

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
February 22, 2018
7:00 p.m.

BEFORE :

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

ROCKLAND & ORANGE REPORTING
2 Congers Road
New City, New York 10956
(845) 634-4200

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CHAIRMAN GUBITOSA: All right, next item on the agenda is Dunkin' Donuts mini mart. This is a site plan approval. And I just ask if you have a cell phone, to put it on vibrate. Go ahead, Mr. Joyce.

MR. JOYCE: I'm sorry, sir.

CHAIRMAN GUBITOSA: No, it's not a public hearing.

MR. JOYCE: All right, thank you.

CHAIRMAN GUBITOSA: Go ahead, Mr. Joyce. You go ahead. You want to just -- you can bring up the map.

MR. JOYCE: Yes.

CHAIRMAN GUBITOSA: Okay.

MR. JOYCE: Dwight Joyce, I represent the applicant.

CHAIRMAN GUBITOSA: All right. This is Dunkin' Donuts, and this is for the, just for the site plan approval. Correct?

MR. JOYCE: Yes.

CHAIRMAN GUBITOSA: All right. I guess before we go on, I know at the last meeting we talked about the fire truck access. John?

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2 MR. O'ROURKE: Yeah, we reviewed the
3 fire truck access as provided on the plan.
4 And the town pumper truck, it does access
5 through the site according to regulations.
6 So we have no issue with it.

7 CHAIRMAN GUBITOSA: All right.
8 Mr. Larkin?

9 MR. LARKIN: Yes.

10 CHAIRMAN GUBITOSA: You -- with what Tom
11 has said.

12 MR. LARKIN: Yes.

13 CHAIRMAN GUBITOSA: Okay.

14 MR. LARKIN: We reviewed it. This is
15 the second time we reviewed it.

16 CHAIRMAN GUBITOSA: Okay. And one other
17 thing, John. I think the applicant, there
18 were two drains they were putting by the
19 pumps?

20 MR. O'ROURKE: That is correct. In
21 response to some concerns of some citizens,
22 they added two additional field inlets over
23 by the pumps. And they're both provided with
24 like an oil water separator. They have to be
25 maintained by the applicant. But it would

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2 take care of any small spills that occurred
3 in that area.

4 CHAIRMAN GUBITOSA: Thank you, John.

5 All right, Max, do you have any comments?

6 MR. STACH: I have no further comments.

7 CHAIRMAN GUBITOSA: All right. Does the
8 Board, any further comments, questions?

9 BOARD MEMBER JOACHIM: I'm good.

10 CHAIRMAN GUBITOSA: All right. Steve?

11 MR. HONAN: Nothing further from me.

12 CHAIRMAN GUBITOSA: All right. You want
13 to do the --

14 MR. HONAN: I think Mr. Joyce wants
15 to --

16 CHAIRMAN GUBITOSA: Oh, Mr. Joyce, go
17 ahead. I'm sorry.

18 MR. JOYCE: Oh, I don't have anything.
19 I thought you wanted to -- in case you had
20 questions, that's why.

21 CHAIRMAN GUBITOSA: I think we're good.
22 All right, Steve, go ahead.

23 MR. HONAN: Good evening, all. My name
24 is Stephen Honan. I'm the Attorney for the
25 Planning Board. At this time, we have a

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proposed resolution that I'm going to read for the Board's consideration. It does consist of about 15 pages, so please bear with me and be patient.

Resolution granting final site plan approval for the project Mini Mart/Dunkin' Donuts at Willow Grove Road by application of Stony Point Property, LLC, of 291 Willow Grove Road, Stony Point, New York, 10980, as owner.

Whereas, initially an Application dated December 19, 2016, and a Short EAF, dated January 3, 2017, were submitted and thereafter a revised Application and a revised Short EAF, dated April 4, 2017, were submitted to the Planning Board of the Town of Stony Point for site plan approval to redevelop the site and expand the existing building on the site from 1,410 feet to 3,396 square feet and to continue the operation of a gasoline station and convenience store business (with available Dunkin' Donuts goods) thereon and with no proposed increase in the number of gasoline pumps presently in

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use on the premises, and in conformity with a previous issued Decision of the Zoning Board of Appeals for the Town of Stony Point (File Number 87-44), dated February 4, 1988, which granted use and area variances, and upon a submitted proposed site plan entitled "Mini Mart/Dunkin' Donuts at Willow Grove Road" consisting of eight sheets, prepared by Atzl, Nasher and Zigler, P.C., dated January 3, 2017, and last revised on December 24, 2017 (hereinafter, the Subject Application); and concerning the premises designated as Section 19.02, Block 4, Lot 28 on the Tax Map of the Town of Stony Point, County of Rockland, consisting of .886 acres, located in the RR Zoning District, and situated at the corner of Willow Grove Road and Algonquin Drive at 291 Willow Grove Road, Stony Point, New York, 10980 (hereinafter, the Subject Premises); and

Whereas, this Board considered this application and the proposed project pursuant to the provisions of the New York State Environmental Quality Review Act and on

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2 January 26, 2017, determined that this
3 project met the requirements of a Type II
4 Action; and

