

STATE OF NEW YORK : COUNTY OF ROCKLAND

TOWN OF STONY POINT : PLANNING BOARD

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IN THE MATTER
OF
DUNKIN DONUT/MINI MART
AT WILLOW GROVE ROAD

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Town of Stony Point
RHO Building
5 Clubhouse Lane
Stony Point, New York
December 7, 2017
7:00 p.m.

BEFORE :

THOMAS GUBITOSA, CHAIRMAN
PETER MULLER, VICE-CHAIRMAN
ERIC JASLOW, BOARD MEMBER
PAUL JOACHIM, BOARD MEMBER
EUGENE KRAESE, BOARD MEMBER
JERRY ROGERS, BOARD MEMBER
MARY PAGANO, CLERK TO THE PLANNING BOARD

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CHAIRMAN GUBITOSA: All right, can we please stand for the Pledge?

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRMAN GUBITOSA: Thank you. Mary, just call the roll.

THE CLERK: Mr. Jaslow?

BOARD MEMBER JASLOW: Here.

THE CLERK: Mr. Joachim?

BOARD MEMBER JOACHIM: Here.

THE CLERK: Mr. Ferguson?

BOARD MEMBER FERGUSON: Here.

THE CLERK: Mr. Rogers?

BOARD MEMBER ROGERS: Here.

THE CLERK: Mr. Kraese?

BOARD MEMBER KRAESE: Here.

THE CLERK: Mr. Muller?

VICE-CHAIRMAN MULLER: Here.

THE CLERK: Chairman Gubitosa?

CHAIRMAN GUBITOSA: Here. All right, a few announcements. If you have a cell phone, just put it on silent for tonight.

The first application up, it will be the

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public hearing for Dunkin' Donuts. It's a continued public hearing. And what I'll do is, Mr. Joyce, you can stand, get to the podium.

We're going to open the public hearing, and any new comments, and what we're going to do tonight is we're going to be continuing the public hearing until January because right now, the traffic report isn't in. Our consultant is still reviewing it.

So we're going to take any new comments. And then, you know, when we close the public hearing tonight to continue it next month, the Planning Board is going to have our questions for the applicant tonight. So hopefully, you know, a lot of questions could be answered.

So what I'm going to do now is open the public hearing for any new comments. And you know, I'd like to keep it to three minutes so we can, you know, the Board will have time to get our questions in.

So I'm going to open the public hearing. Just to let everyone know, we're going to --

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2 this is going to be continued to next month.

3 So we're going to open the public hearing.

4 There's a sign up sheet.

5 THE CLERK: Right there, it should be
6 right there.

7 CHAIRMAN GUBITOSA: Just state your
8 name. Yeah, let --

9 THE CLERK: Here it is.

10 CHAIRMAN GUBITOSA: We'll let them go
11 first. I'll get you after.

12 MR. CONWAY: Good evening, Mr. Chairman,
13 Board Members. Kevin Conway for the
14 neighborhood objectors. I will present -- I
15 have a new item to present to the Board
16 tonight. Better?

17 CHAIRMAN GUBITOSA: No, put it up a
18 little. You got to talk into it.

19 MR. CONWAY: Little better?

20 CHAIRMAN GUBITOSA: A little.

21 MR. CONWAY: I have a new item to
22 present tonight we found in the historical
23 record that goes back to the issue that we
24 addressed with this Board the first time I
25 spoke, which is the fact that this

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application is not made, it must go to the Zoning Board for determination as a nonconforming use and whether or not this is an unnatural or unlawful enlargement of nonconforming use.

I provided the Board previously with the case law and the determinations from Supreme Court decisions, including from our own Judge Alfieri locally, that -- and the case law all deals with Zoning Boards making determinations for variance relief and whether or not an application can be deemed as a preexisting nonconforming, or have an enlargement.

Planning Boards, none of those cases were cited where a Planning Board would make that determination. It's just not done. Planning Board deals with site plan approval, and Zoning Board deals with variance relief and preexisting nonconforming uses.

And in this case, the applicant, whether or not the Building Inspector has provided this Planning Board with advice that it doesn't have to go to the Zoning Board, that

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would be an error. Whether or not legal counsel for this Board has advised this Board that it doesn't have to go to the Zoning Board to determine whether or not it's an enlargement, that would be improper or bad advice. Or whether this Board thinks it can defer that decision and not make a decision, that's something that this Board cannot avoid its obligation or duty.

Or even if the Building Inspector were to have told this Board that, even if this Board's own legal advice or its own legal counsel were to tell this Board that, or even if the applicant said we have no intention to go to the Zoning Board, Planning Boards have the authority as the first stop in the process for site plan approval to determine on their own whether or not an application has to go to a Zoning Board for variance relief, for determination as to preexisting nonconforming use, the determination as to whether or not it's an unnatural enlargement of a preexisting nonconforming use. That's not something that you can abdicate your

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authority or decision making with regard to that threshold issue.

So again, and we had recently appeared before the Town Board to advise the Town Board of the lack of transparency in the process, and the lack of determination or answers, or whether or not -- and we still haven't received any information from this Board or the applicant as to whether or not this Board intends to refer the matter over to the Zoning Board except at the first meeting, which was not open to the public.

We heard from a non-attorney representative from the Board that advised that it's preexisting nonconforming and therefore, it doesn't have to go to the Zoning Board. If that were true, certainly that's bad advice. And if that were true, the applicant could put up anything on the site and this Planning Board would just have to entertain it. And that's what this application and this applicant has been presenting to the Board, and that's certainly not the case.

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2 The Town -- that's why the neighbors
3 have been here, and have been fighting this,
4 and spending their own money to do it. But
5 your own Town Board, if the Town Board
6 determines and agrees with our position that
7 absolutely, this has to go to the Zoning
8 Board and you guys fail to refer it there,
9 your own Town Board can bring litigation
10 against that determination just like the
11 neighbors can.

12 So it's a very serious issue. It's not
13 going to go away. It's not going to be
14 ignored. So I don't know whether you're
15 getting advice from the Building Inspector,
16 your own attorneys, or the applicant, but
17 it's bad advice. And I would ask you -- you
18 seem like a very diligent Board, you take
19 your job seriously -- I would ask you to look
20 at that issue before you make any
21 determinations on this site plan at the
22 appropriate time.

23 For the historical record, we found from
24 the town files a previous Supreme Court
25 determination in Rockland on this application

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from Judge Slifkin from New York State Supreme Court where Carl Jacobs had brought an action against the Town because in May of '81, he had applied for a variance from the present use of a gasoline service station, convenience store food operation. At a public hearing, the plaintiff's attorney represented -- and I'm reading from it, I'll be very brief -- I understand that years ago, groceries were sold there. Plaintiff added up until about five years ago, the variance was denied.

He subsequently applied for a variance to the gasoline station general store. Again, this was to the Zoning Board, not the Planning Board at the time. And then the plaintiff served a complaint citing three causes of action, seeking a declaration from the Supreme Court because he didn't get the relief he wanted from the Zoning Board on this issue.

The present nonconforming use encompasses all permissible, under the local ordinance's definition of retail business,

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this is what the gas station owner was doing at the time, Mr. Jacobs, this is what he was seeking. The plaintiff possesses a valid nonconforming use which includes the sale of food and beverage items, that the ordinance as applied to the plaintiff's premises is unconstitutional.

On the motion, the plaintiff argued that the Stony Point ordinance doesn't list gasoline stations in a separate use. Therefore, they have to fit into a category of other uses, including retail.

The judge ruled that a new use may not be substituted simply because it is generically similar to an existing nonconforming use. And he cited case law, which I'm going to provide the Board a copy.

The plaintiff's second argument, this is the judge now ruling against the plaintiff. The second argument is the property has been operated as a retail store for the sale of food, beverages, and other retail items all along. To this effect, Mr. Jacobs attached affidavits from previous owners saying that

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they sold cigarettes, cigars, chewing tobacco, pretzels, peanuts, sodas, nail clippers, charcoal, and lighter fluid. The owner previous to the plaintiff adds that shortly before I left my business, I sold milk and bread.

The court must reject the plaintiff's argument. The judge ruled against Mr. Jacobs at the time. The affidavits submitted do not change the prior admission that the sale of retail items stopped five years ago before his application for a variance to the Zoning Board. So these -- and they said the other items that he said are of no probative value.

So the court granted the Town's application for summary judgment and found that the plaintiff's property may be used only as a nonconforming use as a gas station and not for any use permitted with the Town ordinance definition of retail business, absent appropriate town approval. So that predated, by a short period of time, the Zoning Board of appeals, which we gave the Board last time that we spoke on this issue.

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And we also heard from Mr. Griffin, who happened to be the applicant's attorney at the time, and Mr. Griffin gave firsthand testimony in conformance with this decision that the only slight enhancement to the convenience store was to permit gas station convenience store for 1400 square feet with subject to additional restrictions that no video games are on premises and adequate disposal for garbage that wouldn't interfere with the neighbors in the area.

And you heard from Mr. Griffin himself, you heard right from the horse's mouth that it was never envisioned to be a truck stop, a super gas store, a super convenience store, or some of the things that we've heard at various times from the applicant, but not definitively, as they're supposed to do, with regard to a pizza store, a Dunkin' Donuts.

There's no previous, there's no -- prior to these determinations or subsequent for any approval for a Dunkin' Donuts store. How that became and how that sits there now, that's an illegal or an improper use. That's

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a restaurant use. That's different than gas station convenience store. What they're proposing now is drastically different from a gas station convenience store.

And the only other thing I'm going to leave the Board with, this process is not meant to be a search for the truth. That's what we deal with in jury trials, I deal with that all the time. I tell my jurors this is a search for the truth to find out what really happened.

