

City of Port Jervis, New York



PLANNING BOARD

April 19, 2016

Attendance

The following Board members were present:

Tom Vicchiariello	Gerald Oney
Dominic Cicalese	Joseph Butto
Donald Schields	Hank Dunn

Absent: William Hubbard

Also present: Attorney Michael McCann, Building Official Dave Rivera, Fire Inspector Michael Reilly, and Mayor Kelly Decker

Moment of silence for Councilman Frank Bell

Public Hearing 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 AT 29 ELIZABETH ST

Mr. Fuller, civil engineer representing the applicant, stated KBX is looking to reoccupy the old KFC building. The proposed use is for a food establishment which is a conditional use in the SC zone. The applicant was granted a parking variance from the zoning board last month. The restaurant will serve burgers/chicken and the like. There will be six employees, no additional lighting or signage, dumpster facilities will be constructed according to current law, deliveries to the rear of property and is handicap accessible.

Mr. Vicchiariello asked if 12, 13, 14, and 15 will be paved. Mr. Fuller replied it will remain gravel. Mr. Rivera noted it needs to be an impervious surface. Mr. Vicchiariello added the lot needs to meet requirements for paving.

Mr. Vicchiariello asked about water service. Mr. Fuller noted it has not been delineated but not proposing to change the services.

Mr. Vicchiariello inquired about county comments. Mr. Fuller stated they will meet the requirements.

Mr. Vicchiariello questioned if the liens were satisfied. Mr. Fuller answered yes.

Department head comments:

- Police chief approved with comments – provide alarm and emergency contact to the police department and complete form.
- DPW approved with comments – grease trap installed and maintained.
- Fire department approved with reference to Fire Inspector's comments.
- Fire Inspector comments are on file.

Public Comment **None. Mr. Fuller explained the clearing of the property was done to provide additional parking behind the rear of the two family. There will be a six-foot privacy fence for screening.**

Motion by Mr. Dunn, seconded by Mr. Oney to close the public hearing.

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

Public Hearing **Mr. Vicchiariello stated due to non-compliance issues a public hearing was**
Number One Nail **scheduled. Mr. Reilly stated the outstanding issues had been rectified but**
Salon **recommends the board limit the conditional use permit for a one-year review.**

Motion by Mr. Cicalese, seconded by Mr. Butto to close the public hearing.

Public Hearing **APPLICATION # PB 2016-0004 KEITH HEDBERG 29 EAST MAIN ST SBL: 8-13-9**
Keith Hedberg **CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE REPAIR SHOP IN SC ZONE**

Mr. Fuller stated the intention of the applicant is to operate an auto repair shop in the former Midas building. No proposed improvements to the property. The site plan was generated from original site plans dating back to the 1980's. It meets all bulk requirements. There are 13 parking spaces; vehicles will be stored inside overnight. The hours of operation Monday – Friday 8:00 am – 6:00 pm; Saturday 8:00 am – 5:00 pm; Sunday 9:00 am – 3:00 pm with three employees. No additional lighting or signage. Per Fire Inspector, the automatic alarm system will be edited from the site plan. No dumpster required, all garbage will be contained within the footprint of the building.

Mr. Vicchiariello inquired about the gas tanks. Mr. Hedberg replied the tanks were removed.

Mr. Vicchiariello read letter from Joseph Spano to the building department for the purpose of applying before the board to operate the auto repair shop.

Department head comments –

- Fire department approved with comments – provide an alarm system and contact information.**
- Police chief approved with comments – security cameras on premises.**
- DPW approved with no comments.**
- Fire Inspector comments on file.**

Mr. Hedberg stated tire storage will be kept indoors until end of day and then taken to be recycled.

Mr. Vicchiariello asked if there will be proper oil containers onsite. Mr. Hedberg replied yes.

Mr. Vicchiariello noted there was a delay with the county's comments as they were resent Monday.

Mr. Decker, mayor, suggested a condition be placed on the approval that no trailers are to be kept outside of the property.

Mr. Vicchiariello questioned if unrepairable vehicles will be able to be kept inside at all times. Mr. Hedberg answered yes.

Motion by Mr. Dunn, seconded by Mr. Butto to close the public hearing.