5 Whereas, by letters dated January 31,
6 2017, May 15, 2017, and October 18, 2017, the
7 Rockland County Department of Health,
8 pursuant to the requirements of the General
9 Municipal Law Section 239-1 and m, indicated,
10 inter alia, existing monitoring wells are to
11 be depicted on the plan, and an application
12 is to be made to the Rockland County
13 Department of Health for review of the storm
14 water management system for compliance with
15 the County Mosquito Code; and

16 Whereas, by letter dated March 6, 2017,
17 the applicant's engineering firm, Atzl,
18 Nasher and Zigler (hereinafter AN&Z)
19 responded to the comments of the
20 Rockland County Department of Health
21 indicating that an amended Plan will be
22 provided showing the location of existing
23 monitoring wells on the site and the
24 Applicant will comply with the provisions of
25 the County Mosquito Code; and

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Whereas, by letters dated February 6, 2017, October 24, 2017, and January 9, 2018, the Rockland County Highway Department indicated the following comments for consideration:

The existing Right of Way and the Designated Street Line along Willow Grove Road should be demonstrated on the site plan. With respect to any land that may exist between the Designated Street Line and the existing Right of Way, the Applicant should consider gratuitously dedicating same to the County of Rockland;

The plan needs greater detail of the curbing along the eastern property line and where it transitions to Willow Grove Road. The curbing should not extend too far towards the roadway so as not to create a snow plow hazard or an obstacle for neighboring driveways;

A mountable curb shall be considered for the proposed concrete island along Willow Grove Road;

We concur with the current traffic flow

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and parking configuration, however it may warrant internal "one-way" and "do not enter" signs to be posted;

A Rockland County Highway Department work permit will be required for the proposed construction and parking area improvements associated with this project, and must be secured before the start of construction thereon;

A traffic study shall be submitted to determine what impact, if any, of the proposed expansion and driveway reconfiguration will have upon the County Highway, Algonquin Drive and the intersection of Hammond and Willow Grove. The lines of sight from the access to the County Highway shall be demonstrated. Turning movements for delivery trucks, fuel, garbage, and any large vehicles that need to enter the site will be included; and

A drainage study with calculations shall be provided for our additional review; and

Whereas, by letter dated March 6, 2017, the applicant's engineers, AN&Z, responded to

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the comments of the Rockland County
Department of Highways as follows:

A new revised Plan will be prepared
which depicts the existing Right of Way and
the Designated Street Line along Willow Grove
Road and any land that may exist between the
Designated Street Line and the existing Right
of Way will be gratuitously dedicated to the
County of Rockland;

An amended site plan will be submitted
demonstrating greater detail along the
eastern property line, particularly where it
transitions to Willow Grove Road and the
curbing will be detailed on the new Plan for
the purposes of obtaining a Rockland County
Highway permit;

The Site Plan will be amended to depict
a mountable curb for the proposed concrete
island along Willow Grove Road;

The Applicant will submit signage
details for internal traffic control;

The Applicant will secure a
Rockland County Highway Department permit --
work permit, that is -- prior to the start of

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the proposed construction; and

Whereas, by letters dated February 22, 2017, May 23, 2017, and October 31, 2017, the Rockland County Department of Planning, pursuant to the requirements of the General Municipal Law Section 239-1 and m, indicated and recommended, inter alia, the following modifications:

A review must be completed by the Rockland County Department of Highways and any concerns addressed and required permits obtained;

The comments in the January 31, 2017 letter from the Rockland County Department of Health must be met;

A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line;

The bulk table lists measurements for yard depths that are not indicated on the site plan. In addition, several of the measurements listed in the table do not match the distances provided on the plans. These

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measurements must be provided on the plan and the discrepancies resolved;

The bulk table must indicate the bulk requirements that do not meet the town standards. It appears that variances are needed for front yard depth, side yard depth, and development coverage. An asterisk, or some symbol, must be used to illustrate the need for variances from these standards;

The Town of Haverstraw must be given the opportunity to review the proposal and its impact on the community character, traffic, water quantity and quality, drainage, storm water run off and sanitary sewer service. The areas of countywide concern that directly impact the Town of Haverstraw must be considered and satisfactorily addressed, as well as any additional concerns about the proposal;

Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban

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2 Erosion and Sediment Control;

3 There shall be no net increase in the
4 peak rate of discharge from the site at all
5 design points;

6 We note that the Applicant has shown
7 that brick pavers will be used for the
8 service drive. To further reduce the
9 development coverage ratio, additional
10 pervious pavers must be used where possible
11 throughout the site, including in the parking
12 area;

13 The existing and any proposed signage
14 must conform to the Town's sign standards.
15 Any additional signage must be shown on the
16 plans;

17 To ensure that revisions to the plans
18 are noted, it is important to change the
19 revision date so that there is no confusion
20 with the plans;

21 An updated review must be completed by
22 the County of Rockland Department of Highways
23 and any concerns addressed and required
24 permits obtained from them;

25 Areas designated for snow removal must

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be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the patrons of the use;

As per the October 18, 2017 letter from the Rockland County Department of Health, an application must be made to them for review of the storm water management system for compliance with the County Mosquito Code;

The current proposal exceeds the maximum development coverage requirements. The Applicant must incorporate pervious pavers to minimize or eliminate excess coverage;

