

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
September 28, 2017
7:00 p.m.

BEFORE :

PETER MULLER, ACTING CHAIRMAN
MICHAEL FERGUSON, BOARD MEMBER
ERIC JASLOW, BOARD MEMBER
PAUL JOACHIM, BOARD MEMBER
EUGENE KRAESE, 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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Proceedings

CHAIRMAN MULLER: Mary, would you poll the Board, please?

THE CLERK: Mr. Joachim?

BOARD MEMBER JOACHIM: Here.

THE CLERK: Mr. Jaslow?

BOARD MEMBER JASLOW: 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: Acting Chairman Muller?

CHAIRMAN MULLER: Here. Before we start, could we just check our phones to make sure they're on silent? If you do need to take a call, we just ask you to step out of the room so that it doesn't disrupt the meeting.

Tonight is a continuation of a public hearing. If you would like to speak, we ask you to sign the form up front. You will have three minutes to speak, or thereabouts.

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2 There will be another public hearing.
3 Tonight is not the end all. So please keep
4 that in mind that if you choose not to speak
5 tonight, or if you do speak and you think of
6 something else you'd like to add, there will
7 be more opportunities at another public
8 hearing. The public portion will not end
9 tonight. So you will have more
10 opportunities.

11 I don't know if this is your first time,
12 or if you're familiar with the procedure.
13 But tonight is your chance to tell us your
14 concerns. But what we don't do is respond to
15 you.

16 It's your opportunity to express your
17 concerns. They will all be put into the
18 record. We have a chance to then have it
19 written down. We all look at the questions,
20 and we answer them at the appropriate time.

21 But tonight is not the chance for this
22 Board to interchange. So if we don't answer
23 you, it's not because we're being rude. It's
24 just part of the procedure.

25 Tell us what you think. It gets logged.

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2 You can also write questions down and submit
3 to the Town Planning Board, which then will
4 get added to the record as well.

5 Just one more thing. We've done a lot
6 of projects in this town. We've had big
7 projects. We've done the Shop Rite shopping
8 center. We've done the CVS and the Walgreen
9 shopping center. We've done the Sterling
10 Bank, which was Provident. We've overseen
11 the development of the firehouse, the
12 ambulance corps, the children's daycare
13 center. We've done a lot of projects.

14 This is a difficult project. It's
15 difficult because of the emotions that are
16 involved and what the people want. We have a
17 difficult job of getting it right.

18 We need to listen to the experts. We
19 need to listen to all your input. We need to
20 make sure that the project is done safely and
21 thoroughly. It's not an easy spot to be in.

22 We are here tonight to listen to your
23 concerns. We will take you seriously. And
24 we'll get it the best we can. I just wanted
25 to let everybody know that we really do take

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2 this seriously. We've done a lot of
3 projects. I think this is the most difficult
4 one that I've ever sat on. And I sat on all
5 of those that I just stated.

6 So if you'd like to come up and speak,
7 are we ready? First person want to come --

8 MR. HONAN: Why don't we open it up to
9 Dave?

10 CHAIRMAN MULLER: Open it to Dave?
11 Dave, I'm sorry.

12 MR. HONAN: Presentation by the
13 applicant.

14 CHAIRMAN MULLER: Dave, you want to make
15 your presentation first? My apologies.

16 MR. ZIGLER: Hi, I'm Dave Zigler from
17 Atzl, Nasher and Zigler, and I'm here tonight
18 with Dwight Joyce, the attorney, and Harry
19 Baker, who did a traffic report, and George
20 Lopez, who is the architect.

21 We had a public hearing very early in
22 the spring, I believe. We had a map up. And
23 of course, we're talking about Dunkin' Donuts
24 at Algonquin and Willow Grove. We took
25 comments at that time. That was just a

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2 concept map. It wasn't as detailed as the
3 plans we had submitted in June.

4 So since that first meeting, we've made
5 revisions to the plan. We went to the
6 workshop. We made some more revisions. We
7 met with the County. We made some more
8 revisions. And we actually met with the
9 highway department and the police department
10 on traffic movement on the site itself.

11 The plans that are up on the board were
12 actually submitted in June. We were going to
13 ask for a public hearing in August. And
14 there was some comments Mary received about
15 people being away on vacation. So without
16 any problem, we moved it to tonight, so
17 October. We're trying very hard to work with
18 everybody, make everybody happy. So when the
19 project's finished, it's a good project.

20 Basically, it's an addition to the
21 existing Dunkin' Donuts. If I can get my
22 light to work here. There we go. Right
23 there.

24 That's the -- this big box here is
25 Dunkin' Donuts. So up to the top of the map

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is north. Down to the bottom is south. East is to the right, west is to the left. That's Algonquin Drive, and this is Willow Grove right there.

Sometimes the easiest way to speak about a map is if you're standing in Willow Grove Road and looking at the building. Then the building would be, of course, the front, the back, the opposite, and the right and the left. So if you're not good with directions, I'll use both, east and west and left and right.

This is the front of the site right near where the gas pumps are. And that's -- very beginning box right there that you see, that's the original building. The building has an addition to the left, and an addition to the right, and it's longer.

Everything on the left here is either a walk-in freezer or a retail cooler that you would get beverages out of. There's a service door here on the left, which is the west side. When you walk in there, you can either make a left into this walk-in cooler,

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2 the freezer, or it goes straight into the
3 back of the Dunkin' Donuts service area.

4 The door in the back is another service
5 area for storage. And then you have the
6 dumpster.

7 This entire length here is either
8 coolers, a walk-in cooler, a freezer, and
9 then a kitchen right here. On the opposite
10 side, where it pops out here, that is, again,
11 a walk-in cooler. So you would go in there,
12 and that might be soda in there. There's
13 also -- that's where the ice box is going to
14 be moved.

15 The door to the building is in the back.
16 It's in the back one third on east side. The
17 right side of the building, it's in the back
18 because what we're trying to do on the site
19 plan is pull the people away from the front
20 of the building.

21 I mean, if you've looked at it or been
22 there, which all these people have, there's
23 where it's congested. People park in front
24 of it. They pull in front and run in to get
25 coffee. They pull right here at the exit and

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2 go in for coffee sometimes. Which is quite
3 confusing, but they do that.

4 So how do we change that? We changed it
5 by channelizing the movement in and out. In
6 is going to be on the east side, the right
7 side of the building. That's all it is, in.
8 It's 20 foot wide.

9 We did have 24 foot. We changed it to
10 20 because some people said hey, they're
11 liable to park along there and just run in to
12 the door. So that's 20 foot wide.

13 Then we have angled parking in the back.
14 So you would circulate, if you're coming in,
15 you would go straight through on the right
16 side, east side, go to the back, and you
17 would park. Angled parking, that was a
18 recommendation of the police chief, and it
19 made sense because people are in a rush when
20 they go to Dunkin' Donuts or the deli.

21 You would exit the site onto Algonquin
22 Drive. So that's your movements that we're
23 looking -- that's your major movements
24 95 percent of the people are going to do.
25 They're going to come in, they're going to

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2 get their product, and leave.

3 In the front we put a curb, concrete
4 curb six inches high, higher than the grade.
5 We put that all around the building. This is
6 going to have a drop curb here for the fuel,
7 fuel trucks, and for the deliveries. They
8 come right through this.

9 That's the only thing that's going to go
10 on the west side of this building, the left
11 side, deliveries or the fuel truck. There's
12 not going to be no pass through, there's not
13 going to be any exit.

14 The two islands are still going to work
15 the same for putting in your gas at the
16 pumps. The thing we did do is we added an
17 island in the front. It's a circular island,
18 it's concrete, and it's going to have signage
19 on both ends so nobody can park there. It's
20 very important, you know, to get the people
21 off the front that actually park on the edge
22 line now, the white line, and run in.

23 So we're going to get rid of that. And
24 then sometimes you get the bigger trucks that
25 stop right there. That's not going happen

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anymore with the curb and the signs and all.

The curb is going to go around and down to the catch basin. Now this curb, it's six inches high. As you know, right now you get out of your car, you walk in the front door, it's all level. We're going up six inches.

So part of problem with this building when George had to design was how do you keep this floor, and working, and how do you build a building around it? So that's why the building is wider to the left and the right and going back because they're going to encapsulate those inside walls, put the coolers in and bust the walls, then move the operation from the front to the back. And then they have to go in and lift the floor one foot. Because remember, we've got a concrete curb around the building.

The curb's going to stop people from pulling in and pulling in front of the door in such a way right now that you can't even get in the door sometimes. Sometimes there's two people, two cars there, two vehicles.

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2 There's no door in the front. My
3 assistant just reminded me of that. There's
4 no door in the front. The only thing that's
5 going to be in the front is going to be a
6 service window. The service window is just
7 for the gas, not for any product. And you
8 pay gas, if you don't have a credit card or
9 whatever, you go to that service window.

10 That's going to be the only other
11 service item outside. Any other thing,
12 you're going to have to go through this human
13 door right there. That door goes in, got a
14 vestibule, so it's extra wide.

15 As far as the site itself, all the green
16 stuff you see is actually an indication of
17 landscaping or lawn. All the trees that are
18 along Algonquin now have to come out, those
19 cedars and things, because they're actually
20 in the sight line of looking up and down the
21 street.

22 So we're going to replant all trees.
23 And you see they're going to be inside the
24 fence, and deeper away from the fence so that
25 you can see up and down the street. There's

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2 going to be trees along the back for a buffer
3 between our neighbor to the north. Also in
4 the back, there's going to be an eight-foot
5 fence going from one end to the other.

6 Some of these items that I'm pointing
7 out are actual comments or requests or
8 complaints about the existing site. So we
9 tried to address those.

10 The stream that flows through there,
11 which is really just a drainage ditch, it's
12 going to be piped. It's going to be piped
13 from one end of the street to the other end.
14 And it's going to have a short spur that
15 picks up the drainage coming off our north
16 end neighbor. That's going to keep the
17 drainage that comes down Algonquin, it's
18 going to go into the pipe straight through,
19 and all the way to where it goes now to
20 Willow Grove.

21 Our drainage is going to drain from the
22 back, the north to the south, the front, and
23 go around the corner. We have catch basins
24 within the site. That's because the site is
25 lower in the front than it is in the back, so

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2 there's no way we can drain it back. So
3 that's going to be draining out to the front.

