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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

- - - - - X

In the Matter of

NOAH ESTATES SECTION II
(2012-24)

Noah Place & Rock Cut Road
Section 86; Block 1; Lot 95.1
R-2 Zone

- - - - - X

PUBLIC HEARING
FOUR-LOT RESIDENTIAL SUBDIVISION

Date: December 20, 2012
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: DANIEL YANOSH

- - - - - X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845) 895-3018

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MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of December 20, 2012.

At this time I'll ask for a roll call starting with Frank Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. PROFACI: The Planning Board employs various consultants to advise the Board on matters of importance, including State Environmental Quality Review Act, known as SEQRA, issues. I ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh.

MR. HINES: Pat Hines with McGoey,

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Hauser & Edsall Consulting Engineers.

MR. COCKS: Bryant Cocks, Planning
Consultant.

MR. PROFACI: Thank you.

At this time I'll turn the meeting over
to Tom Fogarty.

MR. FOGARTY: Would everyone please
rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

MR. FOGARTY: Would everyone please
turn off their cell phones at this time.

MR. PROFACI: The first item on
tonight's agenda is a public hearing. I'm going
to, at this time, ask Michael Donnelly, Planning
Board Attorney, to explain the purpose of a
public hearing.

MR. DONNELLY: We have one public
hearing this evening. It's a subdivision. State
law requires that before the Planning Board takes
action on the subdivision they hold a public
hearing. The purpose of the hearing is to invite
members of the public to advise the Planning
Board of issues that the Planning Board itself
might not have recognized or the consultant team

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might not have brought to the Planning Board's attention. After the applicant's representative introduces the application, the Planning Board Chair will ask those who wish to speak to step forward. We would ask you to give us your name, spell it for our Stenographer if you would, and direct your comments to the Planning Board.

MR. PROFACI: Thank you, Mike.

The first item is Noah Estates Section II, project number 2012-24, located on Noah Place and Rock Cut Road, Section 86, Block 1, Lot 95.1, located in the R-2 Zone. It is a public hearing for a four-lot residential subdivision being represented by Daniel Yanosh.

MR. MENNERICH: Do you want me to read the --

MR. PROFACI: I'm sorry. I will ask Ken Mennerich to read the public hearing -- notice of public hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the

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Town Law on the application of Noah Estates Section II, project 2012-24, for a four-lot subdivision on premises Noah Place and Rock Cut Road in the Town of Newburgh, designated on Town Tax Map as Section 86, Block 1, Lot 95.1. The street address is 7 Rock Cut Road. The parcel in question was lot 1 of a map entitled proposed five-lot subdivision Noah Estates which was approved by the Town of Newburgh Planning Board on January 8, 2008 and filed in the Orange County Clerk's Office on July 25, 2008 as map number 531-08. The applicant is proposing a four-lot residential subdivision on 6.4 acres with one existing home and three new homes proposed for construction. The property is in the R-2 zoning district and the lots will be served by septic systems and individual wells. Said hearing will be held on the 20th day of December 2012 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated

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November 20, 2012."

MR. GALLI: The notice of hearing was published in The Mid-Hudson Times and in The Sentinell. The applicant mailed out 32 certified -- 38 certified letters, 32 came back signed and 6 did not. The mailings are in order.

CHAIRMAN EWASUTYN: Dan, would you make the presentation.

MR. YANOSH: You did it for me.

Again, this is lot 1 of the old subdivision. Noah Place is a private road. Lot number 6 now has the existing house on the property, that will be 1.87 acres; lot 7 will have 1.00 acres; lot 8 has 1.43; lot 9 has 2.18.

All access is off Noah Place. No driveway cuts off Rock Cut Road, County Highway 23.

All have individual wells and septic.

Driveway and single family homes on each of the lots.

CHAIRMAN EWASUTYN: As I said earlier, if there's anyone here this evening that has any questions or comments, will you please raise your hand and give your name and your address.

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(No response.)

CHAIRMAN EWASUTYN: Let the record show that there's no one in the audience this evening who wants to speak on behalf of the Noah Estates subdivision.

At this point we'll turn to our consultants for their comments. Jerry Canfield, Code Compliance?

MR. CANFIELD: During work session we had talked about a couple issues which I believe Pat and Bryant will cover in their comments.

CHAIRMAN EWASUTYN: Okay. Bryant Cocks, Planning Consultant?

MR. COCKS: Yes. I did speak to Mr. Yanosh before the meeting and he will demonstrate the 60 foot front yard setback on the County roadway as required under zoning.