We request the opportunity to review any variances which may be necessary to implement the proposed site plan;

The bulk table of the site plan indicates that the front setback is along Algonquin Drive and the side setback is on

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the west side of the building. As Algonquin Drive is along the western property line, the bulk table is indicating that the property line is both the front and side property line. Section 215-26 of the Stony Point zoning regulations state that a front yard and a front setback shall be required on each street line of a corner lot. The bulk table must be corrected to show the appropriate bulk requirements; and

Whereas, by letter dated March 6, 2017, the applicant's engineers, AN&Z, responded to the comments of the Rockland County Department of Planning, as follows:

The Applicant will address all concerns of the Rockland County Highway Department during the planning process and road opening permit process;

All comments of the Rockland County Department of Health will be addressed during the Planning process;

The lighting plan for the Project Site will adhere to the Stony Point Code;

The bulk table set forth on the Site

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Plan shall comply with the Town of
Stony Point requirements for site plans;

The Applicant is not seeking variances
and none are required at this time;

The Applicant will not use pavers in
areas that require snow plowing; and

Whereas, this Board pursuant to the
General Municipal Law has provided the
neighboring municipality, the Town of
Haverstraw, with notice of this application
including the proposed site plans and the
revisions thereof and to date this Board has
not received any comment or correspondence
from the Town of Haverstraw concerning this
application; and

Whereas, by letter dated February 21,
2017, the New York State Department of
Environmental Conservation responded to the
Applicant's inquiry and confirmed that the
New York Natural Heritage Program database
has no records of rare or state-listed
animals and plants and significant natural
communities at or in the vicinity of this
project site; and

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Whereas, the Applicant submitted a Traffic Impact Study report, dated April 5, 2017, prepared by Harry Baker and Associates; and

Whereas, by letter dated April 3, 2017, the applicant's engineers, AN&Z, responded to provisions of the Traffic Impact Study report prepared by Harry Baker and Associates, and advised the Planning Board as follows:

The revised site plan relocates the door to the new building to the middle of the east side of the expanded building and eliminates the existing front door by installing a "gas pump pay window" in the location of the former front door;

The Rockland County Highway Department requires a concrete island with signage to channel traffic movement that will eliminate illegal parking on the edge of travel of Willow Grove Road;

Along the front and east side of the building a curb and sidewalk will be installed to eliminate parking adjacent to the building;

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2 A newly designed traffic pattern for the
3 site will eliminate cars exiting side by side
4 on the west side of the building;

5 Along the west side of the building
6 between the building and Algonquin Drive, the
7 parking area will be eliminated;

8 Vehicles exiting from Algonquin Drive
9 heading to the store/site will be required to
10 enter onto Willow Grove Road before entering
11 into the site entrance; and

12 Whereas, by letter dated April 6, 2017,
13 by the Applicant's engineers, AN&Z, to the
14 Town Supervisor and in response to an
15 informational meeting conducted on March 23,
16 2017, before the Planning Board, the
17 Applicant agreed to provide signage along
18 Algonquin Drive if requested and approved by
19 the Town and the Town Police Department; the
20 Applicant offered to install gates preventing
21 entry onto the subject site during off hours
22 by vehicles and pedestrians if such gates
23 were requested by the Town Police and the
24 Town authorities; and

25 Whereas, this Board has received and

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considered the correspondence, letters and email messages from the citizens in the surrounding community identifying areas of concern to them regarding this proposed application and consisting of the following submissions: An undated three-page Memo to this Board from, "Neighbors Bordering Dunkin' Donuts"; A letter from Mr. Stephen Sanborn, dated April 17, 2017; Letter of Ms. Ann Schulman, dated April 21, 2017; Letter of Mr. and Mrs. Evangelista, dated May 24, 2017; Letter of Mr. Mark Hamilla, dated October 4, 2017; Letter of Mr. Kevin P. Maher, P.E., dated October 14, 2017; Letter of Ms. Susan Filgueras, dated November 9, 2017; Email of Ms. Filgueras, dated November 14, 2017; Letter of S.P.A.C.E., S-P-A-C-E, dated January 25, 2018; Email of Bob Marino, dated January 31, 2018; and Email of Deidre O'Connor, dated January 21, 2018; and

Whereas, this Board has received and considered numerous signed Petitions of residents in opposition to this application, which are dated April 12, 2017, and entitled,

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"Petition Against Proposed Dunkin' Donuts
3,055-foot Expansion"; and

Whereas, this Board has heard and considered statements made by the area residents, many in opposition to the Application and from the residents' counsel, Kevin Conway, Esquire, their engineer, Lou Luglio, P.E., and architect, Peter Pulice, R.A., in further opposition to this application; and

Whereas, this Board has received and considered a four-page document entitled "Zoning Review and Analysis", dated October 20, 2017, prepared by Mr. Peter F. Pulice, R.A., an architect and planner; and

Whereas, a "Project Review Sheet", dated November 3, 2017, by Lanc and Tully Engineering and Surveying, P.C., (the Town's consulting engineer) submitted to this Board and the Applicant concerning a review of the Applicant's Plans, last revised October 5, 2017, and the Drainage Report, last revised October 27, 2017, and the following comments were made:

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Site Plan Comments:

One, a 12-foot concrete service drive is proposed along the west side of the property connecting the rear exit of the site to the gasoline pump drive. It is assumed this service drive will function as the required loading berth. Will this service drive be used for deliveries to the store and for fuel deliveries? Signage and other means should be provided to prevent customer access to the service drive. Construction details of the concrete service drive should be provided on the plans.