No. In a Planning Board process, a Zoning Board process, they're supposed to disclose what the truth is. They're supposed to disclose what their application is in exhausting detail, not general. Not, well, we'll ask a bunch of questions, we'll revise the plan four or five times when an issue comes up, and maybe we'll tell you what it's going to be, maybe we're not.

We still don't know what's going to happen on the first floor of this premises, the second floor of this premises. What portion is going to be a restaurant, what

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2 portion is going to be a food store. We
3 don't know any of that.

4 And it's not your job to play detective.
5 It's not our job to play detective. It's
6 their job to disclose in first instance.
7 This isn't a game. This is serious business.
8 It affects all these remaining neighbors and
9 the surrounding neighborhood.

10 They have a duty to disclose the very
11 first time. And if they change their plans
12 or they don't disclose, the Board needs to
13 say no and reject it, and/or they have to
14 start the process over again. This isn't a
15 follow the bouncing ball. That's what this
16 has become in this case.

17 And it's very disconcerting to the
18 neighbors. That's why the neighbors took the
19 step of approaching the Town Board to advise
20 the Town Board, you know what's going on, and
21 the lack of transparency.

22 We've heard no discussion or questions
23 of the applicant when they first presented
24 the first time from this Board. And
25 normally, one expects a very engaged Board to

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2 be very engaged and ask questions, and put
3 them to the test. If you go to other
4 jurisdictions, that's the way it's supposed
5 to be, and that's what needs to happen here.

6 So I'm just going to again respectfully
7 request this Board not continue with what's
8 been presented as normal, or what's been
9 presented as factual, because it hasn't been.
10 So I'm going to provide the Board with a copy
11 of this. I told Mr. Joyce I'll provide him
12 with a copy as well. I just have one copy
13 tonight.

14 CHAIRMAN GUBITOSA: All right, thank
15 you.

16 MR. HONAN: For the record, Kevin, could
17 you just give us the cite of that case, from
18 Judge Slifkin?

19 MR. CONWAY: Yeah, it's an index number
20 1753 of 1982.

21 MR. HONAN: Not published?

22 MR. CONWAY: No, I believe it is. It's
23 Carl Jacobs Short Stop Enterprises against
24 Herbert Garrison as Building and Zoning
25 Inspector of the Town of Stony Point, and the

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2 Town of Stony Point. It's from the actual
3 Town files, from the Building Department
4 files.

5 MR. HONAN: So no miscellaneous cite in
6 the publication?

7 MR. CONWAY: I didn't have time today to
8 see if it is. I'm sure there may be.

9 BOARD MEMBER JOACHIM: Mr. Chairman, I'd
10 like to ask a question. Mr. Conway, I have
11 one question for you. Last month or maybe
12 the month before, you referenced a case, I
13 believe it was out of Haverstraw, that there
14 was, it was taken to court. Now, was that
15 information passed along to the Board at all?
16 Because I was looking through my notes. I
17 couldn't find anything.

18 MR. CONWAY: What we're going to do is
19 provide you with a memo of law with regard to
20 this issue so the Board has that to use in
21 its deliberations and its process. And we
22 will be including this decision as well,
23 because this is part of factual record and
24 legal record.

25 BOARD MEMBER JOACHIM: Okay. The name

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2 that -- do you remember the case law that you
3 referenced?

4 MR. CONWAY: I can provide at the
5 moment -- it was Judge Alfieri's decision.
6 Yeah, I think it was.

7 BOARD MEMBER JOACHIM: I'd like to know.

8 MR. CONWAY: Yeah, we'll provide it in
9 writing between now and the next meeting.

10 CHAIRMAN GUBITOSA: All right, thank
11 you, Mr. Conway.

12 MR. CONWAY: Thanks.

13 CHAIRMAN GUBITOSA: Now, are there any
14 new comments? And like I said, we're going
15 to probably adjourn it to next month once we
16 get the traffic. And once we move the
17 meeting, adjourn the meeting, the public
18 hearing, then the Board is going to come up
19 with, you know, our questions for the
20 applicant. So are there any more new
21 comments?

22 MR. POTANOVIC: Yes, Mr. Chairman,
23 there's a list there.

24 CHAIRMAN GUBITOSA: Oh, I didn't see the
25 list.

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2 MR. CONWAY: I did have Mr. Pulice to
3 speak to some to new issues briefly. And
4 then we have a traffic expert also who
5 performed a traffic study and reviewed the
6 traffic study that was performed by the
7 applicant.

8 CHAIRMAN GUBITOSA: But we have a new
9 traffic study.

10 MR. CONWAY: Yeah, and that's what he
11 looked at.

12 CHAIRMAN GUBITOSA: All right. Can
13 we -- I mean, I'd like to leave it at three
14 minutes so that the Board, we can get our
15 time in.

16 MR. CONWAY: I'm afraid it may take a
17 little longer than that. Mr. Pulice will,
18 certainly. But the traffic expert may start
19 tonight, and then he may, if it's Board's
20 preference, I can have him come back on the
21 next meeting. But he did go through, he did
22 a thorough analysis, and he actually did a
23 site inspection and his own due diligence.

24 CHAIRMAN GUBITOSA: Okay, we'll do that.
25 If, you know, he can give a brief -- I just,

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2 if someone could give me the sheet, I didn't
3 see the sheet. George, you're not on here.

4 MR. MULLIGAN: I'm not.

5 CHAIRMAN GUBITOSA: Just state your name
6 and address for the record.

7 MR. MULLIGAN: I'll do it. George M.
8 Mulligan, 7 Higgins Drive, Stony Point.

9 And Mr. Gubitosa, I don't know if this
10 is a new comment or not, I haven't been to
11 the prior meetings, but I do have a question.
12 Because at one time I had either heard or
13 read that the brook or spring that runs, it
14 would be to the west of the subject property,
15 might be in some way diverted or changed.

16 So I guess my question is, would the
17 Department of Environmental Conservation then
18 have to be consulted? And then if that is
19 required, would they have to then render an
20 opinion before anything could go forward,
21 assuming something, you know, assuming
22 everything else were approved? And that's my
23 question.

24 CHAIRMAN GUBITOSA: Okay, thank you
25 Mr. Mulligan. Mr. -- is it Pulice?

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2 MR. PULICE: Yes.

3 CHAIRMAN GUBITOSA: Yes, sorry.

4 MR. PULICE: Good evening. Peter
5 Pulice, registered architect and planner.

6 Just to add a bit more commentary on some new
7 observations while reviewing the previous
8 Zoning Board of Appeals application 87-44,
9 pertaining to this application, it's my
10 opinion that the attic storage, which is 1500
11 square feet based an Revision Five, is larger
12 than the existing building of 1410 in this
13 application.

14 It's my opinion that that attic storage
15 is not something as of right. I believe the
16 applicant should request a use variance for
17 storage. Storage is not allowed in the RR
18 zone.

19 And it's an additional observation that
20 I made that now, what's before this Board is
21 an application for storage, warehousing a
22 product, which is a gross expansion of a
23 nonconforming use. And that a separate
24 either accessory variance to use that second
25 floor as an accessory, or a variance should

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be required for that additional use, which is not really specified. And it wasn't grandfathered over from the previous application of 87-44. So I just wanted to bring that to your attention.

CHAIRMAN GUBITOSA: Thank you. Next one is Louis, is it --

MR. LUGLIO: Luglio.

CHAIRMAN GUBITOSA: L-U-G-I-O?

MR. LUGLIO: L-U-G-L-I-O.

THE CLERK: Do you have a card?

MR. LUGLIO: I have some exhibits.

CHAIRMAN GUBITOSA: Just state your name and address for the record.

MR. LUGLIO: Sure. It's Louis Luglio, it's L-U-G-L-I-O, it's 30 Montgomery Street in Jersey City, New Jersey. I do have some boards, some exhibits. I have four exhibits.

CHAIRMAN GUBITOSA: Can I just ask what your capacity is?

MR. LUGLIO: Sure. I'm a licensed professional engineer, traffic engineer.

CHAIRMAN GUBITOSA: Traffic, okay, thank you.

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2 MR. LUGLIO: Where should I place this
3 so everybody can see? Right in front?

4 CHAIRMAN GUBITOSA: Right there in front
5 of the screen so everybody can see.

6 MR. LUGLIO: I'm not sure how many -- I
7 think I have enough.

8 CHAIRMAN GUBITOSA: Thank you.

9 MR. LUGLIO: So while you guys are
10 passing that along, I have the same exhibit
11 up on the easel, and that's Exhibit 1. I
12 have four exhibits in total. And these were
13 prepared based on the site visit, and based
14 on the review of the traffic impact study
15 dated November 17, 2017, by John Pavlovich
16 for this project, 291 Willow Grove.

17 This first exhibit is entitled aerial of
18 site vicinity, existing access movements.
19 The purpose of the first exhibit is really
20 just to show first the property in question
21 that's highlighted in yellow, and a
22 combination of all the different movements by
23 all the different arrows and colors that are
24 shown on the exhibit that indicate the
25 different ways and movements into and out of

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2 the site off of the main roadway in front,
3 and the side roadway at the same time.

4 In review of the traffic impact study,
5 the traffic counts for this study were
6 collected in October of 2016. And I focused
7 in on the p.m. peak hour. And the traffic
8 counts revealed that during that p.m. peak
9 hour, 61 cars entered the site, 72 cars left
10 the site for a total of a 133 cars.

11 On Willow Grove during that p.m. peak
12 period, we had a total of 435 cars going in
13 the eastbound direction, and 243 cars going
14 in the westbound direction. And I say that
15 just to give you a sense of, there are a
16 number of vehicles that are coming in and out
17 of the site compared to the number of
18 vehicles that are on Willow Grove.

