

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

**June 25, 2015**

**THE MEETING FOR THE ZONING BOARD OF APPEALS OPENED WITH A SALUTE TO THE FLAG BY VICE-CHAIRMAN, BRUCE JANTZI AT 8:00 P.M.**

**ROLL CALL:** Vice-Chairman, Bruce Jantzi, Lawrence Keeno,  
Pearl Morse, Larry Lindenauer, George Hickey, Joe Egan

Excused Absence: Wilfrido Castillo

Zoning Board Attorney: Richard Hoyt

***MINUTES***

May 14, 2015

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

***PUBLIC HEARING***

*Trans-Hudson Management Corporation for Dunkin Donuts 101.1-1-11  
Variances*

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

Mr. Jantzi-The Zoning Board has passed a resolution that the application is currently being reviewed by the Planning Board who will be taking lead agency on this project and completing SEQRA.

Mr. Jantzi-The public hearing notice was published in the newspaper.

Mr. Lindenauer-Read the public hearing notice.

Mr. Jantzi-(to Mr. Dates) would you come up and state your name.

Mr. Dates-Sure. I am Justin Dates from Maser Consulting.

Mr. Jantzi-Were there mailings?

Mr. Dates-Yes. 17 mailings went out and 15 of the green cards came back and two of the envelopes were returned. I also have the proof of mailing from the newspaper.

Mr. Jantzi-We also received a memorandum from the Planning Board and the Ulster County Planning Board. They both reviewed this application. With that, is there any one here that has questions pertaining to this application.

Mr. Dates-The applicant is proposing a 1,400 sq. foot Dunkin Donuts. The building footprint will remain the same, except for the three expansion areas. One to the rear; one for the drive-thru window and one for the vestibule area. There is a series of site improvements to allow the development of the site and drive-thru lane. Our proposed parking and loading area is in the rear, as well as a dumpster enclosure. The project currently has an onsite septic and well and we would be looking to utilizing that as well. The current facility has a seepage pit that has a flow capacity of about 600 gallons a day. Our proposed facility is estimated at 450 gallons a day. The well is adjacent to Molson Boulevard. The site is in the BD-40 zoning district. We meet the majority of the bulk requirement, but there are a few that we are lacking. Within the BD zone, the lot area is 40,000 square feet, the pre-existing lot size is 18,261 square feet. The minimum depth, from front yard to back yard is 200 feet. We have 113.65 feet. We did receive a variance for the front yard setback off of Route 32 for the vestibule. There are a series of zoning areas that I will take everyone through. The yard definition of the zoning code reads that this area is open space between the principle building and the nearest lot line and is unoccupied and unobstructed from the ground upward. The proposed project has parking and loading areas and sidewalk improvements in the required yards. Accessory structures are to be a minimum of ten feet from the property. Our property is the western property line. The existing shed and the dumpster ends up at 5 feet for the dumpster and the shed is 7 feet from

the property line. The loading area per the code is minimally supposed to be 60' x 12'. The loading area for the project is proposed at 58.5' width x 8' length. I actually have a letter from the management company that will run this store and they are restricting deliveries to a 30 foot box truck, no tractor trailer type trucks will be used. Next is the planting strips. The code requires a 20' planting strip from the paving edge of the public thoroughfare or adjoining property line. The proposed project is providing 2 ½ feet at the rear of the lot line. At the rear lot line, 8.65' at the side lot line and 6.5' at the front lot line, which would be along Route 32. The section of the code for drive-in establishments requires the off-street parking areas to be paved in accordance with Town road specifications. We are already dealing with an operating and used existing commercial site with paved parking and drive aisles in good condition, so we don't see the need to remove all that existing pavement. Signage; The Town code reads that signage permitted for a non-residential site is one sign, not exceeding 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 8 signs and 139.66 square feet. Just as a note, a lot of these things pre-exist on the site, and they are looking to reduce these impacts and still maintain the code requirements to the Town. So, we think we are helping to improve the current site layout.

