

**TOWN OF PLATTEKILL
ZONING BOARD OF APPEALS
P.O. BOX 45
MODENA, N.Y. 12548**

APRIL 23, 2015

THE MEETING FOR THE ZONING BOARD OF APPEALS OPENED WITH A SALUTE TO THE FLAG BY CHAIRMAN, WILFRIDO CASTILLO AT 8:00 P.M.

ROLL CALL: Chairman, Wilfrido Castillo, Bruce Jantzi, Lawrence Keeno, Pearl Morse, Larry Lindenauer, George Hickey

Excused Absence: Joseph Egan

MINUTES

March 12, 2015

MOTION: Mr. Jantzi made a motion to move the minutes to the end of the meeting with Mr. Hickey seconding the motion. On the vote: Mr. Castillo-aye Mr. Jantzi-aye Mr. Keeno-aye Mrs. Morse-aye Mr. Lindenauer-aye , Mr. Hickey-aye

NEW BUSINESS

Trans-Hudson Management Corporation for Dunkin Donuts 101.1-1-11 Variance

Mr. Justin Dates was present to represent Trans-Management Corporation

Mr. Castillo-Please come up and tell the Board what you are here for.

Mr. Dates-My name is Justin Dates, I work with Maser Consulting, and we are representing Trans-Hudson Management Corporation in the development of Dunkin Donuts. We have been before this Board before, and what we were here for was a front yard variance. The proposed building had a vestibule expansion off the front of the façade of the existing building, and it encroached further onto the front yard

setback. So we were before this Board August of last year. Subsequent to that we went before the Planning Board and received a review letter from their Planning Board Consultant, Mr. Clouser. Mr. Clouser's memo talked about additional variances that were needed for the project. So those were discussed in detail, and we also went back in the code and found some additional variances that were needed and are in this presentation. The project is in the BD zoning district and the minimum lot requirement is 40,000 square feet. The entire parcel is 18,261 square feet.

Mr. Castillo-I know it is a pre-existing, non-conforming lot.

Mrs. Morse-Can I add something to this? I at one time owned the Twist , and at the time Molson Boulevard was going in, they squared that lot off and brought it right up to Route 32. We bought it from the Dougherty's for one dollar. John Sisti was the Attorney.

Mr. Castillo- (to Mr. Dates) did you add that area to your square footage?

Mr. Dates-Right now, as the deed reads in the County, and that is from our surveyor's investigation, the current deed does not include that little sliver of land. However, it was part of the prior deed. So what we have to do is file an amended deed with the County.

Mr. Keeno-So, hypothetically with that included what is your additional square footage?

Mr. Dates-The total square footage that includes that piece is 18,261 square feet.

Mrs. Morse-John Sisti should have a copy of that deed too.

Mr. Dates-That is pre-existing non-conforming. However, previously that was the presentation. A lot of these lots are pre-existing non-conforming, but based on the review by the Planning Board Engineer that is not the case. So that's why we are back to present all these variances.

Mr. Castillo-There is an existing business there now. But I would have to say to the Planning Board, that they are talking about a business that is in there. It is a pre-existing non-conforming lot.

Mr. Wilkin-It is pre-existing lot that doesn't conform. I would have to do more research, that does seem strange to me. I brought up that land issue too, that is a corner lot and that is going to make a difference on lot depth when it comes to the Planning Board review.

Mr. Hickey-I am wondering if the reason this is coming up is because it is not a current owners request for a variance, but a transfer of property and therefore represents an obligation to bring it up to code as much as possible.

Mr. Jantzi-Is Louis still owner of the property.

Mr. Dates-Yes. Trans-Hudson Management is the contract purchaser.

Mr. Hickey-And that may be why the Planning Board is saying that they may need some sort of variance. (to Mr. Dates) you are representing the builder, correct?

Mr. Dates-Yes.

Mr. Hickey-And it is just by coincidence that you have power of attorney for the landowner at this point.

Mr. Dates-Mr. Milano did sign off on the power of attorney.

Mr. Dates-The lot depth is 200 feet in the BD40 zoning district and the existing parcel has 113.65 feet, so we need a variance for that as well.