4 As far as lighting, the lights that we
5 have on here are LED lights. They're the
6 best lights you could have because you can
7 tilt them, you can turn them. You can turn
8 them up, you can turn them down. You can
9 have security settings. You could have one
10 light stay on all the time. The rest of the
11 lights could be on security. If it's too
12 bright for somebody, you could tilt it down.
13 If it's still too bright, you can dim it.

14 So the LED lights on this, I think it's
15 quite an improvement over what we have on the
16 site now. Plus, it's going to help with the
17 security.

18 As far as the signage, there's going to
19 also be signage along Willow Grove. That's
20 one of the recommendations that the police
21 chief wanted because he didn't want people
22 coming up and then parking here where the
23 shoulder's about six foot wide and then going
24 to the store, because that, that would be
25 quite a mess, to tell you the truth.

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2 So we're asking and requesting from the
3 County to put no parking signs along here.
4 There will be no parking signs on both sides
5 of this entrance. Plus, it's going to be
6 painted for a fire lane. We went and
7 discussed this with the Town, discussed it
8 with the Supervisor, discussed it with the
9 highway department and also the police chief
10 about putting no parking on both sides of
11 Algonquin Drive.

12 We can't really do that without
13 permission from the Town Board. And also,
14 really, we would like to have permission from
15 Mrs. Phillips over here because it's in front
16 of her property. But if she agrees to it, we
17 intend to put signage on both sides of the
18 street up to our property line right here.
19 That way, it will keep people from parking.

20 And one of the comments we had was when
21 something's going on in North Rockland, they
22 line the streets. And that's true. They
23 park on both sides. At least now, it will
24 keep them from parking close to the
25 intersection.

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2 That's about it. The building itself
3 is -- George is going to go to the ARB, so we
4 have to -- that's one the reasons we're
5 leaving the public hearing open. We also
6 have to make some changes. The plans that we
7 submitted back in June didn't have this notch
8 here. We had to make a notch there because
9 our building was too close to the right of
10 way. So overall, this building's about 3400
11 square foot.

12 And then we also have met with the
13 Rockland County highway department about the
14 radius here. And the intent is to put a
15 concrete curb radius here, come down, put a
16 driveway cut for this driveway. It's going
17 to define -- if you go out there now, it's
18 just one big area, blacktop right here. It's
19 all -- and you can pull from the telephone
20 pole is right about there. So it's one big
21 area of blacktop.

22 The intention is to redefine or define
23 the entrance and exit for this house by
24 putting a driveway cut in, and then
25 continuing that curb down to the catch basin.

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2 So the puddles that you get there now, that
3 will also be solved with this curb that will
4 channel it. And then our drainage is going
5 to go that way.

6 The other items we have, basically, is
7 this is going to be some kind of material.
8 It's not pavement or concrete. We were
9 thinking about doing it in some kind of stone
10 so it would look different.

11 This is all going to be buffered here
12 with landscaping. So if you come up
13 Algonquin and look over, hopefully once this
14 is grown in four or five years, you won't see
15 anything to the right. That's about it. We
16 have submitted --

17 MR. POTANOVIC: Can you show how the gas
18 station is going to work, how the gas station
19 entrance is going to work?

20 MR. ZIGLER: It's going to be the same.
21 There's been quite a discussion about this,
22 to tell you the truth, George. I'm using
23 your first name.

24 MR. POTANOVIC: Sure.

25 MR. ZIGLER: Okay. If you're coming

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2 westbound towards the parkway, and you come
3 in and you want to get gas, you pull in. You
4 could pull in on either side. The lot
5 is today -- yeah, that's today. And that's
6 the way it's going to be when we're done.

7 And then you would exit this way. So
8 you're still going to have this slight on
9 Algonquin and exit at the pumps, which is
10 going to be a lot less than what it is now.
11 But if you're coming down the hill, and right
12 now our intention is if you're coming down
13 the hill and you pull in there, that you're
14 going to have to make a left here and go out
15 this way to go out, not make a right, because
16 you'd be going out the entrance.

17 So we're going to do that with signage
18 here, and tell you that you have to make a
19 left to exit. So there's going to be quite a
20 few signs along this little area right here
21 as far as one-way signs, no parking signs,
22 fire lane signs with no parking. And then,
23 of course, the directional signs, make a left
24 and exit. And then out here on Algonquin, we
25 would have signs, exit only, so people

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2 wouldn't go in that way.

3 That's it. If you have any questions.
4 There's seven pages, I think. We have the
5 landscaping drawing, we have a detailed
6 lighting, erosion control.

7 We also submitted a traffic movement
8 report. Traffic intersection with the
9 increase in activity because of this exit and
10 what it would do to this intersection.

11 And we submitted a drainage report
12 previously, earlier with the submission for,
13 that we had in June. Any questions? This is
14 George, the architect.

15 BOARD MEMBER KRAESE: Just one question,
16 Dave. Is the last map you submitted the
17 July 7th map? Is that what we're looking at?

18 MR. ZIGLER: I think it's 6/26/17, I
19 think it says on there, on the top right.

20 THE CLERK: That's the map.

21 BOARD MEMBER KRAESE: Okay.

22 BOARD MEMBER ROGERS: The total number
23 of spots you got for parking on this map is
24 how many?

25 MR. ZIGLER: All our parking spots are

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2 in the back, and it's 28 right about now. If
3 you go out there and count, you got about,
4 I'd say 16, 18. It depends on how you count.
5 But this is 28.

6 There was quite a discussion about the
7 amount of spaces. There was even some
8 thought of making these in reserve. I think
9 we're still kind of discussing that. And
10 Mr. Sarna wanted some more information on
11 that. So that's one the things we have to
12 also address for the future meeting.

13 BOARD MEMBER ROGERS: Okay, thank you.

14 CHAIRMAN MULLER: We got some more?
15 Max?

16 MR. STACH: No. But I would let you
17 know that John Sarna has joined us tonight.
18 He has reviewed the applicant's traffic
19 circulation. And as I understand, the
20 parking is still a work in progress. There's
21 still some final details on that. But if you
22 have any other questions or you want to hear
23 from him, he's available tonight as well.

24 CHAIRMAN MULLER: Would it be wise to
25 have him speak now?

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MR. STACH: Yeah, I'd say so.

CHAIRMAN MULLER: Mr. Sarna?

THE CLERK: He's right here.

CHAIRMAN MULLER: Would you like to come and address everybody, please?

MR. SARNA: I'm sorry.

CHAIRMAN MULLER: Would you like to come and address the gathering? Come give us your report?

MR. SARNA: My name is John Sarna. I'm the traffic consultant to the Town for this project. I've been in traffic engineering for over 50 years, professional engineer, and a fellow of the Institute of Transportation Engineers.

I've been reviewing the traffic analyses reports as they've been submitted, which started in April of this past year. And I've seen three or four different versions of it so far. The first one just saying that there wouldn't be any traffic increase; and the second one saying that there would be because there would be a larger store; and then the third and fourth, just variations on them

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with different traffic generation rates.

It's still a work in progress. The report is not ready yet. The applicant's report is not ready yet for final submission. But I have reviewed what has been written so far.

And basically, there are three analyses in the report. One is the traffic, and in particular, the increase of Willow Grove and Algonquin. Second is a analysis or a discussion of the revised circulation and the exit onto Algonquin. And the third deals with the parking.

The first two are fairly solid at this point. The traffic analysis as it is now constituted is based on a projection of future traffic in the whole development. It has been assumed that the traffic which now uses the gas station, that that will stay at the same level because nothing has changed.

That traffic is usually based on the amount of traffic passing the site on the road, and since that isn't changing to a significant deal, the gas station traffic

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2 would not increase. I can accept that
3 analysis.

4 The second traffic is the traffic which
5 is generated strictly by the Dunkin' Donuts.
6 This operation is not supposed to change very
7 much, although it may be a little more room
8 inside and a little more smoother operation.
9 For the purpose of this analysis, they, Baker
10 Associates has an estimated 15 percent
11 increase in the Dunkin' Donuts traffic, which
12 I find also acceptable.

13 The third is the traffic from the
14 convenience store itself. And this does
15 change because in addition to increasing the
16 size, they are now putting in facilities for
17 ice cream and for pizza. We've tried to,
18 Baker has tried to use standard trip
19 generation rates from the Institute of
20 Transportation Engineers. One of the
21 problems in using them is that there is
22 nothing in their manuals for a combined
23 Dunkin' Donuts, pizza and convenience store.

24 So using the various, the various
25 methodologies from the ITE, they've been able

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to come up with a reasonable projection of what the future traffic will be. This has been used to estimate the total traffic on the road from not a -- a traffic analysis was done using the standards of the highway capacity manual.

The report, as it's shown so far, shows that there will be no significant change in the operating levels of the traffic on the streets, particularly at the main intersection. There will, of course, be more traffic on the Algonquin approach, but it's shown to be within the limits, within the limits of acceptability according to the manual.

Now one thing, when you're looking at the manual, it's not -- it's judging strictly on the amount of traffic which can be accommodated by the intersection. It does not take into account things such as quality of life, noise, anything like that. This is traffic engineers. It's strictly whether the intersection can handle the traffic within acceptable limits, and the acceptable limits

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are usually measured by the average waiting time for a car in an intersection.

An unsignalized intersection, you're talking about the, basically the waiting time of the approach which is controlled by the stop sign, which in this case would be on Algonquin. You do have more traffic on Algonquin because of the revised traffic circulation pattern. The delays will increase. But according to the ITE standards, they are still within the acceptable levels of service according to capacity, according to how much traffic can be accommodated.

There will be more traffic. There will be some more queues. But again, by ITE standards, it's acceptable.

In terms of the design which puts the exit onto Algonquin, this is basically in line with standard traffic operations designs. You want your traffic to come out onto the lower volume road, and to be able to get onto the higher volume road in a controlled manner. At present, coming out

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through the gas pumps and such, out this definitive location, and mixing with the incoming, entering traffic for the gas station, it's confusing and provides congestion. The movement, taking the exit and putting it out to Algonquin is, by traffic engineering standards, safer and more controlled.

CHAIRMAN MULLER: Excuse me, John?

Could you speak into the mic, please?

MR. SARNA: Oh, I'm sorry.

MR. ZIGLER: So everybody could hear?