19 This proposed project would increase
20 those numbers coming in and out by 62
21 vehicles coming in and 62 vehicles leaving.
22 So a total of 124 new vehicles would be
23 coming in and out of the site in addition to
24 the 133 vehicles that are currently coming in
25 and out of the site. So the last box on that

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2 Exhibit 1, the grand total, then, is 257
3 vehicles that now, in the future, would be
4 coming in and out of the site, which again,
5 is a little bit over all the vehicles that
6 are coming in the westbound direction. Yes?

7 BOARD MEMBER JASLOW: I'm just curious,
8 how do you plan that there are going to be 62
9 more cars coming and going?

10 MR. LUGLIO: That's based on the traffic
11 impact study that's been prepared for this.
12 And you haven't seen that yet, is that right?
13 Okay.

14 And I also concur with that trip
15 generation, the number of new vehicles that
16 would be generated. And it's more of an
17 industry standard of the different type of
18 land use has a different number of vehicle
19 trips that are associated with it, ranging
20 from residential to retail to gas station.
21 There's a host of different land uses and
22 their corresponding number of vehicle trips
23 that would be generated.

24 BOARD MEMBER JASLOW: So educate me on
25 this, please. So basically what they're

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2 saying is by the increasing the square
3 footage, it's automatically going to increase
4 62 cars an hour?

5 MR. LUGLIO: That's right, that's right.
6 So you're basically doubling the activity
7 that's on the site in terms of number of
8 vehicles coming in and out of the site. Yes?

9 BOARD MEMBER KRAESE: Can I ask one
10 question?

11 MR. LUGLIO: Yes.

12 BOARD MEMBER KRAESE: Just one question.
13 Just go down to the new grand total.

14 MR. LUGLIO: Yup.

15 BOARD MEMBER KRAESE: You're saying 123
16 cars are entering, and 134 are leaving. That
17 number just doesn't come to me. If 123
18 enter, how can 134 leave?

19 MR. LUGLIO: Well, you should have about
20 the same. It could be a little bit more. So
21 it might be that some of the vehicles from
22 the previous hour are leaving. So it
23 normally is about the same that's coming and
24 going.

25 But you could see even in the existing

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condition, normally in a proposed condition we would have 62 and 62, but the first green box, 61 coming in and 72 leaving, those are based on actual counts that the applicant conducted in October of last year. So those are real numbers, whereas the yellow box are proposed numbers based on the square footage increase.

BOARD MEMBER KRAESE: So going back to the green one, that still doesn't compute. 61 came in, 72 leave.

MR. LUGLIO: Right, so --

BOARD MEMBER KRAESE: So the proposed project, we're talking about 62 in, 62 out. I'm not a mathematician. It just doesn't make sense. If 61 go in, how does 72 come out?

MR. LUGLIO: So we're thinking that --

CHAIRMAN GUBITOSA: Guys, just let the consultant talk.

MR. LUGLIO: We're looking at a peak hour. So in this case, I'm just going to say, let's say the peak hour is from 5:00 p.m. to 6:00 p.m. When you start

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2 counting at five and you stop at six, what
3 happens is some of the vehicles that were on
4 the site before 5:00 p.m. most likely came
5 out during that hour. And that's why it
6 doesn't reconcile a hundred percent.

7 BOARD MEMBER KRAESE: All right.

8 MR. LUGLIO: So the purpose again of
9 Exhibit 1 is to give you a graphical
10 depiction of the number of movements coming
11 in and out of the two different driveways
12 that exist on-site, and the sheer number of
13 vehicles actually, actually coming in and out
14 of the site, and secondly, what is proposed.

15 If you turn to Exhibit 2, Exhibit 2
16 depicts the site plans superimposed -- thank
17 you -- depicts the site plans superimposed on
18 the aerial, and I made the aerial black and
19 white so you could see it a little bit
20 better, the site plan itself. And my focus
21 here was to look at truck fueling, turning
22 onto the site, and then turning off of the
23 site. So -- is that two?

24 CHAIRMAN GUBITOSA: That's four.

25 MR. LUGLIO: I put it in reverse

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2 chronological order, probably. Thank you.

3 So what we've done here is we looked at
4 a fueling truck coming in the westbound
5 direction, coming into the site, and I made
6 an assumption that the fueling delivery
7 vehicle could actually make it between the
8 building itself, the proposed building, and
9 the existing fuel pump. And that's that
10 green shaded area.

11 So the red shaded area is the truck
12 making the turn onto the site. The green
13 shaded area is that fuel truck positioning
14 over the fuel inlets that are currently on
15 the site today. And then the yellow is the
16 truck coming back out, depending on which
17 direction the truck would be going in.

18 So this fuel delivery vehicle during the
19 course of the actual delivery would obviously
20 be blocking some segment of the exit
21 driveway, and also the loading access road
22 that's on the side of the building.

23 CHAIRMAN GUBITOSA: Now this is your
24 rendering, this wasn't in the traffic study
25 they did?

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2 MR. LUGLIO: That is correct, that is
3 correct.

4 CHAIRMAN GUBITOSA: I don't see the
5 pumps. That's the only thing I worry about.

6 MR. LUGLIO: So the pumps are just about
7 covered by that green, by that shaded area.

8 CHAIRMAN GUBITOSA: All right, thank
9 you.

10 MR. LUGLIO: So it is a difficult
11 maneuver. Today is a little easier mainly
12 because there is better circulation to get
13 access to the underground storage tanks to
14 fuel up. The other option is for the truck
15 delivery vehicle to not turn into the site,
16 but rather to back into the site, which is
17 also a complicated maneuver.

18 CHAIRMAN GUBITOSA: I think that's what
19 they do today.

20 MR. LUGLIO: They most likely do.

21 CHAIRMAN GUBITOSA: That's what they do
22 today.

23 MR. LUGLIO: And so obviously, with a
24 situation like that, even today is a safety
25 concern. But my concern is in the future,

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2 with a lot more traffic movements in and out
3 of the site, it becomes more of a problem
4 from a vehicle conflict standpoint.

5 Sorry about that. Exhibit 3. So
6 Exhibit 3 -- no.

7 CHAIRMAN GUBITOSA: Three's got the
8 purple on it.

9 MR. LUGLIO: Trying to go through all
10 the different colors of the rainbow here. So
11 in that Exhibit 2, I looked at a fuel
12 delivery truck. In this particular Exhibit
13 3, looked at a box truck or a delivery
14 turning path. On the west side of the
15 proposed site, they have a proposed delivery
16 driveway and delivery door, and then vehicles
17 would be going back out Algonquin Drive or
18 Road, and back out onto the roadway network.

19 So what I wanted to do here was to look
20 at from the roadway turning into the site.
21 And based on the site plan, the proposed
22 direction of traffic would be
23 counterclockwise around the pump and back out
24 onto Willow Grove, and then into the site or
25 in the northbound direction, and then again,

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2 a one-way counterclockwise direction around
3 the parking field.

4 So in keeping with that a box truck,
5 let's say, making a left turn into the site
6 would obviously have to go between the
7 building and the fuel pumps, and then make
8 the right turn in that purple area to go into
9 the loading zone. One of the issues -- and
10 the box truck can make that turn and go in
11 front of the fueling pumps and into the
12 driveway for the loading area or unloading
13 area.

14 Two things. One is it's an exit-only
15 driveway on Algonquin. That exit-only
16 driveway in my opinion, from a safety
17 standpoint, is almost 80 feet.

18 The drop curb is very wide. A part of
19 that is, I think, to provide for trucks,
20 smaller trucks like this to make the turn out
21 from the loading area. But it's an extremely
22 wide drop curb, or driveway itself. And my
23 fear is people, motorists would enter that
24 exit-only driveway, and not know that it's an
25 exit-only driveway, and try to gain access to

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2 the site and park.

3 The second is obviously only because of
4 the narrowness of that access driveway for
5 loading and unloading, there would only be
6 one truck that could make a delivery at any
7 one time. And so if there were multiple
8 deliveries happening, then again, the fear is
9 that those motorists or those truck drivers
10 would position themselves in different places
11 on-site and cause, again, another traffic
12 maneuver failure or conflicts that could
13 result.

14 The last exhibit, Exhibit 4, and this
15 last exhibit really talks to the parking and
16 overall access and movements on-site. And so
17 what I tried to do here from the graphic
18 representation is green cars that are on
19 Willow Grove; the orange vehicles that are
20 turning either left or right into the site;
21 the red vehicles are either fueling up or
22 waiting to be fueled up; the purple vehicle
23 is leaving, either making a right turn or a
24 left turn; the yellow vehicles are vehicles
25 that are traveling on the site, either to

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2 leave the site or to go to the parking area
3 behind the building.

4 What I've done in the back with the
5 yellow vehicles is I put in 19 parked
6 vehicles. And that was from the traffic
7 report. 19 vehicles were parked during the
8 a.m. peak hour. That was the peak amount of
9 parking during any one of the peak hours.
10 And so I wanted the Board to see what 19
11 vehicles parked would be.

12 So again, during that 2016 count period
13 that the applicant and the traffic impact
14 study goes over, we had a total for the p.m.
15 peak hour was 13 spaces that were occupied.
16 And the analysis in the traffic impact study
17 made some assumptions based on their
18 observations. And the first one was it was
19 seven minutes on average, the duration, that
20 a vehicle stayed on-site.

21 So someone would come in, park the
22 vehicle, go in the store, and come back out.
23 And that time period on average took seven
24 minutes. Some were a little less, some were
25 a little more. So on average, it was seven

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2 minutes. So based on 60 minutes, each
3 parking space would turn over eight times
4 during the peak hour.

5 And the traffic impact study then drew
6 that conclusion that based on 25 parking
7 spaces. And I know, I think there's 28
8 that's provided, but they assume that 25,
9 let's use 25. And eight times during the
10 hour, each space would turn over. You would
11 have a total of 200 parking maneuvers, or 200
12 vehicles that you could accommodate on-site
13 with vehicles coming in, parking, and then
14 leaving.