I think you talked to Pat. The house is just going to rotate and he'll be able to meet the 60 foot and 20 foot separation distance for the septic system.

MR. YANOSH: I can always rotate the house 90 degrees to face Rock Cut Road. That will be no problem.

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MR. COCKS: Also, he is aware it is an R-1 Zone, not the R-2 Zone, and will change that designation on the map.

Other than that, he did include the 10,000 square feet buildable area requirement on the plans.

I have no further comments.

CHAIRMAN EWASUTYN: The bulk requirements are the same for an R-1 as for the R-2 Zone?

MR. COCKS: They are.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: Our previous comments from November were addressed. We had suggested the applicant take a look at the limits of disturbance. Previously it was over an acre. They got that to below an acre which negates the need for a SPDES permit.

The septic systems were redesigned based on our comment using 110 gallons per day per bedroom.

We don't have any outstanding comments on this.

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CHAIRMAN EWASUTYN: Comments from Board Members. Tom Fogarty?

MR. FOGARTY: I have no further comments.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No comments.

MR. MENNERICH: No questions.

MR. GALLI: No.

CHAIRMAN EWASUTYN: Okay. Is there anyone here, again, who has any questions or comments for the public hearing for Noah Estates?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to close the public hearing for Noah Estates Section II for the four-lot residential subdivision.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Tom Fogarty. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

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MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

At this point I'll turn to the Planning Board Attorney, Mike Donnelly, to give us the conditions of approval in the resolution.

MR. DONNELLY: The approval is for preliminary and final subdivision. This matter had been referred to the Orange County Planning Department for review and report. We did not receive a report within the required thirty days so you are now permitted to act on the project.

In terms of conditions, we'll need a sign-off letter from Bryant Cocks on the issue raised in his memo of December 14th. I don't believe there are any other agency approvals required here.

MR. HINES: There's not.

MR. DONNELLY: My notes show that some of the foundations are shown near the edge of the building envelope, therefore we need foundation

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staking in the field. Is that still true?

MR. HINES: Yes. That note has been added to the plans.

MR. DONNELLY: I'll include it as a condition as well.

And the applicant will be required to post parkland fees for the three new lots created in the subdivision, the total being \$6,000.

CHAIRMAN EWASUTYN: I'll move for a motion then to approve the four-lot subdivision subject to the conditions presented by our Attorney, Mike Donnelly.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich, a second by Joe Profaci. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

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CHAIRMAN EWASUTYN: Aye. Carried.

MR. YANOSH: Thank you very much.

CHAIRMAN EWASUTYN: Have a happy holiday.

MR. YANOSH: You, too.

(Time noted: 7:10 p.m.)

C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: January 8, 2013

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X

In the Matter of

SUBDIVISION FOR WILLIAM NOBLE
(2012-27)

409 Quaker Street
Section 11; Block 1; Lot 143.0
AR Zone

----- X

CONCEPTUAL
THREE-LOT RESIDENTIAL SUBDIVISION

Date: December 20, 2012
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: STEVEN BURNS

----- X

MICHELLE L. CONERO
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MR. PROFACI: Next is the
Subdivision for William Noble, project
2012-27, located on 409 Quaker Street,
Section 11, Block 1, Lot 143, located in the
AR Zone. It's a conceptual three-lot
residential subdivision being represented by
Barger & Miller.

MR. BURNS: Good evening, everybody.
My name is Steven Burns, I'm an engineer with the
office of Barger & Miller. I represent Mr. Noble
in his three-lot subdivision and lot line
realignment.

The project consists of a parcel which
is just over 24 acres. We plan to subdivide it
into three lots. The largest lot will have the
existing home that will be about 12.51 acres, and
then the two new lots will have a shared common
driveway which goes through an existing fifty-
foot strip to the rear of the parcel. Lot 2 is
6.49 acres and lot 3 is 3.84 acres.

Lot 3 will have an existing cell phone
tower that is on the site. Excuse me, a tower
that's on the site. There's actually an easement
that isn't shown on the plans but it follows this

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road for access as well as electric and telephone
-- telecommunications lines.

A parcel of land about 1.3 acres is
proposed to be given to Barbedo and Rios. That
parcel also has a small deed -- a small area of
DEC wetlands that come within 100 feet of our
parcel. They've applied -- I applied -- walked
the site and had flagged with the DEC over the
summer, and I could have that verified.

CHAIRMAN EWASUTYN: Steven, the
question that came up during the work session,
I'll have Jerry Canfield and Bryant Cocks speak
on that, it relates to the existing cell tower on
the lot. Jerry, Bryant.