Mr. Hickey-Those are the requirements as they stand on the books. But you have a pre-existing non-conforming lot and you are changing ownership and I believe with a change in ownership there is an obligation to make a best effort to make sure it fits or go for a variance. So that it's on the record that the Municipality accepts the pre-existing non-conforming standard of that property. Maybe we would want to put that question to our lawyer.

Mr. Dates-I have been through quite a few Planning Boards in different towns, and this is treated differently from one town to the next.

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Mr. Wilkin-(to Mr. Dates) did you change the plans?

Mr. Dates-Yes I did.

Mr. Wilkin-I would think you should come back to the Planning Board to coordinate this.

Mr. Castillo-What I want to make sure is that everything is covered and there is no more variances that will be required. We can set you up for a public hearing, if the board is o.k. with that, but I want to make sure that you go to the Planning Board, so that everybody is on board.

Mr. Hickey-(to Mr. Dates) If you have made changes to the plan, they are going to want to take a look at those changes.

Mr. Dates-The overall scope of the project has not changed. If this will coordinate the whole process, I am all for it.

Mr. Castillo-I want to make sure that everybody is on the same page. The Planning Board has a meeting on May 12th. I would like a letter sent to the Planning Board to make sure that all variances are looked at, and no more variances would be required.

Mr. Hickey-(to Mr. Dates) From the time that you appeared at the Planning Board and got their determination and feedback, you have made changes to your site plan.

Mr. Castillo-What were the changes that you made?

Mr. Dates-We did make some changes to the site plan. We have a drive-thru lane that goes all around the perimeter. We also had a ten foot lane as a bypass lane. Mr. Clouser had indicated that there should be a twelve foot lane instead of a ten foot lane. So we modified the plans to incorporate that, and shifted around the dumpster. But everything has stayed essentially where it is.

Mr. Hickey-And that doesn't impact your septic?

Mr. Dates-No, this is the survey (showing the survey to the ZBA members). The orange is the footprint and the yellow outline is the existing edge of pavement. Right now we are just about three feet from the Northern property line, it is over the Western property line and we have parking out in the D.O.T. right-of-way. These are all existing conditions that we are making much better. And even though we are making them better, there are variances that are needed that are associated with what we are doing.

Mrs. Morse-(to Mr. Dates) you can get the paperwork from John Sisti, or I can find mine.

Mr. Castillo-Well, we will send you to the Planning Board, and we can send it up to the Ulster County Planning Board.

There was discussion regarding sending the application to the Ulster County Planning Board for review.

Mr. Dates-The code reads that this area is open space between the principal building and the nearest lot line and is unoccupied and unobstructed from the ground upward. So nothing would be permitted within that yard area. The proposed project has parking and loading areas and sidewalk and landscaping improvements in the required yards. And accessory structures section 110-15 C.1, the existing shed and proposed dumpster enclosure are less than the required ten foot setback from the rear lot line. The existing shed, which we would like to keep at this point is only seven feet off the rear lot line and our proposed dumpster enclosure is only five feet off the rear lot line. So we would be seeking variances for those as well. Section 110-16.E, loading area, per the code the minimum size of this area is to be 60' x 12.' The loading area for the project is proposed at 58.5' x 8'. So a four foot variance would be needed for that. One of the discussions that came out of the Planning Board was what kind of vendor trucks would be used. I have a letter from Duncan Cameron, Direction of Construction/Facilities for Dunkin Donuts that states they would restrict any and all deliveries to the Modena Dunkin Donut site to 30 foot box trucks. Section of the code 110-16.G the code requires a twenty foot planting strip from the paving

edge of the public thoroughfare. The proposed project provides 2/5 feet at the rear lot line, 8.65 feet at the side lot line and 6/5 feet at the front lot line, which would be along NYS Route 32. The next section of the code is 110-31A, the drive-in establishment. The code requires the off-street parking areas to be constructed in accordance with Town road specifications. The site is an existing commercial site with paved parking and drive aisles in good condition. Section 110-17, the maximum identification signage permitted for a non-residential site is one sign, not to exceed 32 square feet in area for each 250 feet of road frontage. The existing site has a total of five signs and 99 square feet. The proposed project is seeking a total of eight signs and 139.66 square feet.

Mr. Castillo-We have granted signs, monument signs. What kind of signs would you be proposing?