MR. SARNA: I was trying to address the audience as well. The exit onto Algonquin provides a more controlled location and puts the traffic getting back onto Willow Grove on to a controlled access, a controlled intersection with a stop sign. It's safer.

In terms of parking, they've provided 28 parking spaces. And the analysis that's in the draft report that I have, and it's really still a work in progress, but the analysis shows that 28 spaces would be sufficient.

Basically, that's what I have. I hope

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2 I'm not really advocating the applicant's
3 position. I'm just trying -- all I can do is
4 review what is in the report, and to the
5 extent that I agree with it or not, I'm
6 reporting that.

7 The report still needs some work. My
8 final comments would be on the final report.
9 But from what I've seen so far in the
10 worksheets, the traffic analysis and the
11 parking appear to be acceptable. That's
12 basically what I have.

13 CHAIRMAN MULLER: I have a question for
14 you. You had said that the gas, the use of
15 gas pumps should remain the same because
16 there's nothing different there, correct?

17 MR. SARNA: Yes. Well, that's the
18 assumption that they've made.

19 CHAIRMAN MULLER: According to your
20 report, that's what you stated to us,
21 correct?

22 MR. SARNA: Not according to my report,
23 according to their report.

24 CHAIRMAN MULLER: The report that you're
25 reviewing?

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2 MR. SARNA: Yes.

3 CHAIRMAN MULLER: Then you said the use
4 of the Dunkin' Donuts should basically remain
5 the same, shouldn't increase any kind of
6 traffic because it's just a nicer store, but
7 according to the report, you don't anticipate
8 it increasing any traffic, correct?

9 MR. SARNA: They've made an arbitrary
10 increase of 15 percent.

11 CHAIRMAN MULLER: I'm sorry, he did say
12 15 percent, I'm sorry. You did say there
13 would be an increase because of the
14 convenience store, because of the ice cream
15 and the pizza that being added.

16 MR. SARNA: Yes. Also because of the
17 increased size.

18 CHAIRMAN MULLER: Then you had said you
19 thought that this is still a safer layout
20 with the increased traffic that we're getting
21 from the pizza and the ice cream, it's still
22 your feeling that this layout is the safest?

23 MR. SARNA: Including the exit to
24 Algonquin?

25 CHAIRMAN MULLER: Yes.

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2 MR. SARNA: Yes.

3 CHAIRMAN MULLER: Okay, that's all I
4 wanted to ask you. Thank you. Anybody from
5 the Board have any questions? Max?

6 PUBLIC SPEAKER: I got a question.

7 CHAIRMAN MULLER: No, that doesn't come
8 from -- you can't question him. You can ask
9 us, which we will log down. Bill, do you
10 have any questions or comments?

11 MR. SHEEHAN: No.

12 CHAIRMAN MULLER: Everybody else is
13 good, thank you very much. That will come
14 in --

15 PUBLIC SPEAKER: I have a question for
16 the Board.

17 CHAIRMAN MULLER: Yeah, you'll sign the
18 sheet when we get a chance, and then we'll
19 get ready to speak. Dave, was there anything
20 you'd like to say before we open it up to the
21 public? Are we going by the number on the
22 list? Is somebody going to read it?

23 THE CLERK: No, they're not doing it
24 right. I told them you call them up and then
25 they sign, but they're not doing that.

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2 BOARD MEMBER KRAESE: We'll take the
3 list.

4 CHAIRMAN MULLER: We'll take the list
5 and we'll call them up.

6 THE CLERK: Okay.

7 CHAIRMAN MULLER: Then we'll take it at
8 the end.

9 BOARD MEMBER KRAESE: Mary, could you
10 take the first page off there and let them
11 sign the second page? After this gentleman,
12 please.

13 CHAIRMAN MULLER: All right, we're about
14 to open it up to the public. Just as a
15 reminder, you get three minutes. You'll be
16 speaking to us. We won't be commenting back.
17 We'll be recording any questions, concerns
18 you have. You can submit anything in writing
19 after today. There will be another open
20 hearing, which you'll get a chance to either
21 add or speak for the first time if you
22 haven't in the past. But we're going to open
23 it up to the first.

24 BOARD MEMBER KRAESE: Are you Kevin
25 Conway?

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2 MR. CONWAY: Yes, sir.

3 CHAIRMAN MULLER: He can go to that
4 page.

5 MR. CONWAY: Good evening, Chairman,
6 Members of the Board. I'm Kevin Conway. My
7 law office address is 664 Chestnut Ridge
8 Road, Chestnut Ridge, New York. I have also
9 have Peter Pulice here tonight, who's a
10 certified land use planner both in New York
11 and New Jersey, testifying on behalf of our
12 clients who are the neighboring property
13 owners. So I would ask --

14 BOARD MEMBER KRAESE: Excuse me. What's
15 the neighboring property owner's name that
16 we're talking about?

17 MR. CONWAY: They're going to testify
18 tonight. I have three clients that live
19 adjoining to the property.

20 CHAIRMAN MULLER: Okay, we're asking who
21 they are.

22 MR. CONWAY: They're here tonight.
23 They're going to speak after me.

24 CHAIRMAN MULLER: That's okay.

25 MR. CONWAY: They're right there in the

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2 audience. So I would ask the Board just to
3 extend a little bit longer than three
4 minutes. I'll try to keep it short,
5 executive summary so we don't need to --
6 because I know there's a lot of people who
7 want to speak tonight.

8 There's two issues with regard to the,
9 my presentation tonight. Mr. Pulice will
10 deal with why we believe this doesn't work on
11 the site as it exists now in a residential
12 neighborhood. But I'll speak primarily to
13 the legal issues, and I believe the legal
14 error the Board, with all due respect,
15 committed last time we were here when we sat
16 for the non public portion, when I don't even
17 think it was the Board's attorney suggested
18 that the Board and the applicant does not
19 have to go to the Zoning Board. This is a
20 preexisting nonconforming --

21 CHAIRMAN MULLER: Before you continue,
22 can we first, could you answer what we first
23 asked you? Who are the people that you're
24 representing? You just mentioned --

25 MR. HAROLD: We raised our hands.

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CHAIRMAN MULLER: I can't -- please.

MR. RUTTER: Lee Rutter.

CHAIRMAN MULLER: He'll answer the question. We just want to know who he represents.

MR. CONWAY: Just state your names for him.

MR. RUTTER: I'm trying to. Lee Rutter.

CHAIRMAN MULLER: Could you spell your last name, please?

MR. RUTTER: R-U-T-T-E-R.

CHAIRMAN MULLER: Thank you.

MR. HAROLD: Hugh Harold. H-U-G-H, last name is Harold, H-A-R-O-L-D.

CHAIRMAN MULLER: Thank you very much.

MS. PHILLIPS: Karla Phillips.
K-A-R-L-A, Phillips, P-H-I-L-L-I-P-S.

CHAIRMAN MULLER: Thank you.

MR. CONWAY: Yeah, the last time we were here, I don't even think was the legal adviser to the Board advised the Board that the applicant and this Board can make a determination with regard to an amended site plan or a site plan approval for this

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extension without having the matter go to the Zoning Board for interpretation. That I advised this Board, I advised the applicant's attorney and this Board that the Board would do this with great legal peril.

The case law is crystal clear with regard to New York with not permitting an expansion of a preexisting nonconforming lot. The Zoning Board of Appeals in a prior determination back in 1988, when the applicant two owners ago sought to have an extension and alterations to an existing gas station and automotive repair to be a gas station and a convenience store. It violated the zoning then, it violates the zoning now.

The applicant went before the Board, sought and received a slight extension. And now the property is about 1400 square feet. What the applicant shows now, it wants to go to 3400 square feet.

Under no circumstance can that be viewed as a natural enlargement, but rather an unnatural or a unlawful enlargement. The Zoning Board determination previously,

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actually subject to the following stipulations, no video games on premises, and adequate disposal that wouldn't interfere with neighbors in the area.

And that was when it was just a small -- I'm going to ask to have this marked in for the Board to review. That's what went on before. When the applicant came and said they wanted to have a convenience store so people could drive in just in the front portion, not what's now behind, but this very front portion, the gas station, there was small window, you could get your bread, your milk, your newspaper, and get your gas. They had to go to the Zoning Board for the interpretation.

THE CLERK: Well, what do you want to do? That's the three minutes.

CHAIRMAN MULLER: Keep going.

MR. CONWAY: They had to go to the Zoning Board for that interpretation. They came to the Planning Board, but they were then referred to the Zoning Board.

The same thing has to happen here. Not

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to do that, if this Board were to make that mistake, the Supreme Court judge would have to correct that mistake. And clearly, it's a very obvious mistake.

The law with regard to New York, you cannot legitimize illegal operations through expansion. The case law is quite the opposite.

New York Court of Appeals in Rudolf versus De Luccia determined that the law generally views nonconforming uses as detrimental to the zoning scheme, and overriding public policy of the zoning in New York State and elsewhere is aimed at their reasonable restriction and eventual elimination. While nonconforming uses are generally permitted to continue, they may not be enlarged as a matter of right.

So what this means is the applicant and this Board should refer it, after tonight, to the Zoning Board for an interpretation, for the Zoning Board to determine, just like they did last time when they came in before it ever became a Dunkin' Donuts. At what point

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2 it became a Dunkin' Donuts, I don't know.

3 But there's no lawful -- there was no
4 meeting, there was no approval for a Dunkin'
5 Donuts, and to call this project a Dunkin'
6 Donuts I think is part of, you know, it
7 speaks to the larger lack of credibility
8 because I don't know of any Dunkin' Donuts,
9 and I go to Dunkin' Donuts all over New York,
10 Connecticut, that I've ever seen a Dunkin'
11 Donuts this large as a Dunkin' Donuts, and
12 it's not going to have seating, tables, a
13 restaurant, never more importantly a drive
14 through.

15 So it's not for this Board to guess what
16 the applicant may use it to. It's for this
17 Board first to determine whether or not the
18 Zoning Board, not the Planning Board, makes
19 the determination whether or not the variance
20 is required, whether or not it's an
21 enlargement. Because if this Board ignores
22 that, this Board does it at its legal peril.

23 This Board doesn't make those
24 determinations. The Zoning Board is set up
25 to make those determinations on a regular

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2 basis. That's what they're there to do.