Number Two, truck turning movements should be provided for store delivery trucks, fuel delivery trucks and garbage trucks.

Number Three, Section 215-37 of the Town Code requires all parking areas with over five spaces abutting a residential district to be screened using a substantial wall, fence or thick hedge. Additional screening should be considered along the north, east, and west property lines to minimize noise and light spillover to the residential areas.

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2 Number Four, roof leader locations and
3 connections should be shown on the plans.

4 Number Five, existing and proposed water
5 service connection should be shown on the
6 plans.

7 Six, there appears to be a short section
8 of freestanding curb at P-CB 4. This section
9 of curb should be removed and the catch basin
10 replaced with a flat grate catch basin.

11 Number Seven, the grading plan appears
12 to show a low point in the grading along the
13 west side of the building, directing runoff
14 against the building. Grading should be
15 revised in this area to direct runoff away
16 from the building.

17 Number Eight, the existing storm water
18 pipe crossing the east property line has a
19 different pipe diameter and pipe material at
20 the upstream and downstream ends. The size
21 of the pipe should be confirmed and it should
22 be investigated if the existing catch basin
23 in this area connects to the pipes and if
24 this structure allows the pipe size change.

25 Number Nine, construction details of the

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2 pipe connection between P-CB 5 and the
3 existing 50-inch by 31-inch CMPA pipe should
4 be provided.

5 Number Ten, construction details for the
6 proposed concrete box structures that are
7 part of the proposed box culvert should be
8 provided on the plans.

9 Number Eleven, in the event that the
10 proposed on-site culvert and existing
11 upstream/downstream culverts become inundated
12 during a large storm, the overflows should be
13 directed away from the neighboring properties
14 and towards Willow Grove Road. The plans
15 should be revised to show grading that will
16 direct lighter flows -- I'm sorry, direct
17 higher flows from the 18-inch culvert and
18 stream from the rear property into the
19 project. We would also suggest that a pipe
20 connection between the eastern concrete box
21 and P-CB 3 to provide a second path for water
22 if the existing two culverts are full.

23 Number Twelve, grading and contours in
24 entrance road to rear parking area should be
25 checked. 314 contour appears to be missing.

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2 Will grading allow runoff to reach Willow
3 Grove Road if the on-site catch basins are
4 full?

5 Number Thirteen, the proposed box
6 culvert should be inspected and cleaned
7 periodically to prevent blockages. Plans and
8 drainage report should describe the
9 maintenance items and schedule for the
10 proposed box culvert maintenance.

11 Number Fourteen, it should be noted that
12 the proposed 18-inch storm water pipe in
13 Willow Grove Road right of way is run
14 parallel to and above an existing water main.
15 This design should be confirmed with Suez
16 Water.

17 Drainage Report Comments:

18 Number One, the drainage report provides
19 an analysis of the runoff from the project
20 site, as well as the 198-acre upstream
21 watershed. The analysis shows an increase in
22 flow directly from the site, but decreases at
23 the study point for the entire watershed for
24 the 10 and 100 year storms.

25 Number Two, maps showing the overall

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watershed and time of concentration flow path should be provided with the report.

Number Three, it is our understanding that the owner of the neighboring property did not want this work performed. The drainage report should be revised to note that the downstream culverts are undersized and cannot be upgraded. If this is true, the report should include some language related to this.

Number Four, the report should be revised to include additional information explaining that the project is not a "land development activity" as defined in the Town Code and that no water quality treatment or quantity control is necessary. This explanation should describe in detail each of the requirements from the Town Code and if the project meets them.

Construction Cost Estimate Comments:

Number One, the costs used on the improvement costs estimate appear to be low and should be updated to current pricing.

Number Two, additionally, it is our

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understanding that the Applicant is revising the application in response to comments from the public hearing and outside agencies as well as finalizing the traffic study. We would recommend that the next submission be a complete package including all items as to avoid any confusion. Further comments may be forthcoming based upon future submissions. A written response letter addressing each of the above comments should be provided with annexed submission by the Applicant.

