchase is almost done, hope to start in spring.
- 90 Front St - Yanni's Restaurant is back, recommends people go there.
- 21 Pike St - progressing slowly.
- Energy in the Bank - negotiating land and fees for solar farm.
- Future Home Tech/Excel - yard cleanup is progressing. Lost IDA breaks.

CODE

- 2015 - Allow wholesale attached to retail in CBD & SC zones. *Mr. Vicchiarriello stated it had not come before the planning board.*
- Local Law 1 of 2016 Override Tax Cap Limit - tabled
- LL 1 of 2016; Addition to Sec 231-16; Fees charged by engineers or other inspectors assisting the Building Department.
- LL 2 of 2016; Permit addition of delinquent and unpaid fees. Fines, etc. under Sect 231, to city tax bills.
- LL 3 of 2016; Adding definitions to Sec 534-4 of Zoning law, for, Microbrewery, Brew Pub, Brewery, Micro-distillery, Distillery, etc.
- LL 4 of 2016; Amending Sections 220-9 & 220-10B so as to permit auctions to be conducted on Sundays and legal holidays. *Mr. Vicchiarriello noted auctions are supposed to come to the planning board. Public previously opposed to auctions on Sundays.*
- LL 5 of 2016; Amend Section 513-3 & 535, to deny or turn off water to homes w/o CO's or where a CO was revoked.

IDEAS UNDER CONSIDERATION

- Considering a Property Purchase Transfer Tax to benefit a community preservation fund.
- Considering making Biodegradable bags mandatory for leaf pickup. Safety & Health concerns.
- Considering a Sewer Fee revision for Non Homestead.

- **Considering an update to planning/zoning laws.**
- **Considering not allowing pavement in front yards.**
- **Animal Control law updates.**

**Adjournment**      **Motion by Mr. Dunn, seconded by Mr. Hubbard to close the meeting.**

**AYE: 6    ABSENT: 1    ABSTAIN: 0    NAY: 0    CARRIED**

*The next meeting will be held on Tuesday, March 15, 2016 at 7:00 p.m.*

Respectfully Submitted

JoAnne Gordon-Burton, Secretary