3 CHAIRMAN MULLER: I have a question for
4 you.

5 MR. CONWAY: Sure, Mr. Chairman.

6 CHAIRMAN MULLER: Are you speaking on
7 behalf of the people that hired you? Are
8 they going to get up and speak also? Because
9 what I'm thinking is I'll give you their
10 time. But if they're going to get up and
11 speak, I got to cut you short because there's
12 a lot of people.

13 MR. HAROLD: He could have my time.

14 CHAIRMAN MULLER: That's why I'm just
15 checking. I'm glad to give you your time
16 today and get it all out. I want to be fair
17 about this.

18 MR. CONWAY: I understand. But just for
19 the Board's edification, it's normal practice
20 in every Planning and Zoning Board anywhere
21 in Rockland County and within the state that
22 when professionals come in to make a
23 presentment, we're not given a time limit.

24 CHAIRMAN MULLER: Well, we have, we do
25 here in Stony Point. We give everybody three

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2 minutes. But I am actually looking to work
3 with you to give you additional time.

4 MR. CONWAY: That's fine. The other
5 issue here that the Zoning Board needs to
6 determine, not the Planning Board, the
7 changing the use. This 3400 square feet, it
8 could be a restaurant, it could be -- they're
9 having it as a Dunkin' Donuts. I don't
10 believe it is. It was never approved as a
11 Dunkin' Donuts, it was approved as a gas
12 station and a convenience store where they
13 were going to sell newspapers, get bread and
14 milk.

15 The Zoning Board needs to determine
16 whether there's been a change in use. It
17 seems that there has been, as this project's
18 evolved, to where now they want to take it to
19 the next level.

20 I submitted to you that the Zoning
21 Board, when they last saw this in 1988, never
22 there was never an envision of something of
23 this magnitude. And something of this
24 magnitude requires the applicant to come back
25 to the Board, present to the Zoning Board why

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2 it is that they need this.

3 The Planning Board doesn't deal with the
4 financial considerations, the ratables. And
5 ratables are not a land use in the planning
6 perspective that's in the planning code. But
7 when you look at a site as a Planning Board,
8 that's an issue that the Zoning Board deals
9 with.

10 But I didn't hear anything in the prior
11 presentment or tonight as to why this is
12 needed. Are they not making money at the
13 site now? How much money are they making?
14 They should have some basis to present to the
15 Planning Board why this is necessary. We're
16 all going with the assumption, well, this is
17 a better way to make the traffic flow better,
18 there's not going to be an increase in
19 traffic. There's a lot of ifs there.

20 But I've heard nothing from a planning
21 perspective as to why this is necessary in a
22 completely contained residential
23 neighborhood. The reason that it's a
24 preexisting nonconforming use, it wouldn't be
25 permitted today because it's in a residential

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2 neighborhood.

3 It would be permitted in a commercial
4 area, it would be permitted -- normally you
5 see a project like this on Route 80 or
6 Route 81 where you have a convenience
7 superstore. People come off the highway,
8 they see the sign, they come in. That's what
9 that is aimed at.

10 This is in a residential neighborhood.
11 No one would want to live next to it. The
12 preexisting nonconforming use has been
13 expanded at least twice prior to this without
14 an approval. The last approval was 1988.

15 So I implore the Board, this Board to
16 follow its proper procedure and not act
17 without its jurisdiction by making it a
18 Zoning Board determination. And that's what
19 you would be doing, even if you're not
20 recognizing it as such, that's, in effect,
21 what you would be doing.

22 The other thing that your own code,
23 15-95, provides that you can't have an
24 alteration or enlargement of a nonconforming
25 use. This sounds like the gas station has

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virtually disappeared and has become a restaurant, convenience store. The second floor of the plans shows nothing but warehouse storage. Does anyone really think that that's what it's going to be? There could be living space, there could be all types of things. What the applicants presented to you, in my opinion, is a blank check where they're going to do whatever they want going forward.

In the building department file, there's no approval for a Dunkin' Donuts. Dunkin' Donuts is more of a restaurant. That's not a convenience store. But the applicant with 34 square hundred feet, I believe it's going to be a superstore or a supermarket. That's not permitted in this zone, either. That was not permitted with the variance that the Zoning Board gave back in 1988.

Now just, 215-95, which is your code, says to create additional floor area within an existing building of a nonconforming use, any portion of the floor area not formally used for such nonconforming use except where

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2 the additional floor area was manifestly
3 designed for such use at the time it became
4 nonconforming. That would be in 1988, they
5 would have had to envision something of this
6 magnitude in 1988.

7 Read that variance from 1988. They
8 didn't want video games. Does anyone think
9 that when it was that limited then, that this
10 is now going to be permitted in 1988? You
11 can take that decision and literally drive a
12 truck through it and say okay, we're now
13 going to go not from 1400 square feet, we're
14 now up to 3800 square feet.

15 I'll submit the case law and the other
16 information to the Board after today so the
17 Board can review it. And I would ask the
18 Board to review it. And I would ask you to
19 get opinion from your attorney because that's
20 what this requires in order for this project
21 to go forward and not have it come back after
22 a Supreme Court review.

23 And finally, the factors that the Board
24 would otherwise look at, Planning Board
25 factors, everyone always looks at these

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applications on paper and it sounds nice, it looks at the traffic, looks at the environmental, let's look at how we're going to do the landscaping. But the main issue that the Board, the Planning Board when it sits, what's the impact on the neighborhood going to be? Is it going to change it forever?

And I submit to you that it was slightly changed when it went to 1400 square foot. Ask the neighbors if they can live with it now, and what's it like to live with it now. If you're going to go to 3800 square feet, you're now going to have this drive through effect on Algonquin. It's going to turn into a superstore.

Ask the neighbors what the quality of life is. Ask the neighbors what's going to happen to their property value for this great ratable. This ratable is a ratable now.

That's not a factor for this Board to consider because if it were, then they'd have to come in and tell you how much money they're making right now. We can't make a go

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2 of it at 1400 square feet, we need to have
3 more space, we need to make more money.
4 They'd have to come in and present all that
5 to you.

6 Well, guess what? In a variance, if
7 there's a change in use for a Zoning Board,
8 that's where you go. They have to bring a
9 financial expert in. They have to prove to
10 you why there's no other use other than what
11 they're presenting to you that they can't get
12 a reasonable rate of return on the property.

13 That's why a Zoning Board exists.
14 That's what needs to happen with this.
15 Because just to come in and tell everyone oh,
16 and off we go, they already got their
17 variance from 1988.

18 CHAIRMAN MULLER: Mr. Conway, you're
19 starting to repeat yourself. We got the
20 facts. Please submit the zoning laws that
21 you're referring to.

22 MR. CONWAY: That's fine.

23 CHAIRMAN MULLER: We will pass it along.

24 MR. CONWAY: I also have the petition
25 from the neighbors both in the immediate

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2 vicinity and otherwise. I'm going to present
3 to the Board now.

4 CHAIRMAN MULLER: Okay.

5 MR. CONWAY: Thank you.

6 CHAIRMAN MULLER: Thank you. Do we have
7 any other attorneys that would like to speak
8 tonight as a professional courtesy? Okay,
9 the second one, we have Peter Pulice. I'm
10 sorry, are you Peter Pulice?

11 MR. PULICE: I'm Pulice, Peter Pulice,
12 I'm a registered architect and land use
13 planner. I'd like to weigh in on the site
14 plan.

15 So I believe the Board should really
16 realize that this is not an alteration. The
17 building that they're proposing that
18 encapsulates the existing building, more than
19 50 percent of it will be gone. Why they
20 think that they're, you know, portraying that
21 this is an addition, it's not. It's
22 basically reconstructing that building.

23 And I believe from a zoning perspective,
24 this is a brand new application. This is a
25 brand new use. So basically, the logistics

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2 of building around this building, at least
3 50 percent of the building, the existing
4 building has to be removed to facilitate some
5 of this construction.

6 You know, my observation is that it's
7 wood frame construction, the roof is a flat
8 roof. They're proposing a second story with
9 an A-frame or a gable, and that all has to be
10 modified, so this building will be a new
11 building. At the end of the day, this will
12 be a new building.

13 I don't think that the foundations will
14 support it because it was a very modest
15 building at its inception way back when. So
16 this is really a deception, I think, from a
17 zoning and planning perspective of this
18 building.

19 Now, regarding square footage, there's a
20 second floor. And I believe that the FAR and
21 the zoning table are incorrect stipulating
22 the square footages. So that has impact on
23 the zoning analysis.

24 Also, I'm concerned that the site plan
25 indicates a 2,000 gallon grease trap. I've

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2 done a lot of restaurants, a lot of fast
3 food. A 2,000 gallon grease trap is there
4 for a reason. And I think it's pretty
5 intense.

6 I believe that the service window that
7 was testified earlier is going to be a
8 problem. It will bottleneck that front
9 entrance because now you have to have people
10 get out of the car, and go to a window, and
11 leave their car either idling or stopped at
12 the service island.

13 Also, the proposed canopy, which I
14 haven't seen any details on, that's a
15 structure. That's a structure that has to be
16 accounted for in the front yard, and it needs
17 a variance. So there's no depiction of that
18 on the zoning table. So that also has to do
19 with signage. It is a structure, it is part
20 of the principal structure or an accessory to
21 the structure, and a variance will be needed
22 for that.

23 As far as traffic on the site, you don't
24 have to be a traffic engineer to look at the
25 site and analyze it. This service lane, or

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this service road that they want to build to the eastern or the western side is a disaster. I don't think it's going to work because if you're bringing in soda trucks, fuel trucks, there's no way to make turns on and off the site. It's going to be an absolute horrendous because you need certain radiuses to turn trucks.

So I am requesting that the Board get further engineering on the templates, on the turning radius templates required for trucks that might enter this site. I think it's very important to understand how trucks and other service vehicles are going to be manipulated around the site.

CHAIRMAN MULLER: Can I ask you a question?

MR. PULICE: Yes.

CHAIRMAN MULLER: Have you ever been to this site?

MR. PULICE: Yes, many times.

CHAIRMAN MULLER: And you witnessed trucks moving in or around?

MR. PULICE: I've seen some trucks.

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2 CHAIRMAN MULLER: Are you a resident, or
3 are you with Mr. Conway?