MR. CANFIELD: Basically we were
discussing at the work session the concern with
lot 3, the residents on the lot that has the cell
tower on it. The application before the Board is
listed as a three-lot subdivision. You have
multiple uses going on in one lot, and that
constitutes a site plan. So this application
could be one of many different things. What is
it?

We also talked about the need for our

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tower consultant to perhaps examine this because of the distance separations between the tower and the proposed residents.

We also talked about ingress and egress. Mike will probably talk about easements and accessibility.

This is a concept plan, is that correct, at this point?

MR. BURNS: Yes.

MR. CANFIELD: So I think we need to know a little bit more about, you know, how is this going to work and what actually is it with the proposal of putting a house and a septic on the same lot with the tower.

MR. BURNS: Okay. The original plan was just to leave things the way they were. I wasn't -- I wasn't anticipating the mixed use issue with the tower and the house on the same lot.

CHAIRMAN EWASUTYN: Steve, what is approved for a cell tower where it becomes an amended site plan, because a cell tower is both a site plan and a special use permit. What changes it now is that there will now be a house that

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2 will be under this old umbrella of a site plan
3 and special use permit. So that in itself would
4 trigger an amended site plan and special use
5 permit reflecting this house. So if the picture
6 were clear, that would be another action that
7 would be part of the subdivision.

8 MR. BURNS: So it could become a
9 subdivision and a site plan alteration?

10 CHAIRMAN EWASUTYN: And a special use
11 permit. And there was one other item we
12 discussed that it might trigger.

13 MR. HINES: A lot line.

14 MR. DONNELLY: That they've applied
15 for.

16 MR. HINES: That's the four items
17 there.

18 MR. GALLI: What triggers that, Jerry,
19 is because they're breaking that lot off from the
20 main big lot that was originally approved for --

21 MR. DONNELLY: The cell tower
22 application requires that all structures on the
23 lot be shown. So we're now adding a structure
24 and shrinking the lot.

25 MR. GALLI: If he eliminated lot 3,

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just per se, then he wouldn't need all that? He could do lot 2 and lot 1?

MR. HINES: You can't because you're bisecting the lot. The flag lot portion would cut that off.

MR. GALLI: Okay.

MR. CANFIELD: One other question that I had was the existing dwelling, is that a single-family dwelling and is it occupied?

MR. BURNS: I believe it's a single-family dwelling, and I think that the applicant lives there. I'm not a hundred percent sure on that.

MR. CANFIELD: Okay. We had discussed that. I wasn't sure who actually lives there or what it was.

MR. BURNS: I can find that out.

MR. CANFIELD: That will need to be identified. Like Mike had said, all the structures, surrounding structures need to be labeled and identified, what their uses are.

MR. BURNS: Okay.

MR. CANFIELD: If it's single family, then so be it. If it's something other than

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that, then we need to know what that is.

MR. BURNS: Okay.

CHAIRMAN EWASUTYN: Bryant Cocks, do you want to add anything?

MR. COCKS: Just that I think this is going to need a revised application. There will be additional fees associated with it because it's going to be a site plan and special use permit. You will need to make an amended application and submit additional fees. We can discuss what the fees are going to be next time we talk.

There is a Central Hudson line that runs through the property. They requested any time a subdivision or site plan happens and there's a line running through, that they see a copy of the plans. So we will need to send that over.

It is close enough to Route 87 that the Orange County Planning Department will need a copy of the plans. I don't know if the Planning Board wants to wait until you come back with revised plans, a more concrete idea of what's going on on the site, before we send that out.

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That's up to the Planning Board.

CHAIRMAN EWASUTYN: Do you see a lot of changes in what you're proposing or do you think the map is fairly accurate to circulate it?

MR. BURNS: The only thing that I can see changing to what I propose is the proposed tile field location obviously on lot 3. It has a little bit of an issue because I discovered there was a culvert that ran through the property. And then a note on the map just denoting the access for the cell tower and how it follows this road along with the utilities for it.

CHAIRMAN EWASUTYN: So then I think at that point we could circulate to the Orange County Planning Department.

MR. HINES: I think it's important to show the easement to the cell tower as part of this.

CHAIRMAN EWASUTYN: If you would get a copy to Bryant Cocks, Bryant Cocks would circulate to the Orange County Planning Department.

MR. BURNS: Okay. I could have that for him probably next week.

