







AM and 30 trips PM. Mr. Keller said there are at least two other gas station/convenience stores in the immediate area, does not want to see this fail and end up vacant instead of fast food restaurant that might be able to be reused. Chairman Finaldi asked if White St. is scheduled to be widened. Mr. Dittman said as far as he knows there are no plans to do this. Attorney Marcus said when the Duchess was approved, they had to give the City a widening strip in connection with sidewalk easement, so there is no place to expand the street any further without taking frontage from other properties. Mr. Cerminara said the trips are already there on White St. but he is concerned about Shalvoy La. which cannot handle additional traffic. Mr. Dittman said a very small percentage (approximately 5%) will come off Shalvoy, 25% off Byron and the remainder off of White St.

Mr. Manuel questioned if the proposed new use would not increase the traffic anymore than a fast food restaurant. Mr. Dittman said a successful fast food restaurant could bring in two to three times the traffic. Mr. Manuel asked about a Dunkin Donuts. Mr. Dittman said there is a lot of competition out there for donut shops, so they do not generate as much traffic as people think. He added that said all of the intersections are an LOS of C or better, except for Byron and White which is why he is recommending a traffic light. Mr. Keller asked what the LOS is currently for that intersection. Mr. Dittman said it is an F but if the traffic signal could change it to a C. Attorney Marcus then said the City Traffic Engineer also talks about the possibility of a traffic signal here. Attorney Marcus said the signal would be phased in over a three-to-four year period or at full occupancy of this site. He said this is an existing developed site and all they are doing is changing the use and the way the traffic flows. He said this use is more amenable to the neighborhood than the transfer station. It will create 13-14 new jobs and will be beneficial to the residents. This proposal will have efficient environmentally state of the art fueling facilities. The site is pretty clean and they don't anticipate any problems. Mrs. Emminger asked if the proposed traffic signal would be coordinated with the driveway to the transfer station. Mr. Dittman said it would have to be because that is the only way it would work.

Chairman Finaldi asked if there was anyone to speak in opposition to this and several people came forward.

Paul D. Estefan, 156 Triangle St., said this is a very congested area with a lot of uses that generate traffic. He said starting with Shalvoy La, behind that is the Catholic War Veterans (CWV) hall, and after that is Cutler Glass Co. Across the street is Federal Towing and next to that are the old hat factories. Byron St. has the BP station. He said the subject property was at one time Rovelli Monuments and at one time his family lived on that property. There is another gas station on the corner of Triangle and White Sts. He said he understands that the character of the neighborhood has changed but they need to release that the traffic has increased tremendously. He said he sees the trucks coming and going to transfer station at all hours. The VFW has bingo and Duchess has their old cars night, both on Thursday nights and things like this attract additional traffic besides what is normally traveling on these roadways. He said this needs to be taken into consideration. Another traffic signal will really bog the traffic down and is not really an answer. Nobody is going anywhere because there already is too much traffic. It is impossible for the residents on Triangle St. to get out of their driveways, so they need to look at the impact this would have on the health, safety and welfare of these residents.

Al Cutler, owner of Cutler Glass and Building Chairman for the Catholic War Veterans (CWV) said he too is concerned about this. He said he also is representing Paul Schlemmer of the Veterans of Foreign Wars (VFW) who could not be here this evening. He said the biggest reason is traffic; when there is a garbage truck on White St. waiting to get into AWD, it can back traffic up all the way to the Wildman St. intersection. He said he did his own study tonight and it took him over five minutes to get out of Shalvoy La. He said he thought he had heard that there was an approval for 104 residential units at the end of Chestnut St which would access onto Shalvoy La. He said traffic is always backed up and many people use Shalvoy La. as a shortcut to exit the Transfer Station at





John E. Haga – Application for five (5) lot subdivision (“Capitola Estates”) in the RA-40 Zone (8.48 acres) – 3, 5, 9, 11 & 13-17 Capitola Rd. (#G07113, #G07114, #G07115, #G07116 & #G07006) – SUB #96-03. Public hearing opened 6/16/10 – 35 days will be up 7/20/10.

Attorney Catherine Cuggino said the project engineer will respond to the Planning Dept. staff report and Engineering Dept. comments.

Ralph Gallagher PE, said he had changed the drainage concept but not yet done anything to the road because Attorney Cuggino has sent a letter to Corporation Counsel citing case law as to whether the Commission can require the applicant to make off-site road and drainage improvements when considering the application for subdivision. He said they will wait for a response before making any of changes to these plans. In response to the Planning staff report, a utility plan will be submitted. It is intended that none of the driveways will exceed 12%, they all start at 3%, but he will make the necessary notes on the plan. He said he has added the site distances to each driveway, and they will pave the driveways within 20 ft. of the road. He said most of the Engineering Dept. comments are standard, but they are still working on the issue of the road with them and the City Attorney. He said they had received approval from the Environmental Impact Commission and are still waiting for the Health Dept. to determine if wells are feasible for this development.

Mrs. Emminger asked Mr. Gallagher if he will submit a written response to her Staff Report. He said he will wait to get the rest of the departmental comments before submitting another report and revisions. Attorney Cuggino said the surveyor plans to flag the lot next week and she will let Mrs. Emminger know when it is done, so the Commission members can go out and see it.

Chairman Finaldi asked if there was anyone to speak in opposition to this and a few people came forward.

Romolo DeGrazia said his family owns property on 101 Padanaram Rd. which is affected by what happens on the subject property. He explained that in the 1970's, the sewer line caused a settlement problem which still exists today and causes the gravel to wash down onto Padanaram Rd. He said he is not saying that Mr. Haga caused this, but the problem needs to be addressed. Rain causes water to build up on road and in the winter, it freezes and the rest of time it brings gravel down onto the roadway. He said he thought the Commission should be aware of this problem. Mrs. Emminger said she had spoken to Mr. DeGrazia as well as meeting with the Engineering Dept so that they are looking into this drainage problem at the same time they are reviewing this proposal.

Gregg Pin, 99 Padanaram Rd., said his property abuts the subject property and he also has concerns about this proposal. The first is the drainage issue that Mr. DeGrazia mentioned. He said he is concerned because the water flows down onto his and Mr. DeGrazia's property which causes big problems especially in the winter. Next he asked if the applicant would have to meet the current Zoning Regulations; or would he be able to come back to get approval for a multi family structure on this property. Mrs. Emminger said the zoning in this area does not allow for multi-family dwellings. Mr. Pin then said he is not opposed to the applicant being able to use his property; he just wants his concerns heard. Mr. Gallagher said they are going to redirect this water into the pipe that should be catching it, but has not been for many years. The other drainage issue would have to be addressed during the review of the drainage.

Mrs. Emminger said they are still waiting for comments from the Fire Marshall, the City Traffic Engineer and Traffic Authority and also from the Health Dept. She added that she needs the Commission to authorize her to request an opinion from Corporation Counsel about the specific case law Attorney Cuggino has referenced regarding the Commission's authority to require road and drainage improvements of this applicant. Mr. Keller and Mr. Manuel said they definitely wanted t