4 MR. PULICE: No, I'm a consultant.

5 CHAIRMAN MULLER: With Mr. Conway?

6 MR. PULICE: That's correct.

7 CHAIRMAN MULLER: Thank you.

8 MR. PULICE: Again, the second floor is
9 a service area or a storage area. There's a
10 dumbwaiter or some kind of elevator going up.
11 I don't know how that's going to facilitate
12 products coming in and out because you would
13 have to -- it doesn't have a door directly
14 into the store. So you're going to bring
15 materials up, and you're going to bring them
16 down, but they're going to be exterior and
17 have to be carted inside.

18 So it's kind of an awkward plan. I
19 don't know what the function of the elevator
20 is. I think, you know, the building really
21 has to be explained functionality. You know,
22 usually in architectural plans, the equipment
23 is specified, there will be some cooking
24 equipment if they're going to have a kitchen.
25 It's not specified on the drawings.

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2 Also, the drawings do not show any kind
3 of exhaust hoods or ventilation systems,
4 which this is going to have. So if they're
5 going to increase the store significantly and
6 add this equipment, it will have other
7 effects to the neighbors such as smells,
8 noise, from equipment. It's showing a gabled
9 roof. And where is this equipment going to
10 go, because it's not going to go on a sloped
11 roof. And there's no indication on the site
12 plan where this equipment is going to go.

13 I just want to point out briefly that I
14 did look at the Article 10 site plan
15 development review. It's Section 215-60,
16 objectives. So it's my belief, my
17 professional opinion that six out of the
18 seven criteria of that section are violated
19 by this proposed site plan.

20 Specifically, traffic access I think is
21 flawed. I think this plan does not work.
22 Right now, it's open in the front and it kind
23 of works because it's so open. What you're
24 creating here is a bottleneck. You're
25 creating a narrow funnel to channel traffic.

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2 That might look good on plan, but in
3 execution, it's going to be a disaster.

4 B, circulation and parking. I do not
5 agree that this is a adequate layout. I
6 think that more parking here is going to
7 bring more, generate more traffic. And it's
8 not a local store anymore. This is something
9 that belongs maybe on the parkway, or maybe
10 on a busy boulevard. But not residential
11 streets, such as depicted here.

12 C, landscaping and screening. I think
13 the screening is efficient along Algonquin,
14 even though they want to plant trees, and
15 they want to wait four or five years for that
16 to grow in. Your site plan ordinance really
17 has specific requirements for screening.

18 And also, that type of setup, that
19 service aisle is not allowed in a residential
20 zone. So I must remind the Board that this
21 is a RR zone. This is not anything else.

22 D, compatibility with signs, lights.
23 Improving this is going to have a tremendous
24 amount of impact on the neighborhood. By
25 dimming lights and, you know, making those

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smaller tweaks might be well and good, but you're still bringing traffic in. They're taking this parking area and they're bringing it in further in to the residential area. Right now, it's off the residential area. It's more towards of street. But now they're actually creating a parking lot smack in the middle of a residential zone.

E, environment. You know, I believe that this is going to impact it from cleanliness, site safety, trash. There's so many other things that are going to be, you know, impacting here. It's over intensification of the site.

You must realize that now it has a limitation of uses, a gas station, Dunkin' Donuts, and maybe a small convenience store. But now you're intensifying this use, you're putting in a service window to facilitate payment, cash payments. Maybe the gas station stays, the fueling stays alone.

But now you're increasing Dunkin' Donuts, you're adding a kitchen, you're adding more square footage, you're adding

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2 storage up above, a convenience store, which
3 is a magnet for more traffic.

4 And then F is the development. You
5 know, there's all inclusive things here.
6 Circulation, signs, lighting. So again, this
7 goes to over intensification of the site,
8 which is really started out as a mom and pop
9 store. And this is really an overdevelopment
10 of a site that's really not well suited.

11 This site, when you look at it, it's
12 forced. It's a forced plan to really
13 accommodate need and greed. It's really not
14 anything that's going to benefit the
15 neighborhood or the town. I think it's going
16 to be a problem. Because of this
17 intersection and the way it's located, this
18 is not the place to develop it. There's
19 other suitable sites that are better for
20 development than this one. Thank you.

21 BOARD MEMBER KRAESE: Karla Phillips?

22 CHAIRMAN MULLER: Weren't you
23 represented by Mr. Conway?

24 MS. PHILLIPS: Yes, I am.

25 CHAIRMAN MULLER: You gave him your

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2 time. That's what we asked. That's what I
3 asked, that's what I asked you, Mr. Conway,
4 be fair. I gave you both an additional
5 amount of time.

6 MR. HAROLD: He yields his three minutes
7 to Karla. He's on the list.

8 PUBLIC SPEAKER: Two people yielded
9 their time, these two here. She never
10 yielded.

11 MR. POTANOVIC: She's a neighbor, she
12 should have the chance to speak.

13 CHAIRMAN MULLER: That's the way you
14 want to do it, fine.

15 PUBLIC SPEAKER: I want to hear what she
16 has to say.

17 MS. PHILLIPS: Ladies and gentlemen, I'm
18 not submitting --

19 BOARD MEMBER KRAESE: Excuse me. Could
20 you step to the podium?

21 MS. PHILLIPS: I will.

22 BOARD MEMBER KRAESE: And state your
23 name before you start.

24 MS. PHILLIPS: Karla Phillips. I'm the
25 neighborhood on the west.

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2 CHAIRMAN MULLER: Ma'am, go to the
3 podium.

4 MS. PHILLIPS: I will, but I wanted to
5 give you some history.

6 CHAIRMAN MULLER: You can. But you have
7 to --

8 BOARD MEMBER KRAESE: There's a
9 stenographer here tonight, not us.

10 MS. PHILLIPS: I understand that.

11 BOARD MEMBER KRAESE: It's the
12 procedure, unfortunately.

13 MS. PHILLIPS: What I have here, ladies
14 and gentlemen, are some pictures, very
15 quickly. The gas station was built in --

16 CHAIRMAN MULLER: Excuse me. You need
17 to address us, not the audience.

18 MS. PHILLIPS: Sorry. Excuse me, I
19 don't mean to be rude. The gas station was
20 built in 1947 by my father and uncle coming
21 from World War II. It was a need. It was
22 one bay, a pit, and a little tiny area for
23 gas, repairs, eggs, milk, and that was it. I
24 do have some historical pictures showing what
25 it originally looked like, the original

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2 footprint of 1410 square feet.

3 I live in the 300-year-old house next
4 door. I'm not a nimby, it's been there.
5 3,000 plus square feet next door is not a
6 good thing, gentlemen.

7 The gas truck comes in and it pulls
8 right up to Willow Grove Road. If you're
9 coming out Algonquin to make a left-hand turn
10 going east on Willow, you have to stop and
11 look between the cab and the tanker to see
12 the oncoming traffic.

13 The other day, a big Seagrams or
14 Budweiser truck was in there. It could not
15 make the radius. When the gas truck comes,
16 if he doesn't back in, which is another
17 nightmare for traffic, he pulls around, but
18 he lays on his horn so that people come out
19 and move. And you know people don't come out
20 and move.

21 The mom and pop of historic Stony Point
22 is going away. This is a rural area. The
23 town is historic. We have a commercial
24 corridor.

25 You make this bigger -- first I heard

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about pizza was tonight. You make this bigger, the other day there were 33 cars there of a car rally. They were there for 20 minutes gunning their engines. There was 27 motorcycles one afternoon.

You put in the bathrooms, fine. I understand that. You put in a pizza parlor now, you are making a destination. You are not making a mini mart convenience store for people to pick up eggs and milk, or a newspaper. You are tripling the size in a very rural area with a county road. And people that live in Haverstraw across the street, who unfortunately can't really say what they want or don't want, and they're not in favor of a 3,000 square footer.

This was a small need. Yes, fix it up. Dunkin' Donuts, I don't know when it came in. I mean, I do, sort of, but I don't remember getting notified it was being changed from a mini mart convenience store. It went from my father and uncle, to cousins, sold to Carl Jacobs in 1988 as a mini mart convenience where he decided he didn't want to do a gas

1 Proceedings

2 station any longer.

3 Right now, I don't see where 3,000 plus
4 square feet is going to help anything. I
5 will let you look at these historic photos,
6 gentlemen. I thank you. I'm not going to go
7 over the buzzer. I would like them back.
8 These are originals.

9 BOARD MEMBER KRAESE: Lee -- excuse me,
10 Rutter?

11 MR. RUTTER: Rutter. My name is Lee
12 Rutter. I live at 1 Algonquin Drive, which
13 is directly behind the Dunkin' Donuts. My
14 front yard shares a property line with the
15 back of their building. So I can testify to
16 the constant dealing with noise and garbage.
17 It was all mentioned before.

18 My daily routine is I walk my daughter
19 to the bus stop. On the way up the street, I
20 pick up garbage on one side of the road. On
21 the way back, I pick up from the other side.
22 After work, I police my yard, and it's a
23 second job that doesn't pay, and I don't want
24 it.

25 I listen to car alarms, blaring radios,

1 Proceedings

2 early a.m. deliveries. There's a gas truck
3 here, it came in at 5:30 in the morning. The
4 reverse beeper woke me up. It set its air
5 brakes. The driver flipped the metal cover
6 of the in-ground tank to the ground. And by
7 the time I got dressed and got there to take
8 a picture, it was 5:50.

9 I have -- I had a car alarm go off two
10 weekends in a row. It's before it's light
11 out. When I went and mentioned it to a
12 manager, he told me no, it was your neighbor,
13 it wasn't in our lot. But I had watched from
14 my bedroom window as the headlights blinked
15 in unison with the car alarm.

16 I just don't want to deal with it
17 anymore. I can't tell you what you find in
18 that parking lot because I walk through it.
19 There's drug paraphernalia, there's used
20 condoms.

21 I watched last week two gentlemen get
22 out of a car and use, you know, the back of
23 this orange storage container that I stare at
24 from my yard, pee there. And then the third
25 friend I guess had a different urge. He went

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2 onto Algonquin, into the woods 30 yards, and
3 defecated. Now, that's 30 yards from my
4 mailbox.

5 That's at 1400 square feet. I don't
6 want it bigger. I don't want more of it. I
7 had enough of it. It's no good. They're not
8 good neighbors. And they're not good
9 neighbors to not just me, but to the rest of
10 Indian Hills.