15 And so I looked at that from the
16 standpoint of, well, how many vehicles really
17 would be coming in and out. And I went back
18 to our Exhibit 1 to look at the total number
19 of vehicles coming in and out of the site.

20 And just to recap it again, in yellow,
21 we have 201 that would be coming in and out
22 of the site during -- or 201 maneuvers over
23 the course of that hour that would be coming
24 in and out of the site, which leaves really
25 zero parking spaces in the a.m. peak hour.

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2 And it gets very close to the other midday
3 p.m. Saturday and Sunday.

4 The red box, basically, if we convert
5 that back to how many parking spaces would be
6 available during the peak hours, we would
7 have none or negative one during the a.m.

8 But in the other subsequent hours, we would
9 have available parking spaces. They just
10 would be very close to zero, very close to
11 being filled. And again, the fear is that
12 having seven minute average duration, some
13 being a little less, some being a little
14 more, if more of them are longer, then it
15 becomes more of a parking issue on the site
16 itself.

17 So in summary, in looking at the traffic
18 impact study, the number of vehicles that are
19 coming on and off the site, given what's out
20 there today, the volume of traffic that's on
21 the roadway compared to almost, you know,
22 half the volume that's going to be coming in
23 and out of the site is comparatively -- it's
24 a large number coming in and out of the site.
25 The number of maneuvers that would be coming

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2 on and off the site, as well as the one-way
3 circulation flow, I see a lot of vehicle
4 conflicts associated with the pump activity,
5 with delivery vehicles, and just parking.

6 And so that was the summary of those
7 four exhibits and review of the traffic
8 impact study. From just the volume
9 standpoint and a safety standpoint, there are
10 some issues with the design of this
11 application.

12 VICE-CHAIRMAN MULLER: Can I go back to
13 Map 3, please, Exhibit?

14 MR. LUGLIO: Sure.

15 VICE-CHAIRMAN MULLER: You have traffic,
16 commercial traffic that's heading east on
17 Willow Grove actually going past the
18 building, making a left hand turn into the
19 parking lot, making a U-turn and squeezing in
20 between the gas pumps and the building to go
21 past the building to make a right-hand turn.
22 Why wouldn't they just make a left into the
23 parking lot before the pumps?

24 MR. LUGLIO: We're talking about
25 Exhibit 3?

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2 VICE-CHAIRMAN MULLER: Turning, or going
3 around --

4 CHAIRMAN GUBITOSA: The one with the
5 purple, the one with the purple.

6 MR. LUGLIO: Right, Exhibit 3. So
7 Exhibit 3, what we have is we're assuming
8 that a box truck is coming eastbound, and
9 they're making a left turn into the site
10 because the site is one-way circulation
11 counterclockwise.

12 VICE-CHAIRMAN MULLER: But the way the
13 applicant has laid it out is commercial
14 vehicles can make a left before the pumps and
15 pull in along the building.

16 MR. LUGLIO: So even if, even if the
17 vehicle can pull in here, which also makes it
18 even more complicated because now the
19 applicant is showing it's a one-way out for
20 vehicles, but it's a two-way access point for
21 commercial vehicles.

22 VICE-CHAIRMAN MULLER: Correct.

23 MR. LUGLIO: Very confusing, right, for
24 motorists. Motorists are not, they're not
25 anticipating other vehicles coming at them if

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2 they're now here and if it's a one-way --

3 VICE-CHAIRMAN MULLER: It's the way it
4 exists right now, because you have two-way
5 traffic on the gas pumps, and you have all
6 the traffic coming out along the side. It's
7 the way it exists.

8 MR. LUGLIO: Right. And the way it
9 exists now is that you can actually go around
10 the entire building and come back out.

11 VICE-CHAIRMAN MULLER: Correct. So at
12 that exit point where you just discussed,
13 it's two-way traffic now. Or the commercial
14 truck could go around the building and along
15 the side. I just don't know why you have
16 them making a left, making a U-turn,
17 squeezing between the buildings and the
18 pumps, and then making a right to go around
19 the building.

20 MR. LUGLIO: I'll go back and look at
21 the applicant and the site plan. But it
22 shows that there's a one-way circulation.

23 VICE-CHAIRMAN MULLER: Except it's
24 two-way for commercial traffic because at the
25 side of the building is where they're

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2 receiving all their deliveries.

3 MR. LUGLIO: But there's no way to sign
4 that for motorists. There's just no way to
5 sign that.

6 VICE-CHAIRMAN MULLER: That's the way it
7 is right now.

8 MR. LUGLIO: But that doesn't make it
9 correct.

10 VICE-CHAIRMAN MULLER: Well, we're
11 trying to correct. All deliveries will make
12 a left.

13 MR. LUGLIO: So I mean, even if that
14 vehicle did come in through here, not around
15 the pumps --

16 VICE-CHAIRMAN MULLER: Yes.

17 MR. LUGLIO: The problem still exists
18 where this is just one lane, one service
19 vehicle at a time that could be accessed, and
20 then the vehicle can't turn out --

21 VICE-CHAIRMAN MULLER: It's not wide
22 enough for two trucks?

23 MR. LUGLIO: No, no.

24 VICE-CHAIRMAN MULLER: Okay.

25 CHAIRMAN GUBITOSA: All right, thank

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2 you.

3 VICE-CHAIRMAN MULLER: I'll look at
4 that.

5 BOARD MEMBER JASLOW: I have one more
6 question. In the traffic study, is there a
7 formula that's used to show that there's
8 going to be 62 or 65 cars per hour?

9 MR. LUGLIO: Yes.

10 BOARD MEMBER JASLOW: I just, I mean,
11 I'm in business a long time. And you know,
12 the if you build it, they will come mentality
13 doesn't work. And for their doubling the
14 size of the building plus the upstairs, you
15 know, unless we have, you know, 300,000 more
16 people or however many more people to justify
17 that that many more people are coming in an
18 hour, is that in the traffic study, saying
19 how that's going to happen?

20 MR. LUGLIO: Yes, it's in the traffic
21 study. And certainly, I mean, just from the
22 standpoint of doubling the size of the
23 building from a retail standpoint, it does
24 make sense and it is substantial.

25 BOARD MEMBER JASLOW: Perfect.

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2 CHAIRMAN GUBITOSA: Okay, thank you.

3 All right, next. You're done, right?

4 MR. LUGLIO: I am.

5 CHAIRMAN GUBITOSA: All right. Kevin
6 Maher? And Kevin, just any new comments, all
7 right?

8 MR. MAHER: Yeah.

9 CHAIRMAN GUBITOSA: Thank you.

10 MR. MAHER: Kevin Maher, 130 Central
11 Highway, former town engineer, currently a
12 member of the Water Task Force,
13 Rockland County Environmental Management
14 Council, and the Rockland County Water
15 Quality Control Committee. This afternoon, I
16 emailed my comments to Mary. I promised her
17 a signed and sealed copy for you and for us.
18 Just give me a moment and I'll take care of
19 that part.

20 CHAIRMAN GUBITOSA: Yeah, just give a
21 copy to Mary. We can circulate it. But I
22 didn't even have a chance to look at it. So
23 if you just want to briefly -- a quick brief.
24 Thank you.

25 MR. ZIGLER: Mr. Chairman, could we ask

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2 Kevin to have that sent to Mary as a document
3 so we can respond?

4 MR. MAHER: It is. It is sent as a
5 document, I did.

6 MR. ZIGLER: Okay, thank you.

7 MR. MAHER: It's a PDF.

8 CHAIRMAN GUBITOSA: Thank you,
9 Mr. Zigler. Thank you for that.

10 THE CLERK: Wait a second. You sent it
11 as a PDF?

12 MR. MAHER: It's PDF, yeah.

13 THE CLERK: Dave, you want it as PDF?

14 MR. ZIGLER: No, a document so we can
15 comment and respond.

16 MR. MAHER: I'll send it to you
17 personally, don't worry about it. I'll take
18 care of it tomorrow.

19 CHAIRMAN GUBITOSA: Thank you, Kevin.

20 MR. MAHER: No problem. Anyhow, just a
21 couple quick points on the site plan I
22 noticed. To me, I believe the front yard
23 setback on Algonquin is incorrect. I think
24 they should measure it from the three-foot
25 jog on the building.

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2 When I scaled it, it came out to 34 and
3 a half feet, which violates the setback,
4 which should be 35. Again, I scaled it. I
5 didn't use -- I don't have access to the
6 drawing.

7 There's also, there are no profiles of
8 the storm drainage system, both the box
9 culvert going through the site and the other
10 drainage pipes that go out onto Willow Grove
11 Road. You need them before you can approve
12 these plans. The detail sheets are lacking
13 in quite a bit of information.

14 And let me just quickly, I'll show you.
15 Point right here. Measure from here to the
16 property line out there. When I scaled it, I
17 came up with 34 and a half feet. But again,
18 the drawing itself may not be a hundred
19 percent accurate scale. So I just want to
20 bring that point out.

21 I question the number of parking spaces
22 because when you look at the code, they
23 correctly calculate 17. They come up with
24 28.

25 Drainage report. I noticed quite a few

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inconsistencies and incorrect numbers being used. When they analyze the system passing, they're passing the stream through the site. It starts off as a 36-inch pipe to a four by three box culvert. When you look at the plans, it's a four by three box culvert to a four by three box culvert. You got a problem there.

When you look at the point from the four by three box culvert going to the pipes underneath the driveway, they have a 36-inch RCP and a 24-inch CMP. That's kind of -- I looked at those plans. It's a 24-inch RCP that's first fed by an 18-inch CMP.