Whereas, this Board received and considered a Traffic Impact Study, dated April 5, 2017, and a Traffic Impact Study, dated May 20, 2017, prepared by Harry Baker and Associates on behalf of the Applicant; and

Whereas, this Board received and considered a Memo prepared by the Town's traffic consultant, John L. Sarna, P.E., dated August 4, 2017, which reported on his continuing review of the Traffic Impact Studies of the Applicant's engineers; and

Whereas, this Board received and

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considered a Traffic Impact Study, dated November 17, 2017, prepared by John S. Pavlovich, P.E., on behalf of the Applicant; and

Whereas, this Board has received and considered a Traffic Impact Study, dated December 18, 2017, prepared by John S. Pavlovich, P.E., and AN&Z on behalf of the Applicant; and

Whereas, this Board has received and considered a report prepared by its traffic consultant, John L. Sarna, P.E., dated January 22, 2018, which report reviewed the findings and conclusions of the Applicant's prior traffic reports and the Traffic Impact Study of December 18, 2017, prepared by John S. Pavlovich, P.E., and AN&Z, and Mr. Sarna concluded, as follows:

Number One, the applicant's traffic impact study methodology and the presentation of the findings and supporting material are acceptable,

Number Two, the additional site generated traffic will not have a significant

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2 impact on the surrounding road system in
3 terms of roadway capacity and traffic
4 operations,

5 Number Three, increased queue lengths
6 and frequency of queuing can be expected on
7 the Algonquin Drive approach to Willow Grove
8 Road. These queue lengths may impact
9 vehicles exiting the site, but should not
10 impact any other driveways along Algonquin
11 Drive,

12 Number Four, the 28 provided parking
13 spaces should be sufficient for all but the
14 highest occasional peak periods, provided
15 that additional cashier positions are manned
16 at peak business times; and

17 Whereas, this Board referred the
18 Applicant to the Architectural Review Board
19 of the Town of Stony Point, and by a
20 Decision, dated November 15, 2017, the ARB
21 issued an approval of the Application with
22 conditions; and

23 Whereas, the Applicant has informed the
24 Planning Board that the second floor addition
25 to the building shall consist of attic space

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the use of which shall be limited to the storage of stock/inventory for the retail business on the premises and the placement of mechanicals for the expanded building and the height of the ceiling in the attic space shall be less than six feet three inches over the attic floor and the site plan shall contain a note consistent herewith; and

Whereas, by letter, dated November 30, 2017, the Applicant's engineers, AN&Z, represented and stated to the Board its planning rationale for the proposed site, and that the subject application proposes an improved vehicle circulation and parking pattern in conjunction with the increase of the existing building's footprint, and these improvements will consist of:

One, an expanded parking area located to the rear of the Mini-Mart with one way traffic flow and delineated parking spaces;

Number Two, a dedicated exit driveway on Algonquin Road to eliminate conflicting maneuvers on Willow Grove Road;

Three, defined curb cuts on Willow Grove

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Road to separate gasoline station ingress and egress; and

Four, the relocation of the delivery vehicles from the rear of the site to a more southerly location on the west side of the structure;

Additionally, the expanded Mini-Mart building will accommodate ADA compliant restrooms, provide storage space for inventory and permit additional cash registers to speed customer transactions;

There will be no seating proposed for patrons on the premises;

There is no proposed increase in the number of gas pumps on the site;

The Applicant submits that the proposal will upgrade the facility and improve traffic circulation at the site;

The Applicant submits that the proposed use is similar in character, nature and kind to the existing use of the premises;

The Applicant's traffic study for this site indicates that the studied intersections will operate at acceptable levels of service

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with no significant traffic impacts to the area;

The site design will not result in additional queuing and sufficient site distances can be achieved;

The proposed site plan modifications will not contribute to any adverse effect on the physical or environmental conditions of the site or nearby property;

The proposal will not create a substantially different effect on the neighborhood than current conditions;

The redesign of parking and traffic circulation will eliminate conflicting maneuvers and improve conditions on the site and in the area;

The Applicant submits that this Plan for the redevelopment and improvement of the site does not conflict with the Master Plan as the Master Plan anticipates an increase in traffic volumes on Willow Grove Road in the area where this site is located and that this Plan will modernize and upgrade the mini-mart facility and will not adversely impact

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traffic; the Applicant further submits that this plan can be achieved with no detrimental impacts to the neighborhood; and

Whereas, the Applicant has submitted a drainage study, entitled, "Drainage Report prepared for Dunkin' Donuts", last revised November 20, 2017, as prepared by the Applicant's engineers, AN&Z; and

Whereas, by Memo, dated November 28, 2017, of John J. O'Rourke, P.E., of Lanc and Tully Engineering and Surveying, P.C. (the Town's consulting engineer), submitted a "Project Review Sheet" to the Board and to the Applicant concerning his further review of this Application and the last revised plans of November 16, 2017, and the Applicant's report entitled "Drainage Report prepared for Dunkin' Donuts", last revised November 20, 2017, as prepared by the Applicant's engineers, AN&Z, and the Town's consulting engineer made the following comments:

The construction details of the concrete service drive should be provided on the Plan;

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2 The existing water service connection
3 should be shown on the plans;

4 The water service connections will be
5 reviewed by the Rockland County DPW and once
6 they are satisfied, they shall provide
7 correspondence concerning their review of
8 this connection to the Planning Board;

9 Construction details for the proposed
10 concrete box structures are provided on our
11 sheet 7 of the proposed plans and it appears
12 that the box culvert is 64 inches wide and it
13 is recommended that prior to construction or
14 issuance of a building permit, the final
15 design plans/shop drawings be provided to the
16 Town Engineer for review and approval;

17 The plans currently show a 314.0 foot
18 spot elevation on the west side of the
19 parking lot access road which is lower than
20 the surrounding contours and spot elevations,
21 and accordingly the grading along this access
22 road should be checked and corrected where
23 necessary;