Mr. Jantzi-The public hearing is now open for questions or comments.

Mrs. Laskowsky-Is there going to be a Planning Board public hearing? My concern is fencing, lighting and hours of operation.

Mr. Dates-5:00 a.m. to 11:00 p.m.

Mrs. Laskowsky-When are your deliveries?

Mr. Dates-Off peak.

Mrs. Laskowsky-After 11:00 p.m.?

Mr. Dates-Sometimes

Mrs. Laskowsky-Lighting?

Mr. Dates-We will have plans for the Planning Board review process. We should have a comprehensive plan which will cover lighting, fencing and drainage. The well and septic I have to go to the Ulster County Health Department to get approvals from them. We have to get approval from the NYSDOT for modification to the driveway entrances and sidewalk. All that will have to get vetted through the Planning Board process.

Ms. Vertullo-So this is the first step and then it goes to Planning?

Mr. Richard Hoyt-If I may, I am Richard Hoyt attorney for the ZBA. I believe it is in front of the Planning Board, conceptually. They will be having a Planning Board public hearing at some point.

Mr. Dates-Yes.

Mr. Hoyt-I am assuming there will be a formal public hearing in front of the Planning Board, if this process gets that far. And the same people will be noticed.

Mr. Dates-Yes.

Mrs. Laskowsky-I don't know who the people are that are behind, but they would have a lot more concerns that I would.

Mr. Gay-That's me. I'm Christopher Gay. I was going to ask how you were coming along with the fence on the property line. I was wondering if you had plans for that.

Mr. Dates-That is something that we spoke about and that would be on our plans for the Planning Board.

Mr. Gay-Where is the dumpster going to be.

Mr. Dates-Pretty similar to what is there now. Right now there is parking on either side of the entrance, it would be in the back. A chain link enclosure.

Mr. Gay-How far out?

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Mr. Dates-Five feet off the property line.

Mr. Gay-I am worried about the smell.

Ms. Vertullo-How often is the garbage picked up?

Mr. Dates-That is something that we could look into, more frequent garbage pick up.

Mr. Jantzi-Do you have an idea of how the current garbage is handled?

Mr. Dates-(showed where the garbage was located)

Mr. Keeno-(To Mr. Dates) what type of seating arrangement do you have proposed in the facility and what products? Is there any food being prepared on the premises?

Mr. Dates-Right now Babba Louie's has a 9 seat capacity, and we propose 16 seats. There is no food production at the facility these days. A lot of the product is coffee.

Ms. Vertullo-Is it true that you throw your excess stuff out in the garbage?

Mr. Dates-Yes to some degree

Ms. Vertullo-What do you have there besides coffee?

Mr. Dates-Breakfast sandwiches, bagels, flat breads.

Mr. Gay-Are you going to have early morning deliveries?

Mr. Dates-There could be.

Mr. Gay-I work at night, so I am just getting home.

Mr. Dates-I can get more specific times.

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Mr. Gay-(to Mr. Dates) did you look into how far away from the property line you could put the fence?

Mr. Dates-Yes, two feet.

Ms. Weatherly-Do you know what type of fencing it would be?

Mr. Dates-It would be a screen fence. I would recommend something durable and solid. Something like a vinyl, stockade type fence.

Ms. Weatherly-How high would it be?

Mr. Dates-Six feet.

Mrs. Laskowsky-We have the light shining from Key Bank. So the light is very obtrusive.

Mr. Dates-Our lights can't be higher than our building. Because of the size of the area we need to light and the residents all around us, we would be looking at four cut-off lights. All the lights are directed down and directed forward into the parking lot. We would look to use those around the facility. I am thinking about 16 foot range, 14 foot range, again, not your Stop and Shop lighting.

Mrs. Laskowsky-Are you planning on keeping the fence you already have on the side?