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CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Our first comment, which we discussed at work session, was the viability of lot 3 with the cell tower on it. It's kind of a unique situation, shrinking this lot with the cell tower. I don't know if you're going to sell a residential lot with a cell tower on 3 acres. Maybe the applicant is going to live in that house. I don't know. We did talk about it and it is going to be a site plan and special use as discussed.

The wetland flag locations, if you could depict those to make sure -- the driveway for lot 3 is at the limits of the adjacent area for the wetland. I don't necessarily need to submit it to the DEC. If you could can just survey the flags, where they are, so we can show that.

MR. BURNS: They're actual survey locations. I can just label them.

MR. HINES: Label them. I'm not as concerned about them getting validated by the DEC as long as they're the actual locations.

A common driveway access and

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maintenance agreement.

Soil testing for the septic systems will be required. I did bring up the culvert that you just discussed going through the expansion area for lot 3.

The highway superintendent's comments on the driveway location on Quaker Street for some additional -- more technical information after this concept.

CHAIRMAN EWASUTYN: Jerry Canfield, anything else to add?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I think we're going to have Mike Musso take a look at this cell tower if I'm not --

CHAIRMAN EWASUTYN: At this point -- do want to do that so early?

MR. CANFIELD: At a point I would think it becomes an amended special use permit application. At that point he should be brought in.

MR. FOGARTY: I would like to know how old it is and the last time it was inspected.

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The only thing I'm curious about is the person who buys lot 3, I'm sure Verizon is paying some type of fee for that cell tower to the person who owns lot 3.

MR. BURNS: That's actually a leased portion of land. I would assume that lot 3 would be the person that would hold the lease to the piece of property.

MR. FOGARTY: Where is it, by the way?

MR. BURNS: Excuse me?

MR. FOGARTY: I'm only kidding.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I have nothing.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. GALLI: Nothing additional.

CHAIRMAN EWASUTYN: Can we grant conceptual approval at this point?

MR. HINES: I think they need some technical -- no. You don't have the application before you that you're granting it.

CHAIRMAN EWASUTYN: So then we need the revisions. Thank you.

We will circulate to the Orange County

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Planning Board.

MR. BURNS: Okay. I'll get those applications and stuff together and to you.

CHAIRMAN EWASUTYN: You can call the office and I'll discuss with you the fees associated with that.

MR. BURNS: Okay. Thank you very much.

(Time noted: 7:21 p.m.)

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C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: January 8, 2013

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

FOAM & WASH
(2012-02)

175 North Plank Road
Section 76; Block 4; Lot 5
B Zone

----- X

SITE PLAN

Date: December 20, 2012
Time: 7:22 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JAY DIESING

----- X

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MR. PROFACI: The next item on tonight's agenda is Foam & Wash, project 2012-02, located at 175 North Plank Road, Section 76, Block 4, Lot 5, located in the B Zone. It's a site plan represented by Jay Diesing.

MR. DIESING: I'm Jay Diesing from Mauri Architects. I'm here with Jerry Baright from the Foam & Wash Car Wash.

We're here tonight to kind of continue our discussion of the improvements that are planned for 175 North Plank. We were here back in February I believe, February 2nd Planning Board meeting. The project was delayed a little bit but we're looking to get it back on track now.

Just since it's been a little while, I'll kind of give you a recap of our proposal. Currently there's a Mobil fuel station, a pumping station in the middle of the site. That's going to be removed from the site. There's an existing convenience store and a car wash, drive-through automatic car wash bay. The car wash bay will remain and the convenience store will be removed as well as the gas pumps. The area of the

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convenience store will be converted to a touchless car wash bay.

Down towards the west end of the site, we're going to construct a small building there, and that's going to have two dog washrooms, and that will also be the cashier point for the automatic car washes.

The remainder of the area of the site that was occupied by the fuel pumping station will be converted to areas for vacuums for customers as they leave the car wash bays.

Currently there's two curb cuts off North Plank Road. That's going to be converted to a single curb cut which should make traffic flow better and safer. Customers would enter, either go through the car wash bays or come and park and hit the dog wash.

I have some conceptual renderings of the buildings. The large building, the existing building in the back, is split face masonry construction. We're proposing to maintain the split face masonry, it will be painted, and that has a standing seam mansard style roof on the building. It's red right now. We're going to

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remove that and replace it with a more modern metal panel roof system, and that's going to be kind of a gray or metallic silver. We're also proposing that there's going to be two decorative structures on the front of that building that will have the signage for each of the two car wash bays, the touchless and then the existing automatic bay.