24 It should be noted that the proposed 18
25 inch storm water pipe in Willow Grove Road

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right of way is under -- is run parallel to and above an existing water main and a review and approval from Suez Water regarding this storm water pipe should be provided to the Planning Board;

As the plan now proposes a porous pavement for portions of the parking area, the construction details for the porous pavement should be provided on the plans and any relevant design information should be provided in the Storm Water Management Design Report and maintenance notes and schedules should be provided on the plans as well;

The plan should clarify if the existing chain link fence along Algonquin Drive will remain or be removed;

As the Applicant is revising the cost estimate for this project a revised estimate will be submitted in the near future;

Future comments will be forthcoming based upon future submissions by the Applicant;

It is recommended that the Applicant provide a written response letter addressing

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comments raised by the public and the Applicant should submit same with the next submission;

The Applicant's revised traffic study has been submitted and is currently being reviewed by the Town's traffic consultant; and

Whereas, a two-page Memorandum to the Planning Board, dated December 6, 2017, from Max Stach, AICP, of Nelson, Pope and Voorhis, LLC, the planning consultant to the Town, recommended, inter alia, that the Site Plan be amended to specify a deer resistant evergreen screen be planted on the northerly portion of the site along with other amendments to the plan; and

Whereas, by letter to the Planning Board, dated December 7, 2017, from Kevin Maher, P.E., a member of the community, he advised the Board that he was opposed to the Application and submitted his review of the following items previously submitted by the Applicant: One, the Site Plans; Two, the Storm Water Management Design Report, dated

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July 30, 2017, of AN&Z; and the Traffic
Impact Study of John Pavlovich; and

Whereas, by a 12-page letter to the
Planning Board, dated December 7, 2017, AN&Z
responded to that portion of Kevin Maher's
letter of December 7, 2017, concerning his
review of the Storm Water Management Design
Report; and

Whereas, AN&Z submitted a letter to the
Planning Board, dated December 27, 2017,
consisting of 11 pages, responding to the
general provisions of Kevin Maher, P.E.'s
December 7, 2017 letter to the Planning
Board; and

Whereas, AN&Z submitted a letter to the
Planning Board, dated December 27, 2017,
consisting of four pages, responding to the
comments found in the letter, dated
November 28, 2017, by the Town's engineering
consultant, Lanc and Tully, P.C.; and

Whereas, by a 21-page letter to the
Planning Board, dated January 22, 2018, from
Kevin Maher, P.E., he submitted his comments
to the letter of AN&Z, dated December 27,

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2017; and

Whereas, by a letter to the Planning Board, dated January 26, 2018, from Kevin Maher, P.E., he commented upon the emergency vehicle truck turning radii as depicted on Page 8 of the Site Plan; and

Whereas, Mr. Thomas Larkin, the Fire Inspector to the -- Fire Inspector for the Town of Stony Point, reviewed the letter of Kevin Maher, P.E., dated January 26, 2018, and on February 22, 2018, he advised the Board that the truck turning radii on the Site Plan were depictions for fire trucks and that the proposed Plans depict sufficient access for fire trucks and emergency vehicles and in the event of a fire at the proposed facility there is sufficient access to the site to permit firefighting activities to be conducted; and

Whereas, at the January 25, 2018 Public Meeting the Board heard and considered statements made by Mr. Lou Luglio, P.E., in opposition to this application concerning his opinion that the building addition will

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generate a significant increase in traffic;
that the proposed site access plan will
adversely affect traffic safety; and traffic
operations -- I'm sorry, and traffic
operation and the Level of Service at the
intersection of Algonquin Drive and Willow
Grove Road will be adversely impacted; and

Whereas, by a two-page letter to the
Planning Board, dated February 1, 2018, from
AN&Z, and their Traffic Consultant, John
Pavlovich, P.E., the Applicant responded to
the comments made by Mr. Lou Luglio, P.E.,
and advised the Board that the proposed
expanded site is not a "retail destination
use" that is expected to generate new
traffic, but is instead an ancillary use
where most of the patron traffic is generated
by vehicle trips on the roadway that pass the
site, and there is no provision in the
Application for patron tables and chairs or
for a drive-up window for take-out; and the
proposed site access plan for the gas pumps
and the Mini-Mart is definitely a public
safety improvement and the proposed plan will

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control access and eliminate two access points, and all vehicles for gas or the Mini-Mart will enter, would enter at the east end of the site frontage and those vehicles stopping for gas would exit at the west end of the gas pump island, while the Mini-Mart patrons would exit on Algonquin Drive and enter Willow Grove Road at a stop sign controlled intersection, and; Public Safety is better served by consolidating traffic flow at the stop sign controlled intersection of Willow Grove Road and Algonquin Drive and it will allow drivers to safely enter the traffic stream on Willow Grove Road from Algonquin Drive, and; except for the weekday a.m. peak hour, there is no appreciable change in the Level of Service at this intersection from the four peak hours analyzed, and the capacity analysis demonstrates that Level of Service for the Algonquin Drive approach is expected to decrease from "B" to "C" during the weekday a.m. peak hour, and this expected change in Level of Service equates to a change in the

