

City of Port Jervis, New York



ZONING BOARD OF APPEALS

March 1, 2016

Attendance

The following Board members were present:

Tim Simmons Michael Roberts
Hermann Barth Danny Aumick

Absent: Lisa Randazzo, Tom Sexton and Earl Miller

Also present: Zoning Board Attorney Robert Fink, Building Official Dave Rivera, Councilman Liaison Stanley Siegel, Mayor Kelly Decker and Planning Board Chairman Tom Vicchiariello

Regular Meeting

Chairman Simmons called the regular meeting of the Zoning Board of Appeals (ZBA) to order in the Council Chambers, 20 Hammond Street, Port Jervis, New York on Tuesday, March 1, 2016 at 7:25 p.m.

Public Hearing Continued

APPLICATION# 15-4 ESTATE OF LAURA J. SCHNEIDER 10 MINISINK AVE SBL: 20-5-6 LOT AREA VARIANCE TO ALLOW A TWO FAMILY DWELLING IN THE R-2 ZONE

Motion by Mr. Barth, seconded by Mr. Roberts to continue the public hearing for March 15, 2016 at 6:00 p.m.

AYE: 4 ABSENT: 3 ABSTAIN: 0 NAY: 0 CARRIED

Minutes Tabled

Mr. Simmons tabled the approval of minutes for October 5, 2015; January 5, 2016; and February 2, 2016.

Public Comment

Mr. Decker, mayor, stated he will not be able to attend the next scheduled meeting but wanted to tell the board the city is trying to achieve more home ownership. Will be discussing with code and the council to make a contingency that two family residences are owner occupied. Regarding the former KFC, there is a local business that has a successful business in a different location that wants to open a restaurant. As long as the applicant complies with regulations, hopes the board helps expedite the process.

Presubmission

APPLICATION #2016-0001 KBX HOLDINGS LLC 33 EAST MAIN ST & 29 ELIZABETH ST SBL: 8-10-1, 8-10-2 PARKING VARIANCE

Mr. Fuller, representing applicant, stated the former KFC franchise building located on corner of East Main St and Elizabeth St is owned by KBX Holdings (proprietors of Port Jervis Pizza). Looking to open a local restaurant serving burgers and chicken. The building is 2287 sq. ft. and seeking a parking variance. The ordinance requires one parking space per 75 sq. ft. of gross area. It does not stipulate net area for seating or kitchen. More than 50% of the floor area is kitchen and storage. Less than 50% is seating area but the code requires 31 parking spaces. The applicant has acquired 29 Elizabeth for additional parking spaces. Will be able to provide a maximum of 16 parking spaces. An attempt has been made to purchase the adjoining property but the asking price was ridiculous. Renovations have been done in the interior and exterior and not pursuing a drive-thru at this time. Dumpster will be in the back of the building. It has an existing curb cut in East Main St. The variance is substantial.

Mr. Vicchiariello stated the controversy with the former KFC with franchise and franchisee was a different matter from this application. This situation exists because the code does not differentiate between the area where the machines and fryers that do not need parking and seating area. The code looks at gross area and hence the large number of parking. This should go back to code to be resolved. Also to be considered there will be take-out.

Public Hearing Scheduled

Motion by Mr. Roberts, seconded by Mr. Barth to set a public hearing for March 15, 2016 at 6:00 p.m.

AYE: 4 ABSENT: 3 ABSTAIN: 0 NAY: 0 CARRIED

Old Business

Mr. Barth inquired the use of alternates. Mr. Vicchiariello noted the problem with alternates are not up-to-date on matters before the board and if budget allows the alternate to attend the meetings.

New Business

Mr. Simmons welcomed Mr. Aumick to the board.

Planning Report

Mr. Vicchiariello reported the following:

- KBX - referred to zoning for parking variance.
- Fox N Hare Brewing Company - public hearing scheduled for next meeting. The council has added definitions in the code for microbrewery since it was never in the code.
- O&R- six month renewal of site plan. Questioned them about Pike County Power being bought out by a PA company and was told it will not have an effect on the substation application.

- Number 1 Nail Salon - Two year review due but there is violations and has been tabled till next meeting.

Code Enforcement's Report

Mr. Rivera reported the following:

- Issuing permits daily, primarily small projects.
- 19 Hamilton St - Laundromat work is progressing.
- 100 Pike Street - waiting on materials to do the façade.
- 46-48 Front Street - cleaning the place up.
- Work continuing on the new program in office.

Council Liaison Report

Mr. Siegel reported the following:

Three local laws:

- #1 Community Preservation Fund - denied.
- #2 Addition to Sec 231-16; Fees charged by engineers or other inspectors assisting the building department in inspections - passed.
- #3 Blacktopping of front yards and repair of sidewalks - sent back to code to remove repair of sidewalks.

Council

- Sewer fee for non-homestead properties.
- Environmental review board - to protect the integrity and design of the community.
- Transfer tax.
- Turning off water if CO is revoked.
- Taxi law, event fee law, animal law, city speed limit reduction, and double utility poles under new business

Mr. Vicchiariello added a long discussion was had at the last meeting regarding timely dissemination of local laws to planning board for review and comment. They are required to ask for our input and they are not to act up to 45 days. Trying to get copies prior to vote.

Mr. Siegel explained the local law for auctions. Previously auctions were not permitted on Sundays and holidays. The local law allows those days to conduct auctions.

Mr. Vicchiariello noted the planning had the restriction because of objection from the people of the city.

Mr. Siegel discussed the passing of the local law that allows a wholesale to be attached to retail in the CBD zone.

Adjournment

Motion by Mr. Barth, seconded by Mr. Roberts, to adjourn the meeting at 8:06 p.m.

AYE: 4 ABSENT: 3 ABSTAIN: 0 NAY: 0 CARRIED

The next meeting is scheduled for Tuesday, March 15, 2016 at 6:00 p.m.

Respectfully submitted,

JoAnne Gordon-Burton, Secretary