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

Regular Meeting Chairman Vicchiariello called the regular meeting of the Planning Board to order in the Council Chambers, 20 Hammond Street, Port Jervis, New York on Tuesday, April 19, 2016 at 7:37 p.m.

March 15, 2016 minutes approved Motion by Mr. Dunn, seconded by Mr. Cicalese to approve the March 15, 2016 minutes.

AYE: 5 ABSENT: 1(Hubbard) ABSTAIN: 1 (Oney) NAY: 0 CARRIED

Presubmission William A Onofry APPLICATION # PB 2016-0005 WILLIAM A ONOFRY 50 FOWLER ST SBL: 13-8-16 SITE DEVELOPMENT PLAN FOR A MOTOR VEHICLE SHOP & AUTO SLES WITH AN ACCESSORY APARTMENT

Mr. Onofry representing Four Brothers Improvements stated he has to provide updated site plans. They have a tenant that wants to open an auto repair and sales shop. The applicant is before the zoning board for variances to permit repairs at the location. The board's concerns with meeting current code had been discussed with Mr. Hidalgo and he noted there had been some work done years ago. He believes the building met code and understands it must meet code in order to move forward. There is an apartment in the building as well.

Mr. Cicalese asked if there was an intent to habitat the apartment. Mr. Onofry replied it is already rented. Mr. Cicalese noted it makes him extremely uncomfortable with someone living above an auto repair shop. Mr. Reilly added the current fire separation does not meet code.

Mr. Vicchiariello stated the site plan needs to be updated and extend presubmission till next month.

Discussion of public hearings Motion by Mr. Cicalese, seconded by Mr. Schields, to declare the Port Jervis Planning Board lead agency and the KBX Holdings LLC application constitutes an unlisted action under SEQR with no adverse environmental impact.

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

Motion by Mr. Cicalese, seconded by Mr. Oney to approve the KBX Holdings LLC application with the following conditions:

- Impervious surface on parking spaces designated on site plan for #12, 13, 14, 15, &16.
- Painting of crosswalk from East Main Street to front of building as requested by the county planning department.
- Designated spot on site plan for snow removal storage.

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

Motion by Mr. Schields, seconded by Mr. Cicalese to approve Number One Nail Salon for a one-year conditional use permit.

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

Motion by Mr. Oney, seconded by Mr. Dunn, to declare the Port Jervis Planning Board lead agency and the Keith Hedberg application constitutes an unlisted action under SEQR with no adverse environmental impact.

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

Motion by Mr. Cicalese, seconded by Mr. Oney to approve the Keith Hedberg application with the following conditions:

- No unrepairable vehicles left outside.
- No trailers onsite.
- Note any comments from Orange County Planning will be considered.

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

Old Business Mr. Vicchiariello noted the submission to the county for Fox N Hare SBL was wrong. Thankfully, the SBL was correct for the public hearing notice but did not notify the applicant.

New Business Mr. Vicchiariello mentioned he is in receipt of many foil requests -50 & 52 Front Street, Bon Secours Hospital and the Roberta Glinton building.

Zoning Board Report given Mr. Vicchiariello stated 50 Fowler Street is before the zoning board with quite a few variances.

Code Enforcement's Report given Performing multiple dwelling inspections. The retaining wall on Ball Street was issued a violation. DPW addressed the small issue on Ridge Street.

Mr. Vicchiariello reviewed following local laws with board:

- Microbrewery – why a permitted use not conditional use?
- Shutting off or denying water service when CO has been revoked or loss of use – violations should be referenced before deciding to turn the water off.
- Prohibiting pavement on front yard – use of decorative stone or pavers has not been addressed.
- Vendor fees at events – ask the fire department and ambulance corps be exempt from the fees.
- Transfer tax - *per mayor it is off the table.*
- 240 day of vacancy – would need to know before it comes to us.

Council Liaison report given Mr. Decker, subbing for Mr. Siegel, noted Bill Paladino and Tim O'Brien (100 Pike Street) provided a presentation on Monday night. They are aware they have to come before the planning board with Phase III.

Adjournment Motion by Mr. Schields, seconded by Mr. Butto, to adjourn the meeting at 8:06 p.m.

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

The next meeting is scheduled for Tuesday, May 17, 2016 at 7:00 p.m.

Respectfully submitted,

JoAnne Gordon-Burton, Secretary