11 BOARD MEMBER KRAESE: Thank you. Are
12 you Harold?

13 MR. HAROLD: I yielded.

14 BOARD MEMBER KRAESE: You yielded.
15 Kevin Maher? Do you want to speak?

16 MR. MAHER: Good evening. Kevin Maher,
17 130 Central Highway, licensed professional
18 New York engineer, member of the
19 Rockland County Environmental Control
20 Committee, the Rockland County Water Control
21 Committee, and also a member of the water
22 task force.

23 Storm water, big issue. Would only add
24 pavement. I don't see any attempt on this
25 plan as it stands right now to address the

1 Proceedings

2 requirements by NYSDEC to address the water
3 quality volume for the increase in the
4 pavement areas and roof areas.

5 Another issue for storm water, where the
6 gas pumps are, that's called a hot spot in
7 the NYSDEC manual. You're supposed to put a
8 treatment device there to trap any runoff
9 before it gets into the storm drains. I
10 don't see one on the plan.

11 That's a requirement. Because the
12 runoff from this site winds up going into the
13 Cedar Pond Brook, out to the Hudson right
14 where the Atlantic sturgeon are. So you have
15 an issue there.

16 Sanitary, I don't know, but they haven't
17 had a chance to really compute the flow. But
18 obviously, the Joint Regional Sewer Board is
19 going to have to address that as to whether
20 or not they can accept the additional flow
21 from this development. Because it does go
22 into the Town of Haverstraw, and they have
23 issues with their own system right now.

24 Water, I'm member of the task force on
25 water resource management. We need to see

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2 that this project can be supported by SUEZ.
3 Electric, I'll leave that up to our friends
4 at O and R to address that issue.

5 Just to take a quick shot at traffic.
6 Though I'm not a traffic engineer, I've done
7 my fair share of roadway design work. I
8 think we need to get a little more detail as
9 to the level of service at the intersection
10 of Algonquin and Willow Grove. Is it A now
11 going to B, B to C, C to D, or D to even
12 worse?

13 That needs to be addressed because as
14 everyone has said, this traffic coming out
15 onto Algonquin through that exit ramp wasn't
16 there before. Everybody dumps straight out
17 onto Willow Grove. So you are going to have
18 an impact on Algonquin Drive. That's it.

19 BOARD MEMBER KRAESE: Thank you. Frank
20 Simeone?

21 MR. SIMEONE: That's my lot. My wife
22 and I, her name is Jane Brown, we've lived
23 there since 1981. Lee Rutter, who spoke,
24 picked up trash for ten years. God bless
25 him. I've picked it up for nearly 40, both

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2 sides of Willow Grove Road. Every morning
3 there's new trash.

4 If this happens, you should insist on a
5 solid concrete, low so it doesn't block site
6 view, dumpster. You'd know what I mean,
7 you've seen them. They're big, low and
8 concrete garbage cans.

9 Kids, God bless them, one of them is
10 going to die on this road soon. But they
11 leave their trash all up and down Willow
12 Grove, and all up and down Algonquin. At
13 least the four corners, but certainly the
14 corner from where I stand should be put in
15 with a solid permanent garbage container.

16 First of all, I want to say I join in
17 the other comments. I'd like to adopt on
18 behalf of myself and my wife the comments
19 made on behalf of the lawyer for Karla
20 Phillips and Lee Rutter. But just from a
21 neighbor's point of view, litter, noise,
22 speed, and the big one, drainage. That
23 stream, and I wouldn't call it a drainage
24 ditch.

25 And by the way, in some respects they

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have been good neighbors. Excuse me if I disagree. The people in Dunkin' Donuts, some of them have made a real effort to be good neighbors.

Not when they put a vacuum cleaner thing over here. Nobody asked. You know, we said in the petition, their decisions, to a certain extent, have been customer driven, not neighbor driven.

However, piping that stream as it is now, I lived there before Indian Hills went in. On a storm, this is a lake. I appreciate the comments the gentleman just made with respect to water. I'm sure he's right. This is an over intensification of use. It's been an over intensification of use.

Two last things. I certainly appreciate what was said about the car club, the motorcyclists. And some of this, folks, is simple enforcement. One of your comments that's in the letter, I think from a gentleman Mazurek, talking about speed, he said speeding on Algonquin is rampant.

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2 Well, let me tell you. If speeding on
3 Algonquin is rampant, then speeding on Willow
4 Grove is otherworldly. It's terrible. It's
5 absolutely terrible.

6 And the comment, then, from Mr. Zigler's
7 firm was suggest you speak to the police
8 chief. I have files with the police
9 department. Speed, litter, noise. Nobody
10 does anything about it. I've made the
11 complaints many times.

12 BOARD MEMBER KRAESE: All right, thank
13 you, sir. George Potanovic?

14 MR. POTANOVIC: Good evening, Board
15 Members. George Potanovic, 597 Old Gate Hill
16 Road, resident of the Stony Point Action
17 Committee for the Environment.

18 I do frequently go to the store. My
19 wife likes the iced tea very much, so I am
20 familiar with the current situation. It is a
21 preexisting nonconforming use. I do agree
22 with that. I did read the original decision
23 by the Zoning Board in 1988 allowing the
24 additional convenience store to be added to
25 the gas station, which seemed more of an

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2 accommodation at the time and was not meant
3 to be a tremendous use.

4 So I do agree with what was stated
5 earlier regarding this probably three times
6 expansion of what was originally intended.
7 And it goes well beyond, in my view, it goes
8 well beyond the capacity of the intersection
9 to support this much traffic for the existing
10 businesses.

11 Entering the gas station, I noticed
12 personally, entering this way, you're
13 bringing a lot of traffic in this way. If
14 anybody comes in to use this gas station,
15 more than two cars, and say a third car comes
16 in, they're blocking the entrance to this.
17 I've seen this happen already many times with
18 the existing situation. I don't think the
19 accommodations that are being offered by the
20 applicant to correct some of the existing
21 problems addressed the entrance to this gas
22 station.

23 Then, of course, the exiting of the gas
24 station on the exit closest to Algonquin
25 Drive competes now with cars coming out of

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2 Algonquin Drive. It's a problem now, where
3 you have a car right alongside of you trying
4 to exit at the same time you're trying to
5 exit.

6 I'm not sure how the truck traffic is
7 going to be handled and how the trucks could
8 even get into that area to the west of the
9 building. I'm not sure if they come in and
10 then make a big U-turn and come through or
11 what, but it just seems almost impossible for
12 a truck to get in there and make deliveries
13 alongside the west side of the store
14 according to the plan.

15 If you go into the Mount Ivy Dunkin'
16 Donuts on 45 and 202, I won't go there
17 anymore. It is a horrible, horrible example
18 of bad planning. I wouldn't want to see that
19 happen in Stony Point.

20 You can't even get in past the gas pumps
21 to get into the store. And then you have to
22 go all the way around it in order to come in
23 the other entrance. It's impossible.

24 And people, there's not enough parking.
25 It's a roundabout way of getting in there.

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2 It's an example of poor planning.

3 And as the Chair, the Assistant Chair
4 that's sitting tonight mentioned, you do
5 have -- you have seen a lot of different
6 applications come to the Town. We certainly
7 don't want to see something of poor planning
8 come through. It's not good for business.
9 It's not good for the neighborhood.

10 So this does take a requirement for you
11 to look at this very carefully. An expansion
12 of business can be a positive thing or it can
13 be a negative thing. It's too much of a
14 expansion in an area that can't accommodate
15 it.

16 It can be a negative. It can be a
17 negative and keep people from going there.
18 That's how I feel about the one in Mount Ivy.

19 Also, you're having a public hearing
20 tonight with what is really an incomplete
21 traffic study. The person that spoke on
22 behalf of the traffic study talked about a
23 zero increase from the gas station. I don't
24 know what basis that is. I'll just take one
25 minute.

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2 And 15 percent increase from the Dunkin'
3 Donuts, but you're doubling the amount of
4 parking spaces, so I don't know how they get
5 to 15 percent. If you're doubling the
6 parking spaces, wouldn't you think there
7 would be more than 15 percent?

8 And then, of course, there was never a
9 number expressed -- I don't think, I didn't
10 hear it -- regarding the expansion of the
11 convenience store for pizza and ice cream,
12 which could be significant, as was stated,
13 but yet has not been indicated. And
14 therefore, you're having a hearing tonight
15 that is very much incomplete because traffic
16 is a very important part of this proposal.
17 Thank you very much for your attention.

18 BOARD MEMBER KRAESE: Thank you, George.

19 CHAIRMAN MULLER: George Harris?

20 MR. HARRIS: George Harris, 327 Willow
21 Grove Road. This traffic study, when I
22 listened to this traffic study crap, this
23 was -- they don't live on Willow Grove Road.
24 That is obvious. If you live on Willow Grove
25 Road, and my house is right on Willow Grove

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2 Road, you would know there is major problems
3 on Willow Grove Road.

4 Now this design, you've got the gas
5 station, the pumps at the worst possible
6 location. And then you want to block the
7 parking going into the pumps. Well, if
8 there's ever a gas shortage or something,
9 where the hell are the people going to park
10 their car, on the road to get into the gas
11 station?

12 This design is so ridiculous that for
13 the people to design something that's -- the
14 garage was built there in '47. And the
15 people that want to do this have said they
16 have to reconstruct the building, that the
17 foundation is not able to sustain the new
18 building, whatever they're doing. So why
19 don't they just bulldoze this building down?

20 It's, it was built in '47, it's
21 nonconforming. Bulldoze it down, put it to
22 the back of the building. Build a nice --
23 anybody go to a Dunkin' Donuts? Most Dunkin'
24 Donuts that I've been in are really nice.
25 They have bathrooms for people that are

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2 working there. The workers, they have
3 someplace to wash their hands, go to the
4 bathroom and wash their hands. I don't
5 think, as it stands right now, there is no
6 bathroom in there. As far as I know. But
7 the thing is, the bathrooms are just as
8 important.

9 They want to make pizza pie, they want
10 to serve Dunkin' Donuts. Most Dunkin' Donuts
11 now make sandwiches, I believe. You can go
12 in at Dunkin' Donuts and get an egg and
13 cheese and ham sandwich. And after cooking
14 there, that's what they're going to be doing.