Mr. Dates-We are looking to keep that and maybe spruce it up. We will do some landscaping, like evergreen, try to obscure some of the headlights going North.

Ms. Weatherly-Will the sign that is already on the ground for Babba Louie's stay the same?

Mr. Dates-Are you talking about the large sign?

Ms. Weatherly-No, the one on the ground.

Mr. Dates-The enter and exist signs? He (Babba Louie's) has the signs out in the D.O.T. right-of-way which we are not permitted, so the signs will be moved back. All our signs will go back into the site. So they will probably be 12 to 15 feet back.

Mr. Gay-Do you know how high the fence in the back will be?

Mr. Dates-6 feet. Two feet off the property line.

Mrs. Laskowsky-How high is the fence by our side?

Mr. Dates-About 4 feet..

Mrs. Laskowsky-Are you planning on keeping it the same or making it higher?

Mr. Dates-We are looking to maintain that and plant some evergreens.

Mr. Gay-How long will the fence length be?

Mr. Dates-Just beyond the loading area. The loading area is 58 ½ feet long. So about a 65 foot range.

Ms. Weatherly-Will we have the dumpster open on our side?

Mr. Dates-No, that is enclosed as well.

Ms. Weatherly-(to Mr. Dates) do you know how many parking spaces there are now?

Mr. Dates-We are required by code to have nine parking spaces. We will have eleven. Four along the North side of the building property line and seven along Molson Boulevard. Our parking will be five feet further away than it is today.

Mr. Gay-So where the picnic tables are will be parking?

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Mr. Dates-No, we are planning on keeping it the same as it is.

Mrs. Morse-So you are leaving that area green where the well is?

Mr. Dates-Yes. We are maintaining that edge of asphalt.

Mr. Jantzi-By eliminating the new exit driveway which is now wide enough for cars to meet in there, a portion of that will be used up in the parking spaces, as far as the width is concerned?

Mr. Date-Right now the driveway is 20 feet we have to narrow the width down to 16 feet. That is D.O.T. requirements.

Mr. Jantzi-Right now that is all driving area.

Mr. Dates-Yes, it is all driving area, and we will be removing all that.

Mr. Gay-So the corner with the shed. Are you going to keep the shed and everything around it?

Mr. Dates-Right now we are planning on keeping the shed.

Mrs. Laskowsky-I am not understanding the parking. The drive-thru is going to be next to the building?

Mr. Dates-That is correct. There is a drive-thru and it will run along the building and then there will be a bypass lane.

Mrs. Laskowsky-Is there parking there now?

Mr. Dates-(showing the present parking area on the map). Yes, there is much more parking there now. There is parking against the building and on the North side.

Mrs. Laskowsky-I have the same map here.

Mr. Dates-(Showed the crosswalk area on the map and where the sidewalk would be located).

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Mr. Laskowsky-There are going to be a lot of accidents there.

Mr. Jantz-The cars are going to be parked at an angle.

Ms. Vertullo-There is going to be more activity. More cars will be coming and going. What happens when the cars are leaving and they want to go toward the light on Route 44/55?

Mr. Dates-The turning in and out of the property and how they access Route 44/55 has to be reviewed by D.O.T. We have to get through this hurdle here first, and then we go to the Planning Board and get into all the details of the traffic analysis. It is something that the Planning Board has already asked for. We have started to put something together. It is not complete, but that is what we would be going back to the Planning Board for.

Ms. Vertullo-It is not that we are objecting to the Dunkin Donuts, it would be a good thing.

Mrs. Laskowsky-It's not that I am objecting, but the traffic now is bad and getting worse. To get out of my driveway I can go through almost two lights (on Route 44/55).

Mr. Dates-Like I said, we are required to work out all that with D.O.T. the flow of traffic and the residential houses.

Mr. Laskowsky-I think you are trying to build too much into not enough room, but it is your money.

Mrs. Morse-This site is bigger than the one in New Paltz.