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average stopped delay per vehicle from 14.5 seconds to 22.3 seconds; and

Whereas, the Planning Board received the follow comments and concerns from the public: That the expanded Mini-Mart and gas station will operate 24 hours a day in the manner of a truck stop; That the expanded facility will include additional exterior lighting which will improperly illuminate the neighbors' properties; That the operation of the expanded facility is likely to result in an increase in the number of deliveries to the site as compared to the current facility, thereby increasing traffic and noise; That patrons of the expanded facility will likely generate litter and be a nuisance to the surrounding neighbors; That the business presently operates with an unsightly storage container situated to the rear of the building, and; The neighbors complained that the Applicant did not indicate the future use that will be made of the expanded facility, and that the public was given no assurances in that regard; and

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Whereas, the Applicant by its attorney and engineer, addressed the public's concerns and advised the Planning Board, as follows:
Upon completion of the proposed project, the business will operate on the same schedule as it presently operates, and it will continue to be open to the public from 5:00 a.m. to 9:00 p.m. daily, with no change in the future; The exterior lighting proposed on the site plan will be LED lighting fixtures which will be downward directed so as to avoid light spillage off of the property and illumination at the property boundaries will be consistent with the Town Code; The proposed building expansion includes storage space, particularly in the attic, which will result in the need for less deliveries to the site per week; The proposed Site Plan calls for the installation of trash receptacles, with one in the front of the store and two in the rear parking area which will avoid littering and trash being on the ground in the neighborhood; The proposed Site Plan calls for the installation of bathrooms

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inside of the expanded building for use by the patrons; The storage container which is presently located in the rear of the existing building will be removed as the proposed building expansion includes space for storage of stock and merchandise, and; The future use of the expanded facility will be the same as it is today, that being, the sale of gasoline with no increase in the number of gas pumps, and the continuation of the convenience store use with the sale of Dunkin' Donuts products; and

Whereas, by a two-page letter/memo to the Planning Board, dated February 5, 2018, from AN&Z, the Applicant's engineer advised the Board that in response to public concern, the Applicant is now proposing the inclusion on the Site Plan of a water quality mitigation measure, in order to capture and treat storm water runoff mixed with gasoline in the event that gasoline is accidentally spilled in the gas station area, consisting of oil and sediment runoff filters to be installed below the two catch basins located

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at the left and right sides of the site entrance from Willow Grove Road, which will be maintained in the future by the Applicant; and the Applicant notes that due to the fact that the site is less than one acre in area, it is below the threshold limit for Storm Water Pollution Prevention Plan requirements and therefore, no quality and peak flow attenuation is required for this site; and

Whereas, a duly noticed public hearing was held on September 28, 2017, at which date the public hearing was conducted and continued to October 26, 2017, and at which date the public hearing was conducted and continued to December 7, 2017, at which time the hearing was conducted and continued to January 25, 2018, at which time the public hearing was conducted, concluded, and closed, with the proviso that the Board would accept and consider additional written comments and submissions concerning this application up to and including February 1, 2018. This application was an agenda item before this Board at its regularly scheduled meeting

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2 tonight on February 22, 2018.

3 Any resolution that the Board will be
4 voting on tonight for approval would also be
5 conditioned upon the following items:

6 Number One, all "whereas" paragraphs are
7 incorporated herein by reference as set forth
8 in full herein.

9 Number Two, all conditions of the
10 variances and Decision previously granted by
11 the Zoning Board of Appeals.

12 Number Three, the Decision of approval
13 by the Architectural Review Board, dated
14 November 15, 2017, is modified to substitute
15 Hardie Board siding for use on the building's
16 exterior in place of the vinyl siding
17 depicted on the plans.

18 All other applicable site plan
19 requirements set forth in the site plan
20 regulations of the Town of Stony Point Code
21 and consistent with the General Notes and
22 other entries on the site plan.

23 Number Five, there shall be no outdoor
24 storage of goods or merchandise. The
25 existing storage container located to the

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2 rear of the building shall be removed.

3 And Six, an oil and sediment runoff
4 filter system is to be installed below the
5 two catch basins, two catch basin grates
6 located at the left and right sides of the
7 site entrance from Willow Grove Road, the
8 product material to be approved by the
9 Building Inspector and the Town's engineer,
10 and same is to be maintained by the
11 Applicant.

12 CHAIRMAN GUBITOSA: Thank you,
13 Mr. Honan.

14 MR. HONAN: And that's the reading of
15 the proposed resolution.

16 CHAIRMAN GUBITOSA: All right. That's
17 the proposed resolution granting final site
18 approval. I need a motion.

19 All right, we could do a discussion.
20 Steve, we have a quick question.

21 VICE-CHAIRMAN MULLER: Page 3. The bulk
22 table indicate that the bulk requirements do
23 not meet the Town standards. It appears that
24 variances are needed for front yard depth,
25 side yard depth, development coverage. An

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asterisk, or some symbol, must be used to illustrate the need for variances for these standards.

Page 5, Paragraph 3. The Applicant is not seeking variances and none are required at this time.

How can that be? We're saying they need them, and then it says here that they're not seeking them, or are they required.