The doggie wash building is going to be also a masonry building. That's going to be a glazed concrete block in kind of a blue color as we're showing. That will also have a similar decorative trellis. It will have the signage for the dog wash.

So since we were here in February, I think back in February we received a comment letter from BC Planning. With this new submission I think we've addressed the concerns that Mr. Cocks had in that letter.

We've also developed some detailed lighting and landscaping plans which you should have in your package.

Signage on our site. Right now we did a tabulation of all the existing signage. Our

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proposal actually includes reducing the signage somewhat. Basically we're trying to reuse the signs. For example, on North Plank we're just basically refacing that sign and then updating some of the signs for the new uses, the soft cloth and the touchless automatic.

So that's basically where we are. We're looking to get moving quickly in the spring hopefully. So we're looking to hear some good comments and questions from you guys tonight.

CHAIRMAN EWASUTYN: Okay. I'll turn to Jerry Canfield, Code Compliance.

MR. CANFIELD: With respect to the signage, based on Bryant's comments he picked it up. During the work session we had discussed that I had researched the Zoning Board records and in 1990 the applicant did go before the Zoning Board for a variance for signage for 281 square feet, which is less than, I believe, what you're proposing, 264 square feet -- excuse me. It's more than what you're asking for. I advised the Board that I wouldn't see any issue or a need to go to Zoning for additional signage. It's less than what was originally approved. That's the

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FOAM & WASH

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only thing I have on it.

CHAIRMAN EWASUTYN: Pat Hines, Drainage
Consultant?

MR. HINES: All the work is within the
existing footprint. There's no additional
disturbance. There's actually less because of
the elimination of the driveway.

We had asked for an existing condition
plan. That's been submitted.

The utility connections and the street
are going to be utilized the same. We don't have
any significant concerns on this.

MR. DIESING: Just a slight
clarification on that. There is a very small
extension to accommodate the length of the wash
bay. It's very minimal, eight or ten feet I
think.

MR. HINES: That's fine. It's within
the existing area that's already involved.

CHAIRMAN EWASUTYN: Bryant Cocks,
Planning Consultant?

MR. COCKS: As Jay mentioned, all of my
previous comments were addressed.

The plans were sent to Orange County

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FOAM & WASH

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Planning Department in February. No response was received. There has been a long lapse so obviously the thirty days is up.

They will need a highway work permit from the DOT after the final site plan approval is granted.

My big concern was with the signage. Since Jerry researched it, there's no need to go back to the ZBA. I have no further comments.

CHAIRMAN EWASUTYN: Would the Board want to hold a public hearing on this? Frank?

MR. GALLI: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: No.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board waived a public hearing for the Foam & Wash Car Wash.

Comments from Board Members. Tom Fogarty?

MR. FOGARTY: John, it's pretty straightforward. It's a nice area right now. It's the place I do get my gas. I always thought that there's not an area right now where you can

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FOAM & WASH

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get -- use it to get your dog washed, you know.
I could never quite figure out how people do that
but --

MR. DIESING: It's very interesting.
Pretty convenient.

MR. FOGARTY: It must be. I have no
other comments on this project.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: So the gas pumps are
being eliminated completely?

MR. DIESING: Yes.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: On the two wash bays,
are they the same type of operation? Are they
both touchless?

MR. BARIGHT: The existing one that's
there now is a soft cloth. You go in, drive in,
it pushes you through. The other one I'm
proposing is touchless, so what you do is pull
up, you actually drive in, the machine washes it,
the door opens and you drive in the next bay and
it dries it and you drive out.

MR. MENNERICH: Will there be different
prices charged?

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MR. BARIGHT: It'll probably be the same. It might be -- probably be the same.

MR. MENNERICH: So it will take -- people will have to become familiar with what kind of wash they want to get?

MR. BARIGHT: That's one reason we wanted two different signage. Some people pull in and don't really care, some people know they want touchless, some people want soft cloth.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: The action before us this evening would be to make a SEQRA determination?

MR. COCKS: Yes. I think from the other consultants' comments I would recommend a negative declaration. It's an existing site.

CHAIRMAN EWASUTYN: And then Mike will give us conditions in a resolution for final site plan approval?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to declare a negative

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FOAM & WASH

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declaration for the Foam & Wash.

MR. FOGARTY: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Tom Fogarty. I have a second by Ken Mennerich. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So carried. Mike, would you give us conditions for final site plan approval?

At this point we're not doing ARB approval, are we? Do we have enough information now to do that?

MR. COCKS: I didn't have those plans with the ARB on them so I didn't get a chance to review them.