So somewhere in the middle there, there's a little structure between the 18-inch CMP and the 24-inch RCP that isn't being accounted for. But again, the hydraulics are wrong. You're not going through a 24-inch CMP up front. You're going through an 18-inch CMP. So my honest opinion, the storm drainage report needs to be completely revised.

From the traffic report perspective, I'm

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2 a bit concerned because the individual in
3 question is not a PE in New York State. And
4 I think that's an ethics violation.

5 And the last but not least. Considering
6 that this is connected to a stream that is
7 also connected to the Minisceongo that goes
8 out to the Hudson River, I believe the Army
9 Corps of Engineers should at least be given a
10 shot at these drawings. I know that because
11 when I dealt with Bill Gonyea and his
12 property on Wayne Avenue, he was filling in a
13 wetland area, we had to deal with the Army
14 Corps again because they took jurisdictional
15 determination on the wetlands.

16 I think at least the Army Corps should
17 get a look at these drawings. Because again,
18 all the runoff from this site discharges
19 directly to the Hudson River through the
20 Minisceongo. It's a direct hydraulic
21 connection.

22 And also, to get back to an
23 environmental issue, we got a hot spot with
24 gas pumps. Where's the treatment system
25 that's mandated by the DEC, Chapter 9 for

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2 redevelopment, which is what this site is?

3 Thank you.

4 CHAIRMAN GUBITOSA: Thank you, Kevin.

5 Next on is George Harris.

6 MR. HARRIS: George Harris, 327 Willow
7 Grove Road. I went to the Town Board meeting
8 the other night, and Tom Basile asked the
9 Town Attorney to explain this project and
10 legality of just the Planning Board handling
11 it. And from his statements, which I kind of
12 thought the question was never answered, but
13 from his statements, it seems like these
14 people, this development, this project is
15 entirely within the law and they don't have
16 to go to the Zoning Board.

17 But if that be the case, and there's all
18 this problems with looking at this project,
19 wouldn't it be the best thing to pass it on
20 to the Zoning Board? And therefore, they can
21 take care of all of these issues that have
22 been brought up with the zoning, the
23 nonconforming, and all of this, these
24 problems.

25 But it would, just seems like it would

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make it simpler on your part, on the Town's part, and we've covered all angles. Until this point, we haven't covered half of the problems with this with this project. And if we have a Zoning Board that deals with this, give it to them. Please.

CHAIRMAN GUBITOSA: Thank you.

MR. HARRIS: Thank you very much.

CHAIRMAN GUBITOSA: George Potanovic?

MR. POTANOVIC: Thank you, Mr. Chairman, Members of the Board. George Potanovic, P-O-T-A-N-O-V-I-C, president of the Stony Point Action Committee for the Environment, and resident of 597 Old Gate Hill Road.

Traffic is, has been such an important issue with this project and a great concern to the neighbors and those of us who shop here. I think we've had this hearing open now for about five months, if I'm not mistaken. And I know there was an original traffic study that was done which, from what I understand, it sounds like a new traffic study has been done. Is that new traffic

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study going to be presented to the public at a future meeting, to the public?

CHAIRMAN GUBITOSA: I think it will.

MR. POTANOVIC: It will be.

CHAIRMAN GUBITOSA: I think next month they'll be able to present it. We'll get it available.

MR. POTANOVIC: Okay. So we're going to have a revised traffic study done.

Mr. Luglio raised a number of questions. I don't follow all the ones, but I think that enough said is that there's some existing problems as it exists today. And I think that we're going to compound those problems by increasing the size of this facility and the amount of traffic that would go there. Has the Rockland County Department of Planning and/or the Rockland County Highway Department reviewed this plan yet?

CHAIRMAN GUBITOSA: When we do our comments, we'll go over that.

MR. POTANOVIC: Okay. I think when I asked that question last month, the answer was that they were waiting for a copy of the

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traffic study, which they had not been prepared yet, or a revised traffic study. I'd also like to know if Mr. Luglio's comments or analysis of the traffic study is going to be provided to the Rockland County Planning Board and the Rockland County Highway Department. Will they benefit from having a copy of that study as well? Thank you.

CHAIRMAN GUBITOSA: Thank you, Mr. Potanovic. All right, what I'm going to do is I'm going to get a motion to adjourn the public hearing and continue it next month.

THE CLERK: Did you want to speak?

CHAIRMAN GUBITOSA: Does anyone --

THE CLERK: This lady wants to say something.

MS. GREGORY: I had a quick question.

CHAIRMAN GUBITOSA: Just, if you could --

MS. GREGORY: I can't, my back.

CHAIRMAN GUBITOSA: Could you state your name and address for the record?

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2 MS. GREGORY: What?

3 CHAIRMAN GUBITOSA: Your name and
4 address for the record.

5 MS. GREGORY: Oh. Dorothy Gregory,
6 40 Wilderness Drive.

7 CHAIRMAN GUBITOSA: Go ahead.

8 MS. GREGORY: And I'm just wondering
9 when the survey was conducted, what time of
10 the year.

11 CHAIRMAN GUBITOSA: What survey, the
12 traffic? The traffic?

13 MS. GREGORY: Yeah, right, sorry.

14 PUBLIC SPEAKER: The traffic study, she
15 wants to know what time of the year the
16 traffic study was conducted.

17 MR. LUGLIO: In the traffic report that
18 was submitted by the applicant, it was
19 October of 2016.

20 MS. GREGORY: Because in the summertime,
21 it's even worse. Because you have all the
22 people from the city coming up to use the
23 lakes, and it's packed.

24 CHAIRMAN GUBITOSA: All right, thank
25 you. All right, if there's no other

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2 comments, we're going to -- I'll make a
3 motion to adjourn the public hearing,
4 continue it to next month, to the January
5 meeting. I just need a motion.

6 BOARD MEMBER JOACHIM: I'll make a
7 motion.

8 CHAIRMAN GUBITOSA: Second?

9 BOARD MEMBER JASLOW: I second the
10 motion.

11 CHAIRMAN GUBITOSA: All in favor?

12 (Response of aye was given.)

13 BOARD MEMBER KRAESE: What's going to
14 remain open?

15 CHAIRMAN GUBITOSA: Open and continued,
16 I'm sorry. We're going to open and continue
17 it in January. All right.

18 Yeah, Mr. Joyce, if you could just give
19 us a brief, and then the Board has got some
20 questions. Give us exactly where we are with
21 the traffic study and all that.

22 MR. JOYCE: Well, the traffic study I
23 understand has been completed with the Town's
24 traffic expert. To the review and comments,
25 I understand that there is some agreements

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that have been reached and some modifications in the plan. A new plan or a modified plan will be submitted to the Board in the next couple of weeks.

CHAIRMAN GUBITOSA: All right, good.

Right now, I think the Board, we have some things to clarify, some questions. And I just ask the public, you know, if you could just keep the comments down so that the stenographer can get everything on record, and so that we get everything that the applicant is saying and what the Board is asking.

So, Mr. Joyce, just a couple questions I have, and then I'll go to the Board. I know when the application came before us, you weren't requesting any variances, is that correct?

MR. JOYCE: Yeah, that's correct. On the map, one of the notes, if you look on the right side of the table, it references the Zoning Board decision of 1987, Number 144 of February -- actually, it was '88. It was an '87 application, probably, Number 144, but it

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was decided in February of '88, which granted a variance to permit, as Hollis Griffin testified, an a.m./p.m. or a mini mart on that location. And I think Mr. Conway mentioned with the gas.

So that the variance was granted by the Board. Previously, prior to that, it was a -- before the code, because this building predates the original building, predated the code, so when the code came into effect in approximately 1960, it became a preexisting nonconforming, which then became conforming when the variance was given.

CHAIRMAN GUBITOSA: Now for the second story, I noticed, and I think we talked about it at our TAC meeting, that on the map note is there will be no -- it's no liveable space in the second story. The attic will be used for the mechanicals and storage.

MR. JOYCE: Yeah, I think the word is habitable, not liveable.

CHAIRMAN GUBITOSA: Habitable. And I think, was the height, I forgot, was it six-foot or six-two that the height of the

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2 second story would be just for the
3 mechanicals?

4 MR. JOYCE: I believe it was six-foot
5 four.

6 CHAIRMAN GUBITOSA: Six point two.

7 MR. JOYCE: Let me take a look here.
8 Six-foot two inches was the tallest part of
9 the attic.

10 CHAIRMAN GUBITOSA: Right. And we do, I
11 know we talked about it, we do have a map
12 note stating that it's not habitable space,
13 right?

14 MR. JOYCE: Exactly. It's not -- it's
15 basically for dry storage and mechanicals
16 only.

17 CHAIRMAN GUBITOSA: All right. And then
18 I also noticed, looking at the map notes,
19 that there's not going to be any seating
20 inside or outside.

21 MR. JOYCE: Well, my understanding is
22 that Stony Point code doesn't permit it,
23 seating inside or outside, but we made it
24 specific.

25 CHAIRMAN GUBITOSA: But we want it on

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2 the map so that there's --

3 MR. JOYCE: It's clear that it's not
4 intended.

5 CHAIRMAN GUBITOSA: To clarify that
6 there's no seating inside and outside.

7 MR. JOYCE: Right. And I don't believe
8 the code permits it, as well as the site plan
9 is clearly going to say there's no tables
10 inside and no tables outside for customers to
11 eat on the property.

12 CHAIRMAN GUBITOSA: All right. I know
13 the Board, you know, I'll open it up. You
14 guys, we have questions, and then we'll go
15 back and forth.

16 BOARD MEMBER ROGERS: Just if I may, on
17 the sight line, which has been a concern from
18 the beginning of this, not only with some of
19 us on the Board but the general public, too.
20 We talked about staggering the deliveries at
21 a later time of gasoline. I just want to say
22 I know we talked it about this. I want to
23 get it on the record that they will try to
24 find out if they can get done, deliveries
25 done, say, later between eight and 10:00

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2 closing, which is, would be better for
3 traffic and everything else.

