

Hurley Planning Board meeting
July 27, 2023

Agenda Item: Resumption of review of the site plan application of Southern Realty

This agenda item is a piece of old business.

For the benefit of the Board and the public, I will begin with a statement designed to bring everyone up-to-speed and to discuss the Board's next steps.

The Applicant's property is located at the corner of NYS Route 28 and Route 375, Town of Hurley, Tax Map Parcel No. 38.10-7-9. The property is one half acre in lot area. The property is located in the B-1 General Business Zoning District. The proposed use is for a drive-through Dunkin' Donuts restaurant. The approval sought from this Board is site plan approval pursuant to Section 210-41 of the Town of Hurley Zoning Law.

The Planning Board has begun its review of this application already. At a certain point, the Board issued a decision denying the Applicant site plan approval based on concerns the Board had about traffic and traffic related issues such as ingress and egress to the site, traffic stacking, and on-site traffic circulation.

The Applicant challenged the Planning Board's decision in court. The State Supreme Court determined that the Planning Board's decision was improper and remanded the application to the Planning Board for further review. The Planning Board appealed that court decision, and recently, the appellate court issued a ruling finding that the Supreme Court decision was correct in overturning the Planning Board's decision and sending the application back to the Board for completion of the review.

In making its ruling, the appellate court looked at the traffic-related concerns that had formed the basis for the Planning Board's decision to deny the application. After making its own review of the record, the court determined that the Applicant had sufficiently addressed all of the traffic-related concerns raised by the Board and by the Ulster County Planning Board. Consequently, the court ruling also holds that, upon remand to the Planning Board, in continuing the site plan review, the Planning Board must consider the traffic-related concerns to be fully satisfied and that those issues cannot be considered again as the continuation of the site plan review proceeds.

If there is anyone here that is curious about the appellate court's decision, there are 20 paper copies of the decision here and you can feel free to take one.

Tonight, the Planning Board's task is to resume its review of the site plan application in accordance with the court's order. This is not a "new" review, this is our resumption of the existing review from just prior to the Board's decision which was overturned by the court.

The Board's plan is to continue and complete the site plan review in accordance with Section 210-41 of the Hurley Zoning Law so that the Board can vote on the application.

Over the last two weeks, the Board has been working with its consultants and Applicant to get the Board up-to-date so the review can be continued.

Tonight we will begin with a short presentation about the property and the project by the Applicant's engineer to help refresh the Board's knowledge of the project.

The Board has asked its planning consultant, Bonnie Franson of Nelson Pope Voorhis, to review the site plan and to provide the Board with some guidance for continuation of the review. She has written a memo to the Board and, after the applicant's presentation, I will ask Bonnie to give the Board a short presentation on her memo.

Then the Board can discuss the application and what needs to be done in order to complete the review.

Following this meeting the Board and its consultants will work with the Applicant to move the application forward to completion.

Because there is no regular Planning Board meeting in August, the Board's plan is to schedule a special Planning Board meeting in August for the purpose of taking a vote on this application.

And with that, I will ask the engineer for the applicant to introduce him or herself and make a short presentation on the property and the project.