CHAIRMAN EWASUTYN: I think maybe, Jay, we'll reschedule and you can come back with some

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FOAM & WASH

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kind of samples that we can look at. We'll memorialize this at one other meeting and we'll finish the site plan approval process.

MR. DIESING: Okay.

CHAIRMAN EWASUTYN: Mike?

MR. DONNELLY: Sure. Again, this was referred to the Orange County Planning Department. That review time has timed out so you're able to act. We will need a sign off or approval from the DOT of the curb cut. We will reserve on the ARB. The only other condition I think we need is the standard one that says no structures or amenities can be built on site that are not shown in the approved site plan.

CHAIRMAN EWASUTYN: Any questions, comments or additions?

(No response.)

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to grant final site plan approval to the Foam & Wash subject to the conditions stated by Mike Donnelly in the final resolution.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by

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FOAM & WASH

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Joe Profaci and a second by Tom Fogarty. Any discussion?

(No response.)

CHAIRMAN EWASUTYN: I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. GALLI: John, do we have to take a formal vote on waiving the public hearing?

CHAIRMAN EWASUTYN: I think I did. We can make it formal.

MR. GALLI: I'll make a motion.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli to waive the public hearing. Do I have a second?

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

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FOAM & WASH

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MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Let me know when you're going to submit
something for the ARB and we'll set it up.

MR. DIESING: Okay. Thank you.

CHAIRMAN EWASUTYN: Happy holiday.

(Time noted: 7:31 p.m.)

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C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: January 8, 2013

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

FLAMING GRILL & BUFFET
(2012-21)

Newburgh Mall
Section 60; Block 3; Lot 41.21
IB Zone

----- X

AMENDED ARB

Date: December 20, 2012
Time: 7:31 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JOSEPH MINUTA

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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MR. PROFACI: The next item on tonight's agenda is the Flaming Grill & Buffet, project 2012-21, located at the Newburgh Mall next to the Bed, Bath & Beyond building, Section 60, Block 3, Lot 41.21, located in the IB Zone. It is an amended ARB presented by Joseph Minuta.

MR. MINUTA: Good evening everyone. Happy holidays. Please excuse me if I go into a coughing fit, I'm getting over a cold.

Really briefly, we were here before you, I believe it was in October. We received conditional approval with regard to the plans. Since then there has been a modification, which was requested by the adjacent tenant, that we lower the parapet so that we have a higher optical value between the two. We have shown that in the renderings and elevations. It's pretty insignificant but as a technicality we wanted to make sure we were covered. The plans we have before you tonight represent that.

CHAIRMAN EWASUTYN: Questions from Board Members? Tom Fogarty?

MR. FOGARTY: Are you going to paint the whole front? You show colors down here.

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Will the front be repainted?

MR. MINUTA: The building to the left-hand side, which will be renovated and which is currently the old exterior of Weis Market, will match the Bed, Bath & Beyond style, identical in color and texture.

MR. FOGARTY: Okay.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I have nothing.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. GALLI: No. I see the units are still covered by the parapet, so --

MR. MINUTA: They're also screened.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. COCKS: I have no additional.

CHAIRMAN EWASUTYN: Mike, do you want to make a statement as far as the resolution to amend the site plan approval?

MR. DONNELLY: I prepared an amended architectural review resolution. It references the tiering of the parapet wall, a standard ARB condition and a recitation that other than as

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amended, all of the earlier conditions of the site plan and ARB approval remain in effect.

CHAIRMAN EWASUTYN: So I'll move for that motion, to grant amended ARB approval for the Flaming Grill & Buffet subject to the conditions discussed by our Attorney, Mike Donnelly, this evening.

MR. PROFACI: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci and a second by Frank Galli. Is there any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: And myself. The motion carried.

Have a happy holiday.

MR. MINUTA: Thank you very much. You as well.

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(Time noted: 7:34 p.m.)

C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: January 8, 2013

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

VALON & VATAN RESTAURANT
(2012-26)

34 North Plank Road
Section 84; Block 2; Lot 1.1
B Zone

----- X

CONCEPTUAL SITE PLAN

Date: December 20, 2012
Time: 7:35 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO
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MR. PROFACI: The next item on our agenda is Valon & Vatan Restaurant, project 2012-26, located at 34 North Plank Road, Section 84, Block 2, Lot 1.1, located in the B Zone. It's a conceptual site plan being represented by Charlie Brown.