Mr. Dates-If you have been to New Paltz, they have one right on the 299 frontage. We would be look for that. We want to re-face the existing signs that is out there with Dunkin Donuts branding. We would also have a menu board in the back

Mrs. Morse-What is the size of the menu board?

Mr. Dates-Right now the menu board is 4 foot by 6 foot, we would be looking for 5.18 and 6.08.

Mr. Keeno-(to Mr. Dates) the sign that you want to re-face is not going to increase in size?

Mr. Dates-No. We want to keep that size.

Mr. Castillo-Before we continue, the Planning Board meeting is on the 12th. of May and we could have our meeting on May 14th. This would make sure that everyone is on the same page.

Mr. Jantzi-We have the training session on June 11th.

Mr. Castillo-The public hearing would be June 25th. What I am going to ask is not related to zoning, but the space that is between the neighbor and the

proposed site, and snow removal. Because if we have snow like we did this year, you are going to be in trouble.

Clerk-So they are scheduled to appear before the Planning Board on May 12th. They will come back to the Zoning Board on May 14th. And at that time the application will be sent up to the Ulster County Planning Board, and a public hearing will be scheduled for June 25th.

Mr. Castillo-I will be away for the public hearing.

Mr. Jantzi-We will figure it out.

Mr. Keeno-(to Mr. Dates) What is the seating capacity of the existing building?

Mr. Dates-Right now I believe it is permitted for 19 seats.

Mr. Keeno- (to Mr. Dates) what is your proposal?

Mr. Dates-Sixteen seats.

Mrs. Morse-There is not going to be a counter?

Mr. Dates-No. Just a series of small tables.

Mr. Lindenauer-I see the shed on the existing site, but I don't see the dumpster.

Mr. Dates-It is a fenced in dumpster that is being proposed.

Mr. Lindenauer-Dumpsters kind of smell. Is there any way to bring that dumpster out a little more so that it is not encroaching on the neighbor.

Mr. Jantzi-They can't bring it up much more because they have to have the twelve foot offset.

Mrs. Morse-(to Mr. Dates) Is the dumpster dumped twice a week?

Mr. Dates-It will most likely be once a week. There really is no food preparation at these facilities.

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Mr. Jantzi-(to Mr. Dates) What is the little square below the dumpster area (on the plan)

Mr. Dates-That is a basically the concrete pad .

Mr. Castillo-Does anyone on the Board have any questions?

Mr. Lindenauer-(to Mr. Dates) has there been any thought to sidewalks up on the roadway?

Mr. Dates-We are required to have a sidewalk. We met with the D.O.T. and we will have a sidewalk which will go to the intersection of Molson Boulevard. It won't be right up against the pavement on Route 32.

Mr. Keeno-In my mind, this is a project that is pre-existing, non-conforming that doesn't grossly change the footprint and it doesn't grossly change the usage.

Mr. Castillo-(to Mr. Dates) you just want to make things as legal as possible, and if everyone is comfortable with that, then we will vote. I think you have answered all the questions.

Mr. Jantzi-(to Mr. Dates) are the hours of operation going to be similar to Stewarts?

Mr. Dates-5:00 a.m. to 11:00 p.m. are the hours of operation.

Mr. Castillo-So we will set this up for a public hearing at the May 14th. meeting. So if there are any questions or changes from the Planning Board, they can be addressed at the May 14th. meeting. This way, everyone is on the same page.

MINUTES

March 12, 2015

MOTION: Mr. Lindenauer made a motion to accept the minutes as written with Mr. Jantzi seconding the motion. On the vote: Mr. Castillo-aye Mr. Jantzi-aye Mr. Hickey-aye Mr. Lindenauer-aye Mrs. Morse-aye Mr. Keeno-aye

ADJOURNMENT

MOTION: Mr. Jantzi made a motion to adjourn with Mr. Hickey seconding the motion. On the vote: Mr. Castillo-aye Mr. Jantzi-aye Mr. Lindenauer-aye Mr. Keeno-aye Mrs. Morse-aye Mr. Hickey-aye

The meeting adjourned at 8:50 p.m.

Respectfully submitted by
Susan Bolde, Zoning Board Clerk