15 So the thing is that it should be -- not
16 only should it not be in that building, but
17 they could build a nice Dunkin' Donuts at the
18 back of the building so it doesn't interfere
19 with the local residents. They can -- the
20 back of building doesn't have to have any
21 windows out that way. They can put trees or
22 whatever. And you could get pretty damn big
23 trees and cover it up pretty fast. You don't
24 have to wait 20 years for the tree to grow.

25 I mean, the thing is, and you just look

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at this entrance. You're going to have cars going there both ways, I think, right. You're going to have one way, one car go in this way, and the other car go in the other way because the gas, the fillers are on either side of the cars. So they're going to be going in.

How is that guy going in that way, where is he going to get out? He's going to have to pull across. But that issue was brought up before. Thank you.

CHAIRMAN MULLER: Robert Schulman?

MR. SCHULMAN: Good evening. Robert Schulman, 19 Algonquin Drive. Retired, professional grandfather and babysitter.

I see all my other retirees who I met on Algonquin on our way down to the Dunkin' Donuts to get snacks and, you know, go to the high school for local sports, all that. If this is going to happen, I don't see where a dedicated sidewalk will be needed.

When I come down, there's a lot of foot traffic a, lot of kids. Dunkin' Donuts, the whole community, Algonquin, all the other

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streets, there's a lot of foot traffic.
Teenagers, old people, strollers, everything.

Right now, this was -- Algonquin is a nice little cozy street. We're going to add a lot of traffic. And right now, everybody walks in the street. There's no sidewalks.

You're going to increase the traffic. 15 percent was kind of low, but you know. But I would think that a dedicated -- that the consultants didn't take in mind the people, the foot traffic. I don't see a sidewalk for safety. We would have to dodge the cars coming out of the parking lot.

CHAIRMAN MULLER: Can I ask you one question? How far up the road do you think you would like to see a sidewalk? To the end of the property or further?

PUBLIC SPEAKER: All the way up the road.

MR. SCHULMAN: At least -- I'll be honest with you, you know. I don't have a wish list. I just think from the, you know, up, maybe the first corner, or at least the end. The Rutter house. The Rutters, where

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2 they live, you know, from that point, from
3 that point going down Algonquin to south, at
4 least a sidewalk, a service sidewalk so we
5 don't have to walk in the street with the
6 added traffic.

7 Like I said, we constantly, you know,
8 we're good customers. You know, like I said,
9 you know, we go there for all our snacks.
10 And when we go up to the high school,
11 baseball games and soccer fields, you know,
12 we're always coming down Algonquin. I'm just
13 thinking about safety. If you're going to
14 add that much traffic, we should get -- there
15 should be a dedicated sidewalk at least for
16 the pedestrian traffic. Thank you.

17 CHAIRMAN MULLER: Tom Ruggeri?

18 MR. RUGGERI: Yeah, I actually did yield
19 to Mrs. Phillips.

20 CHAIRMAN MULLER: We'll give you a
21 chance, come on.

22 MR. RUGGERI: Thank you. You know, I'm
23 all for progress, and I'm all for
24 beautification of a nicer building, nicer
25 parking, than what currently is there now.

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2 But like the last gentleman just said, when
3 you have an exit of cars going out onto a
4 residential road without sidewalks or
5 something of that nature, we all have, you
6 know, little ones and grandchildren that
7 frequent that business. And right now, they
8 kind of cut across the openings of the fence.
9 That's pretty much where that driveway is
10 going to actually have that exiting traffic.

11 You know, it's -- Willow Grove is kind
12 of a nightmare. I listened to that study on
13 the traffic. But again, and a few people had
14 said the same thing, during peak hours, I
15 don't know if somebody stood there during
16 peak hours or not.

17 But if there's more than two cars at the
18 gas pumps, and especially the fact that now
19 you really can't turn around because you got
20 right filling cars and left filling cars, so
21 you got guys that are going to try to back
22 into it in order to get their car filled up.
23 You start blocking traffic during peak hours,
24 during Sundays when soccer is going on, the
25 bottom line is there are people trying to get

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2 into Dunkin' Donuts, there are other people
3 trying to get gas, and you've got a pretty
4 good sized bottleneck.

5 So I travel out of, down Algonquin to go
6 to work each morning. And it's pretty much
7 hard enough to get out, you know, from down
8 coming traffic coming down from the Palisades
9 on Willow Grove. And now the people actually
10 coming out of that gas station or out of the
11 Dunkin' Donuts, looking in one direction and
12 one direction only so that they can pull out
13 as well.

14 Meanwhile, you're stopped at the stop
15 sign. You're assuming that the people that
16 are coming out of the gas station are also
17 going to stop. But they don't, in a lot of
18 cases. You know, there's been a lot of hand
19 gestures and whatnot just getting in and out
20 of there.

21 And then you're also coming down a hill
22 on Willow Grove where you naturally pick up
23 speed. And you know, people don't tend to
24 slow down for this added traffic that you're
25 going to be putting in there.

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2 So if not for just the safety of our
3 children -- and you know what, I bought this
4 home back in '88. I live in Indian Hills. I
5 never suspected that we would have a super
6 Dunkin' Donuts or a supermart. I admit it's
7 convenient, it's nice to walk down, pick up
8 some milk, pick up some bread. But you know,
9 there is other commercial places where this
10 can also work. And that's all I have to say.

11 CHAIRMAN MULLER: Mies Hora?

12 MR. HORA: Here.

13 CHAIRMAN MULLER: Did I pronounce that
14 right?

15 MR. HORA: Mies.

16 CHAIRMAN MULLER: Mies?

17 MR. HORA: Yes.

18 CHAIRMAN MULLER: Sorry.

19 MR. HORA: I'm Mies Hora, I live at
20 31 Wilderness Drive, which is right up
21 Algonquin and you turn right onto Indian.
22 I've been there since 1987.

23 I'm on the Board of Directors of the
24 Rockland Astronomy Club, so I'm going to
25 address something that no one else has really

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talked about, is light pollution. One of the things that I have the biggest issue with, and perhaps the neighbors, is that there are security lights when you have a commercial establishment, unlike home, where that you could have a sensor, and if a deer walks by, it goes on, and then it goes back off.

The security lights are usually on all night. So no matter when you come by there, could be 11, 12:00 at night, there are three or four really bright security lights that are shining into the neighbor's yard. And it's on all sides. And I'm sure Lee sees them from his place, too. So that whole area is flood lit.

So whatever happens, whether it gets expanded or not, I would like to request of the Planning Board and the Zoning Board to consider full cut off lighting, which essentially is the light is prevented from going sideways, it just goes down. It's not expensive. I've given you a sheet that shows acceptable lighting and non acceptable lighting.

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2 It's a problem everywhere, but
3 especially in a residential zone like this.
4 I happen to be an astronomer, yes, so it does
5 impact my ability to see the stars. Remember
6 four years ago, you could see the stars in
7 Stony Point. You could see the Milky Way.
8 You can't because of all the security
9 lighting.

10 So I just wanted to bring up the light
11 pollution, and trespass of the neighbors,
12 which is going to happen unless the
13 appropriate lighting is put on this building,
14 whether it stays the way it is now or whether
15 it gets expanded. Thank you.

16 CHAIRMAN MULLER: Thank you. Can we
17 have the second list, please? Can we have
18 the second list? Could someone bring that
19 pad up? Thank you. Phil Quinn, please?

20 MR. QUINN: Phil Quinn, 7 Van Buren
21 Street, Stony Point, New York. I've been in
22 the automotive and gas and retail business
23 since 1982, and I don't see this flying at
24 all, especially with that stream. You're
25 going to change the water flow to where your

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2 gas storage tanks are, which is not a very
3 good idea because God forbid a flood or a
4 hurricane.

5 And then you refer to that as a --
6 that's a stream. It's not a drainage. It's
7 actually a stream. There's actually fish in
8 there and stuff.

9 I don't see this being a good idea for
10 the neighborhood. I'm sure all you people
11 are Stony Pointers because you wouldn't be
12 doing this thankless job if you wasn't. You
13 must love your town. So I appreciate that,
14 and I hope you take that into consideration
15 by not approving this monstrosity. Thank you
16 very much.

17 CHAIRMAN MULLER: Frank Collyer?

18 MR. COLLYER: Frank Collyer, 10 Knapp
19 Road, right over here. When I moved to
20 Stony Point in 1976, they talk about the old
21 guys, now I'm an old guy, so. I was actually
22 at the Zoning Board meeting where they
23 approved that thing back in 1988.

24 And Carl Phillips, that guy who -- Carl
25 Jacobs, rather, he asked me to come down and

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speak on his behalf. And I thought it was a good idea to have a milk and eggs and that sort of thing in the beginning. So it has morphed into this huge thing, and it is now no longer, and it hasn't been a good idea for a long time.

If we look, first of all, at the entrance to where the pumps are, they can get caught so easily coming. And coming out where it comes out on Algonquin here, this is even a disaster waiting to happen.

You have one place where cars can come out. You maybe have back and three deep to try to get back onto Willow Grove Road. And a lot of those cars will be turning right across two lanes of traffic. It's a disaster waiting to happen. So just for the traffic alone we should not even think about this.

And one gentleman had made a mention about the sidewalk over there. It should have a sidewalk going all the way up there on both sides of the road. And there should be a bike lane on it, too. As a former bicycle rider, I know about that. I climbed it many

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2 times.

3 So a lot more thought deserves to go
4 into this plan. And maybe the plan ought to
5 be to go in a different place. Thank you
6 very much.

7 CHAIRMAN MULLER: Hollis Griffin?

8 MR. GRIFFIN: Members of the Board, my
9 name is Hollis Griffin. I live at 25 Captain
10 Faldermeyer Drive in Stony Point.

11 I was an attorney in 1988. I helped
12 Carl Jacobs prepare the application,
13 presented the evidence to the Zoning Board of
14 Appeals, and to the Planning Board that
15 ultimately obtained the approval that
16 Mr. Jacobs received, which was to have an
17 a.m./p.m. mini mart. That's a quote.

18 Mr. Jacobs, when he bought that concern
19 from the Phillips family, tried to run the
20 place as a gas station, service station. He
21 fixed cars there. As Mr. Jacobs's sons aged
22 out and he couldn't do the work himself, he
23 started to lose money. We actually had to
24 have an accountant go back through all his
25 books and bring proof to the Zoning Board of

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2 Appeals that he could not make a go of the
3 service station anymore before they would
4 approve the a.m./p.m. mini mart.