4 MR. JOYCE: And I don't think anybody
5 disagrees with that. My understanding is
6 most of the gas deliveries do occur during
7 daylight hours. So it's, you know, usually
8 from 10:00 on. They usually hit, arrive at
9 the place off peak during daylight hours. In
10 fact, I've been through past there for the
11 last several weeks and I've noticed
12 deliveries at 1:00, 2:00 in the afternoon is
13 when I see the gas trucks actually parked
14 there.

15 BOARD MEMBER KRAESE: I got a question.
16 On the west side of the service drive where
17 you're going to have deliveries --

18 CHAIRMAN GUBITOSA: John, can you expand
19 that? We want to look where the deliveries
20 are.

21 BOARD MEMBER KRAESE: Is there
22 intentions to have deliveries enter the
23 property from Willow Grove Road, go behind
24 the building, and come back down towards
25 Willow Grove again? Or, as stated by the

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2 other gentleman, coming beyond the pumps and
3 going that way?

4 MR. JOYCE: Quite honestly, the small
5 box truck that the traffic expert was talking
6 about could actually travel around the
7 parking lot and pull into the side driveway.
8 Or, if it's a larger one, they can make the
9 left on the west side entrance and pull
10 straight into the service access.

11 BOARD MEMBER KRAESE: Well, I
12 understand -- I thought it was a valid
13 question that you mark the gas pumps coming
14 out that way, and then it could be a concern
15 of a commercial vehicle going into that
16 service area. My question is, is it possible
17 that all deliveries could come around the
18 building and head back out?

19 MR. JOYCE: I don't --

20 BOARD MEMBER KRAESE: Especially a gas
21 truck?

22 MR. JOYCE: Well, the gas truck I don't
23 think can make the turn. The gas truck, what
24 it does now is they go out and they, they
25 have people on the road stopping traffic.

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2 The gas truck will pull up and then back into
3 that spot. I don't believe there's
4 sufficient room for a gas truck to turn
5 around in the parking lot to get into that
6 spot.

7 BOARD MEMBER KRAESE: So as far as the
8 gas truck goes, nothing's going to change.
9 It's not going to get any better, it's not
10 going to get any worse.

11 MR. JOYCE: Exactly. But the box trucks
12 certainly come around through the back of the
13 parking lot.

14 BOARD MEMBER ROGERS: Is it sensible to
15 think that there would be less commercial
16 truck deliveries if they can store on the
17 second floor product, is that the idea of the
18 second floor?

19 MR. JOYCE: Well, that's the intention,
20 is to cut down on deliveries. The smaller
21 area you have, the more deliveries you have
22 to have to replenish. If they have places to
23 store it, it's anticipated or contemplated
24 that it's going to be less deliveries on the
25 site because of that.

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2 BOARD MEMBER ROGERS: And the hours of
3 operation are still to 10:00 at night,
4 correct?

5 MR. JOYCE: Yeah, they still close at
6 ten.

7 BOARD MEMBER ROGERS: That's not
8 changing.

9 MR. JOYCE: That's not changing at all.
10 And I know there was question in one of the
11 prior meetings about illumination. They're
12 all going to be LED lights. They're going to
13 be shaded away from bleeding off the property
14 so that it shouldn't impact upon the
15 neighbors who border the property.

16 BOARD MEMBER JASLOW: Couple things.
17 Leading from the light question, I know at a
18 couple of the TAC meetings we talked about on
19 the north side of the property there being a
20 berm built up with bushes on top of it to
21 prevent the lights going north into the
22 development.

23 MR. JOYCE: Right.

24 BOARD MEMBER JASLOW: Is that going to
25 be on the map?

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MR. JOYCE: Yes, it's actually a page of the map. But in addition, there's going to be the board-on-board fencing across the back portion of the lot. According to the map, it appears to be a couple of feet in from the property line.

BOARD MEMBER JASLOW: Okay. What about the use of sea containers that are in the back of the property now for storage?

MR. JOYCE: They're going.

BOARD MEMBER JASLOW: They're going to be moved, it's going to be somewhere on the map that they couldn't put them back for use?

MR. JOYCE: I could put a map note in there that's no sea containers, no storage containers outside. That's what the second floor is supposed to be for.

BOARD MEMBER JASLOW: Also, a number of the residents voiced their opinion to me about the additional traffic on Algonquin, wanting some sort of speed bump to stop it from being a speeding through thoroughfare, I guess were best words.

MR. JOYCE: You're talking about coming

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2 out of the mini mart?

3 BOARD MEMBER JASLOW: You proposed about
4 the no parking signs. Some residents have
5 approached me asking for speed bumps along
6 Algonquin.

7 MR. JOYCE: Well, that would be -- I
8 would have to talk to a traffic person. But
9 that would be very close to an intersection
10 to have a speed bump. The people coming out
11 of the mini mart can't be traveling that fast
12 by the time they get to the stop sign.

13 BOARD MEMBER JASLOW: They told me that
14 they are.

15 MR. JOYCE: These have to be the people
16 coming down from Algonquin.

17 BOARD MEMBER JASLOW: Okay.

18 VICE-CHAIRMAN MULLER: Could you tell us
19 about the screening and the fence that will
20 be along the north side?

21 MR. JOYCE: Yeah, it's actually around
22 the north and the east side. There's going
23 to be a board-on-board, it's a six-foot fence
24 along the east side as well as the north side
25 of the property.

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2 VICE-CHAIRMAN MULLER: Okay.

3 BOARD MEMBER KRAESE: When that fence is
4 dealt with with the ARB, is it, do you have
5 plans of having some sort of slats to prevent
6 the light from the automobiles entering?

7 MR. JOYCE: It's board-on-board, so it's
8 butted up against each other.

9 BOARD MEMBER KRAESE: It's not going to
10 be transparent.

11 MR. JOYCE: No, it's going to be a white
12 board-on-board fence.

13 BOARD MEMBER KRAESE: And I would assume
14 that as Mr. Zigler requested, that Kevin
15 Maher's comments that he made concerning the
16 parking spaces, mostly the drainage report,
17 he threw those numbers out, whatever they
18 meant to the layman, you will address all
19 those issues.

20 MR. JOYCE: Yes, absolutely.

21 CHAIRMAN GUBITOSA: I have one other
22 question. I know we talked about this and
23 other people brought it up. Exiting onto
24 Algonquin, you had mentioned something about
25 a subdivision. Can you explain?

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2 MR. JOYCE: Yeah. In addition to
3 receiving a variance, when the Algonquin
4 Drive subdivision came into place, you can
5 see the -- does it show the dotted line
6 there? Yes, it does. No, it doesn't show
7 the dotted line. But on the plan, you'll
8 see -- is it on here or no? I don't see it.

9 But as part of the subdivision, in
10 exchange for the subdivision as part of it,
11 the -- originally this property continued out
12 into the middle of road back here. This was
13 given to the developer in exchange for --
14 it's like chasing a mouse -- in exchange for
15 this area here, which came out to the middle
16 of the street. This building was tied into
17 the sewer that came down. So when they did
18 the Algonquin Drive subdivision, this lot was
19 included as part of that subdivision.

20 CHAIRMAN GUBITOSA: So this lot is part
21 of the subdivision which allows you to exit
22 out there.

23 MR. JOYCE: Right, exactly. And if you
24 look, there's map note to that effect on,
25 let's see. Again, just below the bulk

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2 requirements, it talks about the Planning
3 Board approval for the site plan back on
4 April the 27th of '89.

5 CHAIRMAN GUBITOSA: All right. Now
6 going back to what, going being back to what
7 I think Eric said with the lighting, I know
8 security, you know, people worried about the
9 security talked about the parking lot being
10 gated. But I think you had a --

11 MR. JOYCE: Well, we are going to have a
12 gate in the service areas so nobody can come
13 in. We're going to have a gate here, a
14 sliding gate. I don't want to block these
15 people. But the sliding gate here at the
16 service so people can't use it as a cut
17 through. We're going to have a fence along
18 the north side as well as the east side.

19 CHAIRMAN GUBITOSA: Right.

20 MR. JOYCE: But as to gating the whole
21 lot, no. One, from my understanding is the
22 police didn't ask for it, the fire department
23 didn't ask for it, and I think from a safety
24 point of view, having law enforcement be able
25 to access the lot at any hour I think is

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2 better than having basically a fenced in
3 area.

4 CHAIRMAN GUBITOSA: All right. And then
5 one other question and I'll let them go is
6 the fence on Algonquin, that's coming down
7 and plantings are going in is --

8 MR. JOYCE: That's right.

9 CHAIRMAN GUBITOSA: -- what I saw on one
10 note.

11 MR. JOYCE: The fence on the west side
12 of the property -- want to bring it down a
13 bit? Okay, thanks. This chain link fence
14 here which runs from here up, that's going to
15 be taken out. It's going to be replaced with
16 I think, I think it's called huge
17 arborvitaes, I think is what the plan called
18 for. Let's see. It's green giant
19 arborvitaes are going to be what's up.

20 CHAIRMAN GUBITOSA: Right. And those,
21 and I remember them talking, they were
22 supposed to be the deer resistant ones.

23 MR. JOYCE: Exactly, exactly.

24 CHAIRMAN GUBITOSA: Now the fence
25 going -- now I know that --

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2 PUBLIC SPEAKER: I want to get some of
3 those deer resistant ones.

4 CHAIRMAN GUBITOSA: Now I know that the
5 air pump and the vacuum are being removed.

6 MR. JOYCE: Yeah, they're being taken
7 out of the front. Taken out of the front and
8 they're being moved to the rear of the lot.
9 I assume we'll have a tree diagram now.