MR. BROWN: Thank you, Joe. This is an existing 2,600 square foot building on the corner of North Plank Road and Stone Street. It's right across from what used to be B's. It's a red brick building. It's been vacant for a little while.

The proposal here is to convert that to a high-end steakhouse. Actually we're going to change the title on the plans to put Vatan Steakhouse instead of restaurant per my client's request.

We do need quite a few variances. We're here tonight to get any feedback from the Board, answer any questions and hopefully get a referral to the Zoning Board.

CHAIRMAN EWASUTYN: I think most importantly, Jerry Canfield was discussing at the work session the building codes.

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MR. CANFIELD: Charlie, this is a change of use.

MR. BROWN: Correct.

MR. CANFIELD: So even building code wise it would be, according to the building code, a level 3 renovation which will probably require a lot of upgrades to this building.

MR. BROWN: We've already actually looked into that. Rather than upgrade the live loads for the floors for the new use, we would be adding more still beams in the basement. The second floor will just be used as an office, so I'm not too concerned about that. We already looked into that. We're prepared to sprinkler it per the Town sprinkler code. Again, I've been through the building. We did measure it all up. I don't see any issues complying with current building codes. We do understand we have to do that.

MR. CANFIELD: Okay. One of our big concerns was that the owner and yourself are aware of what level of compliance is going to be required here. Interesting you say that, that was a question. The second floor you're going to

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use for office occupancy. Just be aware also of the floor loading required for that.

MR. BROWN: Understood.

MR. CANFIELD: It's not typical of residential. Big issues such as ceiling height, energy conservation, insulation. The sprinkler ordinance will apply. Even in the building code, being assembly occupancy of this occupant load, 80 seats, it will need to be sprinklered. There are a lot of concerns which I believe obviously you've indicated you're aware of.

MR. BROWN: We actually just completed Mary Kelly's. It's a very big facility. We converted an existing building into a restaurant use with all the updates and the energy code and the sprinklers and what not. This is something we've done and we know what's involved.

MR. CANFIELD: Okay. Very good.

MR. GALLI: Which one did you just update?

MR. BROWN: Mary Kelly's in Fishkill.

MR. CANFIELD: You did that?

MR. BROWN: Yes.

MR. CANFIELD: Very nice job.

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MR. BROWN: Thank you.

MR. CANFIELD: Good beer, too.

MR. BROWN: I can't take credit for that.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: The sewer connection depends on the installation by the Town of the Stone Street sewer line. That's going to be a condition. I don't think it can receive a building permit or a certificate of occupancy until that's done.

Also, you're showing tapping into the manhole.

MR. BROWN: The manhole that that proposed sewage was -- by the way, that was proposed back in 2000. The manhole that that sewer is tying into is actually in front of this property.

This is my client, Zeff, by the way.

If Zeff was in a hurry and the Town continued to drag its feet, not to step on anybody's toes, with that sewer line, we could conceivably tap into the line in North Plank

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Road.

MR. HINES: Depending on your timing. Maybe we should show that. That will keep you moving.

MR. BROWN: That's fine. It has already been included in the sewer district, so that's taken care of.

We are increasing the sewer loads. Based upon the use, they're roughly doubled. We'll have to get the letter from the City --

MR. HINES: City of Newburgh flow letter.

The shared parking, you have to provide those easements for Mike Donnelly's review.

There's a little bit of grading shown on the adjoining lot. I don't know if that's covered there.

MR. BROWN: That lot was bought by Ted's Cycles and we've already forwarded him a set of plans. He's aware of the project, so we'll be working with him on that.

MR. HINES: The handicap spacing needs to comply. It's 5 1/2 and it needs 8 and 8.

Once you're done with the ZBA for site

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development details, paving, et cetera.

For stormwater management, just show some erosion and sediment control. You're only adding 4,000 square feet. There's not enough room to do much there anyway. I think an erosion and sediment control plan can be incorporated for the grading area.

The highway superintendent's comments for the access road. That's all we have.

CHAIRMAN EWASUTYN: Bryant Cocks, you'll give us the checklist for the ZBA?

MR. COCKS: Yes. The variances required will be for minimum lot area, where 40,000 square feet is required and 14,218 is proposed; the front yard setback on Stone Street, where 50 foot is required and 32.4 feet is proposed; the front yard setback on Route 9W, 60 feet is required, 31.3 feet are proposed; the side yard setback, 15 feet is required, 10.5 is proposed; the minimum lot width, 150 feet is required, 100.4 feet is proposed; and minimum lot depth, 150 feet is required and 141.4 feet is proposed.