5 One of the promises that I made to the
6 Zoning Board of Appeals on behalf of the
7 client, and of one of the promises that
8 Mr. Jacobs kept was that he wasn't going to
9 expand the footprint of the building.

10 Everything was going to be conducted within
11 the four corners of that building as it
12 existed.

13 The only thing he really did was close
14 in the service bays that were on the east
15 side. And stopped fixing cars. There was a
16 sink, there was a bathroom.

17 What we're talking about here in terms
18 of the plan as it's been presented so far is
19 a very, very, very major change in the manner
20 in which business would be done at that
21 location. It's a much more intensive use.
22 Mr. Conway has described local laws about
23 that.

24 But there are so many factors. Having
25 lived in the neighborhood, and having filed

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2 an application, and having seen what actually
3 happened after he got the approval was an eye
4 opener for me.

5 There's been so much happening at that
6 site over the years that we all know about
7 but don't talk about there. There was a
8 violent attempted rape in that parking lot.

9 My son got involved in an accident
10 coming down the hill and that steep grade,
11 and hit a car that was stopped to turn into
12 the gas station. And wrecked -- not only did
13 he wreck our car, but he certainly, he really
14 wrecked the car that he ran into the back of.

15 That stream that runs through that now
16 that they're talking about, piping -- and
17 I'll be done in a second. The stream that
18 they're talking about, that actually is the
19 runoff from the pond that's on Captain
20 Faldermeyer Drive. All of the water, and
21 that's spring fed.

22 The water comes off the golf course, the
23 water comes across the streets and empties
24 into that pond in the wintertime. That pond
25 is running under the road, down that hill.

1 Proceedings

2 And it is a much larger volume than the
3 drainage ditch, quote unquote, that was
4 described by the engineer for the applicant.

5 This is a big production that they're
6 talking about. It was never, ever
7 contemplated by the Zoning Board of Appeals
8 that let Carl Jacobs have, sell some sundries
9 and some groceries out of that store when he
10 couldn't fix cars anymore. That was the
11 furthest thing from his mind, that this would
12 be this type of production. And the minutes
13 and my notes from those meetings certainly
14 confirm that.

15 When we look, when you look at this from
16 a Planning Board standpoint, what bulk tables
17 are you using? I spoke to Mr. Sheehan about
18 that, and he said to me that he recognized
19 that there was a problem, that there was no
20 bulk table attached to the plan that was
21 approved for Carl Jacobs.

22 But it was his belief that you were
23 going to use the RR bulk table. For a 3400
24 square foot store, you're going to use the RR
25 bulk table.

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2 We never received approval for where the
3 pumps were located. There was a spill there
4 that fouled wells up and down that street
5 that has never been talked about. Now it may
6 finally be cleaned up. May finally be
7 cleaned up. But MTB was running into
8 people's sinks for years.

9 So when I say I lived in that
10 neighborhood, and I saw, and I was painfully
11 aware of all the things that could go wrong,
12 anything that could go wrong there did go
13 wrong there. And it's not a lot that you can
14 prevent.

15 But we can certainly, we can certainly
16 all see that this is a very, very, very large
17 project that doesn't belong there. There's
18 too many problems. Too many problems. Thank
19 you.

20 CHAIRMAN MULLER: That's everybody we
21 have on the list. Would there be anybody
22 else that would like to speak tonight?

23 MR. ZUCKER: I'd like to speak.

24 CHAIRMAN MULLER: Come on up, sign.
25 Thank you.

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2 MR. ZUCKER: I'm Todd Zucker.

3 BOARD MEMBER KRAESE: Could you state
4 your name for the record for the
5 stenographer, please?

6 MR. ZUCKER: I just did.

7 CHAIRMAN MULLER: Long night, sorry.

8 BOARD MEMBER JOACHIM: Say it again.

9 MR. ZUCKER: Todd Zucker, and last
10 Z-U-C-K-E-R. 4 Phillips Drive is where I
11 live, and moved here in 2013. A great
12 neighborhood. And I'm happy to be here.
13 Great history. I listen to all the stories
14 and everybody, what everyone's sharing.

15 The points about speed and quality of
16 life is something I do think needs to be
17 addressed, and I don't think the traffic
18 study did. I agree, we need to look at that
19 plan around this building, as we look at it.

20 But the way I look at it as people
21 coming down the Palisades wanting a coffee,
22 they're coming off 15, they're coming up
23 through the neighborhood. And if you know
24 the neighborhood, when you start at Dickens,
25 you come through Stammers, stop sign, you

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2 come down Phillips, stop sign, then you have
3 a straightaway down Algonquin. That's an S
4 curve.

5 People take all those stop signs.
6 There's no stopping. The speed is way too
7 excessive.

8 If this goes through, which I hope it
9 doesn't as is, speed bumps need to be put in
10 place. There needs to be -- it has to be
11 addressed. Someone's going to get hurt.
12 It's crazy.

13 And again, a lot of the points I think
14 were made. You know, I get gas around 5:30
15 in the morning. It's easy then. But you try
16 to do it in the middle of day, trying to go
17 through both ways here, I think is confusing.

18 And I even think the Algonquin -- I
19 really don't think people coming down
20 Algonquin are going to take a left on Willow
21 Grove and go in that entrance. They're going
22 to take a left in that entrance, which is
23 going to create more confusion.

24 So my point, really, again, a lot of
25 great messages. I learned a lot. But I

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2 think the quality of life needs to be taken
3 up Algonquin, left on Phillips, right on
4 Stammers, because the traffic flow is just
5 going to grow.

6 And really, if you're going to be
7 building this building, I didn't hear
8 anything about a business case. I mean, the
9 15 percent growth and things of that nature
10 just didn't seem to make sense. I mean,
11 there needs to be significant financials on
12 why someone wants to do this. And at the
13 moment, I don't see it. So I just wanted to
14 share those comments.

15 CHAIRMAN MULLER: Is there anybody else?

16 MR. ADAMOU: I'll be brief.

17 CHAIRMAN MULLER: Could you sign in,
18 please? Thank you.

19 MR. ADAMOU: My name is John Adamou. I
20 live at 17 Gilmore Drive in Stony Point, been
21 a resident since 2003. I apologize, came a
22 little bit late from work, so you guys may
23 have covered this topic already.

24 But on November 18, 2013, my daughter
25 was coming from the high school with a friend

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up from Hammond Road, was looking to make the left on Willow Grove Road, going to D and D, and she got struck by a vehicle. Pretty banged up all over her side. Ultimately ended up with a fractured arm, and still has a plate in her arm currently.

So my concern is, and all this stuff is new, but it seems like there's a lot of concerns going on. You know, we like Dunkin' Donuts. I'm sure most people do. Area residents obviously have some issues, which seem like they need to be addressed. But this is all new to me.

So my concern is, especially now hearing that they're looking to make pizza and ice cream, that's all a draw for high school kids. And with the experience that my daughter had, not really being sidewalks there, and the Hammond Road, Willow Grove Road intersections kind of being awkward, being that it's a T intersection, stop signs coming off Hammond, and then I guess eastbound on Willow Grove, it's just kind of awkward the way the cars come in to make that

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2 turn.

3 So I don't want to see any other kids go
4 through what my daughter went through. So
5 I'd like to see maybe some traffic control
6 devices in that area to help protect some of
7 those high school kids, be it better
8 markings, or signage, or maybe a school
9 crossing guard during school hours, or a stop
10 light. You know, whatever it is.

11 I'm a fireman, I don't really know all
12 that stuff. But I do know there's a lot of
13 kids that go there and something needs to be
14 done to address their safety.

15 CHAIRMAN MULLER: Anybody else like to
16 speak? Does the Board have any comments?

17 BOARD MEMBER JASLOW: One more.

18 CHAIRMAN MULLER: Oh, sorry.

19 MR. HAMILLA: My name is Mark Hamilla,
20 4 Lenni Lenape Court, Stony Point. Just some
21 brief things. One is, where's all the
22 traffic going to park, the customers? Right
23 now, you have the commercial traffic, the
24 customers, the three O and R guys, their
25 vehicles, SUEZ Water, the landscapers that

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2 park there now on the road. Where are they
3 going to park?

4 There's 28 spots. How many employees?
5 Four or five, that's five spots maybe.
6 They're going to drive cars, things like
7 that.

8 Is the fire department involved? Have
9 they looked at the site plan? You know, and
10 that's basically what I want to say.

11 And I'm all for capitalism, free
12 enterprise. But, you know, I was told once,
13 it snows in Stony Point. No kidding. Where
14 is all that snow going to be going? Where
15 are they going to put all that snow when they
16 plow? You know, it's going to go on
17 Algonquin.

18 Cars are going to come right out and --
19 what is it, Mrs. Phillips's house, her yard?
20 And where are the buses going to go? And all
21 that traffic? That's basically what I wanted
22 to say.

23 MR. POTANOVIC: Have comments been filed
24 by the Rockland County Planning Board? Did
25 they have anything to say about this?

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2 CHAIRMAN MULLER: It's not a question
3 and answer, George.

4 MR. POTANOVIC: Well, I'm asking you.
5 Have you received comments from the Planning
6 Board?

7 CHAIRMAN MULLER: It's not a question
8 and answer.

9 MR. POTANOVIC: You can tell me whether
10 they were received or not.

11 CHAIRMAN MULLER: No, not at this time,
12 George.

13 MR. POTANOVIC: We will FOIL them
14 tomorrow.

15 CHAIRMAN MULLER: Okay. Does the Board
16 have any questions? John? Steve? Bill?

17 Can I have a motion to close the public
18 hearing for tonight? Oh, I'm sorry, we're
19 going to continue until next time. We'll
20 just close it at this point for tonight.

21 So it will be continued. So if you have
22 more questions, something you thought of new,
23 something you want to reiterate again which
24 you had to say tonight? Dave?

25 MR. ZIGLER: Date of specific

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continuation?

CHAIRMAN MULLER: October 26th,
7:00 p.m.

THE CLERK: Don't you need a motion to
continue it?

CHAIRMAN MULLER: What's that?

BOARD MEMBER JOACHIM: I'll make a
motion.

BOARD MEMBER JASLOW: I second it.

CHAIRMAN MULLER: Okay. All in favor?

(Response of aye was given.)


CHAIRMAN MULLER: All opposed? Okay, it
passes.

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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