10 CHAIRMAN GUBITOSA: Right.

11 MR. JOYCE: It's going to be over in
12 this area here in the rear of the lot, these
13 are the two right here. This is going to be
14 the air pump, okay, and the vacuum right back
15 there. So it's being taken away from the
16 front of the property, it's being moved to
17 the back.

18 BOARD MEMBER JASLOW: Is there any way
19 to do away with those?

20 MR. JOYCE: I believe that they're
21 required as part of the gas to have an air
22 pump. It doesn't have to be free, but it has
23 to be available.

24 BOARD MEMBER JASLOW: What about the
25 vacuum, does there have to be a vacuum?

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2 MR. JOYCE: That I don't know.

3 BOARD MEMBER JASLOW: But I know they're
4 pretty noisy.

5 MR. JOYCE: What's that?

6 BOARD MEMBER JASLOW: I know they're
7 pretty noisy.

8 MR. JOYCE: I could ask. I don't know
9 if that's -- I honestly don't know whether or
10 not that's even part of it.

11 BOARD MEMBER KRAESE: The traffic
12 engineer had a question I'm concerned about.
13 On the exit onto Algonquin, it was his
14 concern that being it was 80 feet wide,
15 people may misconstrue it as an entrance. I
16 don't see it on the map. Are you planning to
17 put do not enter signs on both sides of that
18 exit?

19 MR. JOYCE: Yeah. Page 4 of 8 of the
20 plans that are submitted outlines all the
21 signage that's going to be available,
22 including exit only, entrance only, no
23 parking signs for fire zones throughout the
24 property. One additional thing, in order to
25 accommodate having the people coming into the

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pumps facing west is that there will be a sign on here. We'll do it like they do on the parkway and the turnpike, that the hose will be reach both sides of the vehicle. So that even if your gas tank is on the wrong side, you still can get gas.

BOARD MEMBER JOACHIM: All right. So a couple quick questions, all right. During the last three months that we had the public hearing and we heard a lot of questions from the public, from residents, and I think you nailed it about the tables, table service in the building, not having anything. But during the traffic study that brought up about pizza, having pizza, is there plans on having pizza ovens? Is there -- what's the plans with this?

MR. JOYCE: Well, the plan is basically to provide whatever the other convenience stores in the town provide, a 7-Eleven or whatever. Originally, one of the things that there was a question about was a grease trap which was originally located just to the west side of the building. That's been removed

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because that was larger than what's needed.
The Health Department I believe allows a
small one under the sink to take care of it.
It's not going to be a large pizzeria. It's
going to be something like what happens at
Lane's on Washburns Lane, that area. You
know, somebody might call up and they may
have a pizza.

BOARD MEMBER JOACHIM: So is there a
commercial pizza oven on the map, is this --

MR. JOYCE: I don't think it's going to
be on the map. But whatever the other
convenience stores in the municipality is
permitted is probably what they'll do, what
7-Eleven does, or what Lane's does, or --

BOARD MEMBER JASLOW: Well, Lane's has
pizza ovens.

MR. JOYCE: Okay, so we'll have a pizza
oven, just like Lane's.

BOARD MEMBER JASLOW: I guess Mr. Conway
brought up, like, a couple of meetings ago
that it was a pizza parlor.

MR. JOYCE: There's no sitting down.
Everything there is takeout. There's nobody,

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2 there's no counter, there's no chairs,
3 there's no tables. There's nothing. It's
4 just if you want a pizza, you're picking it
5 up and you're leaving.

6 BOARD MEMBER JOACHIM: So that service
7 window that we see on the map, is that --

8 MR. JOYCE: That's for gas only.

9 BOARD MEMBER JOACHIM: Because we heard
10 something about a drive-through, and there
11 were questions about a drive-through.

12 MR. JOYCE: Oh, no, it's no
13 drive-through. This is the service window,
14 that's just for gas only.

15 BOARD MEMBER JOACHIM: For payments.

16 MR. JOYCE: For payments of the gas,
17 credit card, if you don't have, if you're --
18 or if to pay the cash up front. You could do
19 the credit card at the pump, but if you have
20 to pay cash, that would be the window for
21 that.

22 BOARD MEMBER JOACHIM: And then going
23 off the lines with security, now the times of
24 operation, is anything changing?

25 MR. JOYCE: No. I believe the hours are

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going to be -- well, the hours are going to be what they are now, which I believe is, let me look at my notes here, from 6:00 a.m. to 10:00 p.m.

PUBLIC SPEAKER: They open 5:30.

CHAIRMAN GUBITOSA: All right, we'll have to check the hours.

MR. RUTTER: The gas truck comes at 5:30, too.

CHAIRMAN GUBITOSA: 5:30. All right, well, we'll check the operations.

BOARD MEMBER JOACHIM: So also going on with the security end of things. I can understand some of the concern that the residents have with what operations, you know, gas stations, coffee places. You know, it's going to bring in cars and you're going to have, could be some type of criminal activity. So what's going to stop criminal activity? You know, take a look at, like, surveillance cameras. Like you have, sometimes you have, like, the pole mounted cameras. Was there anything in the plans for anything like that?

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2 MR. JOYCE: I'm not aware of anything on
3 the plans that I've seen, which would include
4 any pole mounted cameras outside. I'm not --
5 it's been a coffee distribution place, from I
6 understand, since just after World War II,
7 where people bought coffee all the way
8 through to the present day. I'm not aware of
9 a lot of crime occurring at that location.

10 BOARD MEMBER JOACHIM: I'm not saying
11 that there is or isn't. You know, we just
12 have to go off whatever the police reports
13 state, you know. But some of the residents,
14 some of the concern was that, you know. And
15 you take what deters, you know, crime is
16 definitely surveillance, so.

17 MR. JOYCE: Well, I mean, I'm not sure
18 what he anticipates on the inside of the
19 place, but it's something I could ask him if
20 you think the cameras would make it more
21 secure for the neighbors. I would ask him to
22 put the cameras even on the corners of the
23 building so they can see what's going on
24 outside.

25 BOARD MEMBER JOACHIM: I mean, even now

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2 as it exists.

3 MR. JOYCE: I don't think there's any
4 cameras on the building right now.

5 BOARD MEMBER JASLOW: Can you clarify
6 the elevator in the building? Is it an
7 elevator, is it a dumbwaiter, is it a --

8 MR. JOYCE: It's an elevator, but it's a
9 dumbwaiter. It's just to put on the dry
10 storage that would be put upstairs. That's
11 all it's for. It's not it's a lift.

12 BOARD MEMBER JASLOW: It's not people
13 moving.

14 MR. JOYCE: No, it's not for people,
15 it's a lift. The actual, the floor layout
16 plans which I believe are, I think the last
17 page show actually how you get to the second
18 floor would be a staircase out the back. So
19 there's a door in this area here with
20 staircase going up to the second floor. And
21 outside that access for the actual delivery
22 merchandise would be, you know, instead of
23 somebody carrying it up the stairs, there
24 will be electronic means to do it.

25 BOARD MEMBER JASLOW: Thank you.

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BOARD MEMBER ROGERS: Is there anything right now that you have in place to prevent gas from getting into the storm water system, or are you planning to do anything on something like that?

MR. JOYCE: Well, it's whatever the Health Department, you know, requires is what we do. It's the same that's in place at this station as every other station. They have, if it's a spill out of a gas, somebody pumping their gas, there's absorbent material that they have to have on-site that they bring out. And as for, you know, I believe the people who deliver the gas have, you know, booms that they put around just in case something occurs, if that occurs. Absent that, I'm not aware of anything else that happens over and above what every other gas station does.

BOARD MEMBER ROGERS: Okay, thanks.

CHAIRMAN GUBITOSA: Now, Dwight, from the Rockland County -- I know Highway gave some comments about signage, the curbs, planning, you know. They're waiting on some,

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the traffic, but they -- from my notes, I think they made some comments about the lighting plan that they wanted, some erosion. Do you know anything else? I know they're waiting for the traffic.

MR. JOYCE: You're talking about the Planning Department?

CHAIRMAN GUBITOSA: Yeah.

MR. JOYCE: The erosion control is actually shown on the map, also, on the plans that were provided. Let's see, I think it's Page 7.

CHAIRMAN GUBITOSA: Six.

MR. JOYCE: Six, I thought it was seven. Six, yes, the erosion control is there. The notes on the map also indicate that during the renovations, they're going to have, you know, the barriers put up, and sewer control, silt control and other barriers put up so it doesn't impact upon the surrounding properties or any of the storm drains.

CHAIRMAN GUBITOSA: All right. And for the Health Department, I know they were looking for something with the mosquito

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2 control, right?

3 MR. JOYCE: Yeah, but that doesn't come
4 about until after -- when it is approved,
5 when and if it's approved, then you would
6 apply because we'd have to get the mosquito
7 control from the Health Department.

8 CHAIRMAN GUBITOSA: And based on your
9 comments before, that large grease trap is
10 not there anymore, it's going to be under the
11 sink.

12 MR. JOYCE: Yeah, it's not going to be
13 large anymore. It's just going to be a small
14 one, they allow it under the sink.

15 CHAIRMAN GUBITOSA: Right, it's not
16 going to be outside.

17 MR. JOYCE: No, it's not for outside.
18 Originally it was on an --

19 CHAIRMAN GUBITOSA: It was on the
20 earlier map, yeah, if we had that off. And I
21 think, like, another map note is if we do
22 note on there there's, you know, no
23 drive-through.

24 MR. JOYCE: No drive-through.

25 CHAIRMAN GUBITOSA: For the convenience

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2 store. The gas, we know, but for the
3 drive-through for the store itself.