MR. HONAN: Keep in mind that this resolution cites all of the items that we received. The items that were received early on in the planning process were refined. The plans were refined, the plans were changed.

So what you're looking there, look at the date that it came in that you're referring to. And then there's later reviews by our consulting engineers for the Town, which accepted them. There were no variances needed here. What they're responding to were comments that if they were needed, they would be mentioned on there.

And then the plans were refined through this process. There's been numbers of

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revisions. And you'll note that the last revised plans that are submitted are December 24, 2017. This matter started back in, I think January of 2017. So it was a whole year's worth of resolutions and revisions.

VICE-CHAIRMAN MULLER: All right. So the final finding is that there are no variances.

MR. HONAN: Correct.

VICE-CHAIRMAN MULLER: I have one more question. Page 11, Paragraph 5, they have talk about the plans concurrently showing a 314 spot elevation on the west side of the parking lot access road which is lower than the surrounding contours and spot elevations, and accordingly the grading along this access road, it says should be checked and corrected where necessary. Shouldn't that say will be checked?

MR. HONAN: Well, it's -- I think the engineer is questioning whether that elevation is correct. And it's asking the applicant to confirm whether it is.

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2 VICE-CHAIRMAN MULLER: Well, then it
3 still shouldn't, it shouldn't say should be
4 checked. It will be checked and corrected if
5 necessary.

6 MR. HONAN: Apparently, it was because
7 the -- if it was checked, and it is
8 acceptable because the consulting engineer
9 for the Town indicated that it is acceptable.

10 VICE-CHAIRMAN MULLER: So it has been
11 checked.

12 CHAIRMAN GUBITOSA: John has checked it.

13 MR. O'ROURKE: Yeah, they checked it.

14 VICE-CHAIRMAN MULLER: So it's no longer
15 should. It has been checked.

16 MR. O'ROURKE: We basically politely
17 pointed out to them they should check their
18 grades. They did check their grades. They
19 revised those contours in that area and
20 revised the plans.

21 VICE-CHAIRMAN MULLER: All right. So
22 where it says should, it already has been
23 done. Is that correct?

24 MR. O'ROURKE: Yeah, that was our
25 comment letter to the applicant.

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2 VICE-CHAIRMAN MULLER: Right. And where
3 it says Paragraph 6, the Suez, regarding the
4 storm water pipe should be provided to the
5 Planning Board, is that going to be provided?
6 It's another one of those should words. I
7 want to know if that's been done.

8 MR. O'ROURKE: Well, again, that was in
9 our comment letter.

10 VICE-CHAIRMAN MULLER: Yes.

11 MR. O'ROURKE: Per the applicant --

12 VICE-CHAIRMAN MULLER: It's Paragraph 6
13 on Page 11.

14 MR. ZIGLER: I didn't hear what the
15 question.

16 MR. HONAN: It's about the placement of
17 the Suez Water main vis-a-vis one of the
18 drainage pipes.

19 MR. ZIGLER: Oh, that. That would be
20 checked in the field when it's exposed at
21 time of construction.

22 VICE-CHAIRMAN MULLER: So it will be
23 checked.

24 MR. ZIGLER: Yes.

25 VICE-CHAIRMAN MULLER: I'm just checking

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2 because should gives the wiggle room of not
3 doing.

4 MR. ZIGLER: No, no, no.

5 VICE-CHAIRMAN MULLER: In the first
6 case, it's already been done. In this case,
7 it will be checked?

8 MR. ZIGLER: Yes.

9 VICE-CHAIRMAN MULLER: Okay. Just one
10 more. Paragraph 8, the plan should clarify
11 if the existing chain link fence along
12 Algonquin Drive will remain or removed.
13 Should gives wiggle room. It will be
14 checked?

15 MR. HONAN: It has.

16 VICE-CHAIRMAN MULLER: It has. So
17 that's already been addressed.

18 MR. HONAN: Correct.

19 VICE-CHAIRMAN MULLER: That's my
20 questions. Thank you, Mr. Honan.

21 CHAIRMAN GUBITOSA: Thank you,
22 Mr. Honan. All right, any other comments?

23 All right, I have a resolution. I need
24 a motion to accept it.

25 BOARD MEMBER JOACHIM: I make a motion

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to accept.

CHAIRMAN GUBITOSA: I need a second.

BOARD MEMBER ROGERS: I'll second.

CHAIRMAN GUBITOSA: All right. Mary,
just poll the Board. This is the final
resolution granting final site plan approval.

THE CLERK: Mr. Muller?

VICE-CHAIRMAN MULLER: Yes.

THE CLERK: Mr. Joachim?

BOARD MEMBER JOACHIM: Yes.

THE CLERK: Mr. Jaslow?

BOARD MEMBER JASLOW: Yes.

THE CLERK: Mr. Rogers?

BOARD MEMBER ROGERS: Yes.

THE CLERK: Mr. Ferguson?

BOARD MEMBER FERGUSON: Yes.

THE CLERK: Chairman Gubitosa?

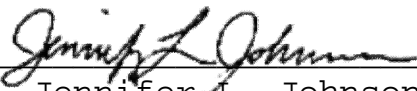
CHAIRMAN GUBITOSA: Yes.

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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