My other comments are the first one

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with regard to the parking. You stated that there's going to be 22 spots. I only counted 21 on there. That needs to be cleaned up.

The outdoor patio area, is that going to be for seating during the summer?

MR. BROWN: No. You're talking about the front here?

MR. COCKS: Yes.

MR. BROWN: That's actually a very small -- and there's an entrance door right here. No, that's not intended for outdoor seating. There's not enough area there.

MR. COCKS: I just wanted to make sure so it doesn't affect the parking calculations.

The sidewalk that's leading around the building, at the bottom of the site there's an existing concrete walk. Was that to go up to the second story?

MR. BROWN: I'm sorry?

MR. COCKS: At the very bottom. The bottom right portion of the building.

MR. BROWN: That will probably be eliminated. We're going to get into that a little bit later when we get more into developing the

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layout of the building. Right now it's intended that the kitchen area will be toward the corner there of North Plank and Stone Street. That's why one of them will get changed out to a door. The bar area would be behind that. The rest of it will all be the seating toward the west.

MR. COCKS: Okay.

MR. BROWN: We'll be working that out. That's most likely going to come out and that door will probably be sealed there. This building has quite a few doors.

MR. COCKS: The garage doors, are they going to be removed?

MR. BROWN: Yes. Probably. Yup.

MR. COCKS: That was more for ARB.

MR. BROWN: As far as the basement, that will be obviously a wine cellar -- Zeff knows his wines -- and storage of the utilities but there won't be any seating in the basement.

MR. COCKS: Okay. Since you are going to have to go to the ZBA, you might want to take a look at how much signage you --

MR. BROWN: Actually, we have a substantial amount of frontage.

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MR. COCKS: I just figured since you're going --

MR. BROWN: We'll check that before we go.

MR. COCKS: Okay. Other than that, the Town Highway Department, City of Newburgh, Orange County Health and Planning Departments and the local fire department should get a copy of the plans.

This is a Type II action since it's under 4,000 square feet, so no SEQRA is required but you still need those outside agency approvals.

MR. BROWN: Do you want to send those now or post ZBA?

MR. COCKS: Probably post ZBA I would think.

MR. BROWN: In case anything changes.

MR. COCKS: In case anything changes.

MR. BROWN: Okay.

MR. COCKS: That was all.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

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MR. MENNERICH: No questions.

MR. PROFACI: No.

MR. FOGARTY: I just have one. I take a look at -- you're obviously very much aware of the amount of work it's going to take to do this. If it comes close to Adamo's, which that was no miracle either, that needed a lot of work to get to the point where that is. I'm confident this building will end up equally as nice.

CHAIRMAN EWASUTYN: Mike Donnelly, do you want to go over one more time the letter you're going to be sending to the Zoning Board of Appeals?

MR. DONNELLY: I'll take them right from Bryant's memo of December 14th. They're listed there. All area variances A through F. Minimum lot area, 4,000 square feet required, 14,218 proposed.

MR. BROWN: 40,000 required.

MR. DONNELLY: I'm sorry?

MR. BROWN: 40,000 required.

MR. DONNELLY: Sorry. Front yard setback on Stone Street, 50 feet required, 32.4 feet proposed; front yard setback on Route 9W, 50

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required, 31.3 proposed.

MR. COCKS: That should actually be 60.

MR. DONNELLY: Both of those?

MR. COCKS: Just the Route 9W. Stone Street is 50.

MR. BROWN: That is a State highway.

MR. CANFIELD: It's Plank Road.

MR. BROWN: It's not an extension of Route 32?

MR. DONNELLY: So it's 50?

MR. BROWN: 50 required.

MR. HINES: It shows up on the maps as 52. We've seen that on other applications. The gas station across the street had that.

MR. DONNELLY: I'll keep it at 50. Side yard setback, 15 required, 10.5 proposed; Lot width, 150 feet required, 100.4 feet proposed; and minimum lot depth, 150 feet required, 141.4 feet proposed.

CHAIRMAN EWASUTYN: I'll move for a motion to refer the Valon and Vaton Restaurant to the Zoning Board of Appeals for relief of the variances that were discussed by both Mike Donnelly and Bryant Cocks, our Planning

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Consultant.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Joe Profaci. I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself.

Have a happy holiday.

MR. BROWN: You have a happy holiday, too.

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting for the 20th of December.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

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VALON & VATAN RESTAURANT

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

I would like to thank everyone for a
good year.

(Time noted: 7:46 p.m.)

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C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: January 8, 2013