Mr. Dates-That one doesn't have a drive-thru.

Mr. Gay-Where the septic is, is there going to be any modifications on that end?

Mr. Dates-No, we are not looking to go any closer to the back of the property there.

Mr. Gay-So if there is no modifications there, is there something stopping you

from putting the dumpster there?

Mr. Dates-Yes, the septic system. We don't want to put anything over the septic system. And these are front load pick-up dumpsters, so the truck comes in and pulls right up to the face of the dumpster.

Mrs. Laskowsky-Going back to the septic. What is the capacity again?

Mr. Dates-Right now there is a concrete structure. It accepts about 600 gallons a day based on our seating capacity of 16 seats at 25 gallons per seat for a total of 400 gallons a day. They base it on a seat, so D.E.C. has sanitary flow calculations for a fast food restaurant.

Mr. Gay-How many employees?

Mr. Dates-Probably 4 maybe 5 maximum. Split shifts.

Ms. Weatherby-Would the employees be parking by the loading zone?

Mr. Gay-Would there be dedicated employee parking?

Mr. Dates-No.

Mr. Jantzi-Are there any other questions?

Mr. Hoyt-Mr. Dates, for the record, your clients don't own or control any land around this parcel which would relieve the current non-conformance?

Mr. Dates-No. The applicant is the contract purchaser, so he physically doesn't own the property.

Mr. Hoyt-Just for the record, there is no zoning district boundary line that is co-terminus with one of your lot lines?

Mr. Dates-I have the zoning map and the BD-40 wraps around the site.

Mr. Hoyt-How much room between the pavement and the front lot line? It seems wide.

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Mr. Dates-It is probably about 30 feet from the edge of pavement to our property line.

Mr. Hoyt-Will D.O.T. make you curb your ingress and egress?

Mr. Dates-I believe they are going to look for us to do that.

Mr. Hoyt-What happens if you get a tractor trailer driver in there? Can he get in there and get out? I am talking about a driver that wants to come in and get coffee.

Mr. Dates-It could be signed, "No tractor trailer trucks".

Mr. Hoyt-I don't know if that is an issue here or not. Some tractor trailer drivers recognize that it is a small lot and pull over on the side of the road with their four ways on.

Mrs. Laskowsky-The whole tractor trailer thing brings up a good point. If they are not going to pull in and they are not going to be able to pull in front and they decide to park on the side of the road...

Mr. Dates-That is a police issue. The owners can't be expected to police the site. From a delivery standpoint they are restricting what comes on the site, what is maneuverable through the site.

Mr. Hickey-(to Mr. Dates) would you be including that in your traffic study, tractor trailer drivers as customers?

Mr. Dates-I don't know if that is a readily available number from a traffic standpoint. We can include the numbers for truck traffic. I don't know if that would have any bearing for customers or not.

Mr. Jantzi-Does anyone else have any questions? This public hearing will be held open and it will be continued at our next July 9th. meeting.

**MOTION:** Mr. Hickey made a motion to keep the public hearing open to July 9<sup>th</sup>. Mrs. Morse seconded the motion. On the vote: Mr. Jantzi-aye Mr. Hickey-aye Mr. Lindenauer-aye Mr. Egan-aye Mrs. Morse-aye Mr. Keeno-aye

Mr. Jantzi-(to the audience members) thank you everyone for coming out. The public hearing will continue on July 9<sup>th</sup>., when we may see you again.

Mr. Hoyt-(to the audience) there won't be another notice. This is your notice for tonight.

Mrs. Laskowski-Will there be more to discuss?

Mr. Jantzi-There are some reports that will be discussed. And it can be discussed further if there is a need for it.

### ***MINUTES***

May 14, 2015

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

### ***ADJOURNMENT***

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

The meeting adjourned at 9:00 p.m.

Respectfully submitted by  
Susan Bolde, Zoning Board Clerk

