

VILLAGE OF COLD SPRING PLANNING BOARD
85 MAIN STREET, COLD SPRING, NEW YORK 10516
Kenny Elmes Workshop Meeting

April 17, 2012

Present: Chairman: Joseph Barbaro; **Members:** Arne Saari, Placito Sgro, Richard Weissbrod and Jimmy Zuehl

Present for the applicant: Kenny Elmes, Ronald Lezott; GK+A Architects, PC Paul Sardinha; francize owner

J. Barbaro opened the meeting by explaining that the Board's responsibility is to the applicant and the Village, to be impartial and have independent thinking in order to achieve the best possible outcome for the community.

Kenny Elmes noted the following:

- Explained to the board that there are no buyers for a repair shop.
- He is not planning to make a massive impact on the town.
- Main St. should not be affected by Dunkin Donuts on Route 9D.
- Explained that at the peak of his business he worked on 40 cars per day and at least half of them had to be test driven at least twice. There were also people getting picked up and dropped off while work was being done on their cars.
- Mr. Elmes noted that he had thought about this decision for a long time. The Dunkin Donuts will be a family run business and should not take business away from the Main Course which has a different clientele.
- Mr. Elmes will be running the convenience store and the gas pumps. The Dunkin Donuts will be run by Mr. Sardinha.

Chairman Barbaro opened the meeting up for comments by Board members:

P. Sgro noted the following:

- Does not feel it is right for the Village but he will review the application before the Planning Board.
- Public input is a big concern in the Village and puts a lot of pressure on the Boards.
- Biggest concern is traffic congestion due to the drive through.
- Most businesses on Chestnut Street are non-conforming.

J. Barbaro asked Mr. Elmes if he could live without the drive through. Mr. Elmes noted that being handicap he appreciates the drive through. Paul Sardinha noted that most people who use the drive through are women with small kids and handicap people. In bad weather about 60% of business comes from the drive through.

R. Weissbrod – noted he looked for Dunkin Donut buildings that didn't look like the original Dunkin Donuts and made note to one in Massachusetts. **R. Weissbrod** also noted there are other drive trough's in town. Mr. Lezott noted he will work with the HDRB regarding the building design. And will look into the design of the Massachusetts Dunkin Donuts.

The following is a list of questions asked by **R. Weissbrod** with Mr. Elmes responses:

- What are the hours of operation? 6:00 am – 10:00 pm.
- When will donuts arrive? About 5:30 am in a small box-truck
- Who will own the building? Mr. Elmes will own the building and Dunkin Donuts will have a lien on the building. For possible 15-20 years.
- What are the terms? Percentage of their sales, negotiable.
- Will there eventually be a Baskin Robbins? No
- What if his business can't make it? He will just sell gas and noted he can't make a living just selling gas.
- Is he planning on selling the building? He did not see any circumstances until he retires that would cause him to sell the building.

R. Weissbrod noted that the design of the building presented will not be acceptable and noted there are other franchises that will fit better in the space

A. Saari noted the following:

- Made a reference to franchises regarding the Comprehensive Plan and being compatible with the character of the village and he noted that franchises already exist in the village.
- The Planning Board will look at other issues such as drainage. Mr. Elmes noted there currently is a storm sewer.
- Suggested asking Legal Counsel if the Planning Board can reject the application due to it being a franchise.
- Looked at the Comprehensive Plan regarding drive troughs and noted the Comprehensive Plan is broken into different sections of town. The Comprehensive Plan talks about the Main St. area not having gas stations or drive troughs and suggested asking the Village Attorney.
- Looks like there is a lot of onsite parking. Mr. Lezott noted employees would be encouraged to park on the back of the property.
- Concerned about monitoring wells. Mr. Elmes responded that there are alarms installed for leakage. The tanks are double walled and were installed in 1999 after 17 years they will require retesting.

J. Zuehl noted he reviewed Comprehensive Plan and agreed with the other Board members that Comprehensive Plan is very vague. **J. Zuehl** noted that franchises are compatible with the village but not certain about the proposal, the building and the concept of a drive through, being in character with the village.

The Planning Board reviewed the file including the short EAF and the site plan by Badey and Watson.

Mr. Lezott noted that he spoke to the Building Inspector and no variances will be needed due to the building being existing non-conforming.

The Planning Board will contact Mr. Gaba, Village Attorney, regarding franchises and drive troughs.

The Planning Board requested the following from the applicant:

- A statement regarding delivery times of gas and donuts
- List of the number of employees working each shift and the number of parking space the employees will be using.
- Two traffic studies one with a drive through and one without a drive trough. (The traffic study does not have to be done until the Village receives the response from the Mr. Gaba, the Village Attorney.)

P. Sgro moved to adjourned the meeting and **A. Saari** seconded the motion. The meeting adjourned at 8:45 P.M.

Joseph Barbaro, Planning Board Chairman

Date