4 MR. JOYCE: That's fine. I'll ask for
5 the map note to be installed --

6 CHAIRMAN GUBITOSA: All right. Now, and
7 I also noticed when we were looking at the
8 maps, on some of the indoor maps, coolers on
9 the -- as soon as you walk in to the --
10 that's the other thing. When you walk in,
11 which is going to be the front of the
12 building? Is the front where the gas pumps
13 are, or is the front going to be on the other
14 side?

15 MR. JOYCE: Well, the front is, I
16 believe, defined by code. It's the one that
17 borders the street. How they access the
18 building will be on the east side. I think
19 it's the last page. They'll access it on the
20 east side of the property.

21 CHAIRMAN GUBITOSA: All right, because
22 that's the one thing -- right, and I did
23 notice on that map, the coolers, it said ice
24 cream. So I guess that's where the ice cream
25 is going to be, is inside the coolers.

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2 MR. JOYCE: Exactly.

3 CHAIRMAN GUBITOSA: It's not like, you
4 know, dispensed. I see the top in the one
5 picture to the right of the box, over, up a
6 little, to the right, right in the middle
7 there. Go all the way up. It says coolers,
8 it says ice cream.

9 MR. JOYCE: That's where it's going to
10 be.

11 CHAIRMAN GUBITOSA: That refers to what
12 they were talking about, ice cream is going
13 to be in the coolers.

14 MR. JOYCE: Right. It's not going to be
15 like a Mr. Frosty or Carvel. Even Carvel you
16 go inside.

17 CHAIRMAN GUBITOSA: Right. Eric?

18 BOARD MEMBER JASLOW: Public bathrooms
19 are located on that floor?

20 MR. JOYCE: Yes, they're in the back of
21 the building here.

22 BOARD MEMBER JASLOW: So is it going to
23 be like one person, one male or one female,
24 or is it bigger?

25 MR. JOYCE: I'm not sure what the

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2 appropriate language is anymore, but there
3 will be two restrooms here. Whatever you
4 identify with at that moment.

5 CHAIRMAN GUBITOSA: All right. So
6 currently, I know currently there's a
7 bathroom for the employees and a sink. I
8 know that.

9 MR. JOYCE: Right.

10 CHAIRMAN GUBITOSA: For this plan, it's
11 just making the, you know, expanding the
12 bathrooms and making them available to the
13 public.

14 MR. JOYCE: Exactly.

15 CHAIRMAN GUBITOSA: All right. And I
16 also noticed in one of the letters, or one of
17 the documentations that the reason for the
18 expansion with the storage was to eliminate
19 the deliveries.

20 MR. JOYCE: Well, not to eliminate, but
21 to reduce them.

22 CHAIRMAN GUBITOSA: To reduce, yeah, to
23 reduce. I know they were saying that you
24 get, like, three or four a day, and making it
25 larger like this for the storage would reduce

1 Proceedings

2 them to maybe one.

3 MR. JOYCE: I'm hoping one a week.

4 CHAIRMAN GUBITOSA: One a week instead
5 of every day.

6 MR. JOYCE: Depending upon what the
7 product is. One of the earlier questions was
8 addressed to that also.

9 BOARD MEMBER KRAESE: The public hearing
10 is closed.

11 CHAIRMAN GUBITOSA: Right now, the
12 public hearing is closed. But we'll do it
13 next month. But you can still submit it in
14 writing.

15 PUBLIC SPEAKER: One little question.

16 CHAIRMAN GUBITOSA: A little question?

17 PUBLIC SPEAKER: Yes. I just want to
18 know if they were going to increase the
19 number of overnight deliveries after hours.

20 CHAIRMAN GUBITOSA: All right, we'll
21 bring that up. Thank you. All right, I
22 think --

23 MR. JOYCE: I know that's not a
24 question, that the public hearing is closed.
25 But my understanding is that the deliveries

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2 only occur during, while it's open and not
3 after hours.

4 CHAIRMAN GUBITOSA: Right.

5 MR. JOYCE: And the number should be
6 reduced dramatically because the storage
7 area, that will be on the second floor
8 instead of being in the back containers,
9 which we'll have a note that there will be no
10 containers in the back of the building
11 anymore.

12 CHAIRMAN GUBITOSA: Right. And I
13 remember in the beginning of our discussions,
14 you know, the reason, you know, the expansion
15 is number one, you have that ugly storage
16 container in the back that's holding stuff,
17 that you want to do this to eliminate that,
18 to do more storage. That's, you know, what
19 they talked about at the last meeting. I
20 just want to --

21 MR. JOYCE: Exactly. I think that's
22 been the theme throughout, to try to make it
23 all inside.

24 CHAIRMAN GUBITOSA: Now the other thing,
25 I know maybe they'll ask this, the stream in

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2 the back, the piping.

3 MR. JOYCE: Yes.

4 CHAIRMAN GUBITOSA: Yeah. I guess we
5 need some clarification. If you can't do it,
6 you know, tonight, at the next meeting. Have
7 some, you know, clarification and answer some
8 questions of, you know, how that, why that
9 was done.

10 MR. JOYCE: Why the stream is being
11 piped?

12 CHAIRMAN GUBITOSA: Yeah.

13 MR. JOYCE: Okay, that's fine. And I
14 know there was some question regarding the
15 size of the pipe was brought up earlier,
16 also. So I'll make sure that they're all
17 addressed.

18 CHAIRMAN GUBITOSA: All right. And one
19 other thing is, and I think we might have
20 already talked about this, but the gas
21 operation isn't changing. It's the two, what
22 is it, two pumps.

23 MR. JOYCE: It's two pumps, one on the
24 right side --

25 CHAIRMAN GUBITOSA: So none of that's

1 Proceedings

2 changed.

3 MR. JOYCE: None of that's changed.

4 It's not being relocated, it's not changing,

5 it's not in any way being altered.

6 CHAIRMAN GUBITOSA: The only thing, the

7 only difference is you're going to have

8 longer hoses.

9 MR. JOYCE: To reach both sides.

10 CHAIRMAN GUBITOSA: To reach both sides.

11 MR. JOYCE: So you don't have to sit

12 there and wait.

13 CHAIRMAN GUBITOSA: So you don't have to

14 sit and back in so that --

15 MR. JOYCE: And that will be the

16 concrete curb here to prevent people from

17 parking along Willow Grove Road, park in

18 front of the building.

19 CHAIRMAN GUBITOSA: John, you have any

20 comments at this point?

21 MR. O'ROURKE: No. We had written

22 comments before that their engineer's

23 addressing.

24 CHAIRMAN GUBITOSA: They're addressing

25 it. Now, one other thing. For the Fire

1 Proceedings

2 Inspector, Mr. Larkin, you've reviewed the
3 application, right?

4 MR. LARKIN: Well, I reviewed the
5 application and it passed the auto turn test.

6 CHAIRMAN GUBITOSA: Right.

7 MR. LARKIN: That's all that I have.

8 CHAIRMAN GUBITOSA: Okay. I just wanted
9 to make sure that you guys have it and you're
10 looking at it. Steve, any comments now?

11 Bill, do you have any comments --

12 MR. SHEEHAN: No.

13 CHAIRMAN GUBITOSA: -- at this point?

14 Does the Board have any other comments before
15 we -- I'm just trying to see if I went
16 through everything. And we talked about
17 this, but I just want to verify, the use
18 isn't changing. It's a convenience store.
19 And like you said, with the pizza, I just saw
20 that when I went over to 7-Eleven, someone
21 ordered a pizza, and I saw the guy go in the
22 back and open the -- that's what we're
23 talking about?

24 MR. JOYCE: Yes, exactly.

25 CHAIRMAN GUBITOSA: All right. Oh,

1 Proceedings

2 yeah. The other one thing was, I know we
3 talked about it, and I don't know if it was
4 on the map, but no parking signs on
5 Algonquin, but I think --

6 MR. JOYCE: On Algonquin?

7 CHAIRMAN GUBITOSA: Algonquin, yeah.

8 MR. JOYCE: Obviously, that's the Town
9 Board's consideration.

10 CHAIRMAN GUBITOSA: That's the Town
11 Board.

12 MR. JOYCE: But we're willing to put
13 them in once we have permission to put them
14 in.

15 CHAIRMAN GUBITOSA: All right. But if
16 you had to put them in, you'd be paying for
17 them, not the Town.

18 MR. JOYCE: Right. Actually, I think
19 it's even part of the map indicated. But I
20 think it's subsequent to Town Board approval.

21 CHAIRMAN GUBITOSA: Okay. All right.
22 Do you have anything else for us you want to
23 go over tonight, Mr. Joyce?

24 MR. JOYCE: No.

25 CHAIRMAN GUBITOSA: All right. What

1 Proceedings

2 I'll do is, I guess we'll -- you're done for
3 tonight, but the public hearing will be
4 continued to next month. And by then, we
5 should have the -- oh, yeah, the last other
6 thing is the Town of Haverstraw was sent the
7 plans to review, but we haven't got any
8 comments back.

9 MR. JOYCE: Right. It was referenced in
10 I think the County Planning Department.

11 CHAIRMAN GUBITOSA: Okay, I just wanted
12 to make sure.

13 MR. JOYCE: We sent them and they had no
14 comment.

15 CHAIRMAN GUBITOSA: And they had no
16 comment. All right, at this point, we're
17 just -- so just everyone knows, we're going
18 to adjourn the public hearing to January --
19 let me see, hold on.

20 THE CLERK: 25th.

21 CHAIRMAN GUBITOSA: 25th. 25. So
22 January 25, we're going to postpone, we're
23 going to adjourn and postpone, and continue
24 it to January 25. So thank you, Mr. Joyce.
25 And we'll do a five minute break so we can

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get to the next application. Thank you.

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THE FOREGOING IS CERTIFIED to be a true
and correct transcription of the original
stenographic minutes to the best of my ability.



Jennifer L. Johnson

