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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

CONTINUATION OF PUBLIC HEARING  
THREE-LOT RESIDENTIAL SUBDIVISION

Date: May 16, 2013  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
JOHN SZAROWSKI  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: STEVEN BURNS

- - - - - 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 May 16, 2013.

At this time I'll ask for a roll call vote starting with Ken Mennerich.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. WARD: Present.

MR. PROFACI: The Planning Board employs various consultants to advise the Board on matters of importance, including the State Environmental Quality Review Act, otherwise 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 Code Compliance.

MR. SZAROWSKI: John Szarowski, Engineering Consultant.

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MR. COCKS: Bryant Cocks, Planning  
Consultant.

MR. WERSTED: Ken Wersted, Creighton,  
Manning Engineering, Traffic Consultant.

MR. PROFACI: Thank you. At this time  
I'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the  
Pledge.

(Pledge of Allegiance.)

MR. WARD: Any cell phones, please turn  
them off.

MR. PROFACI: The first item on  
tonight's agenda is the Subdivision for William  
Noble, project 2012-27, located at 409 Quaker  
Street, Section 11; Block 1; Lot 143, located in  
the AR Zone. It's a continuation of a public  
hearing for a three-lot residential subdivision  
being represented by Steven Burns.

MR. BURNS: Good evening, everyone.

CHAIRMAN EWASUTYN: I think for the  
record, would you explain the subdivision?

MR. BURNS: Okay. The subdivision is  
located on Quaker Street. It's a little over 22  
acres, the original parcel. It will be

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subdivided into three parcels, and then a fourth small piece of land will be given to the neighbor to the north.

There's a Central Hudson right-of-way that is just -- it goes across the parcel. It's just to the north of that right-of-way.

Lot 1 will have the existing house that stands on the site and lot 3 will house the existing cell tower along with a proposed dwelling.

The lots will be served by wells and individual sewer fields.

CHAIRMAN EWASUTYN: If anyone here this evening has any questions or comments on the proposed subdivision, would you please raise your hand and give your name and your address.

(No response.)

CHAIRMAN EWASUTYN: Let the record show that there's no one in the audience tonight for this public hearing.

At this time we'll turn to our consultants for their final comments.

Jerry Canfield, Code Compliance?

MR. CANFIELD: We have nothing.

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CHAIRMAN EWASUTYN: John with McGoey,  
Hauser?

MR. SZAROWSKI: I don't believe we have  
anything.

CHAIRMAN EWASUTYN: Bryant Cocks,  
Planning Consultant?

MR. COCKS: The reason that the public  
hearing was continued was because the adjoiner  
notice was posted at the property line and not  
the notice of public hearing. The applicant did  
repost the public hearing notice and submitted  
the affidavit with the photos showing the  
appropriate posting. That condition has been  
met.

Just as a condition of approval, the  
applicant was able to show the 10,000 square foot  
buildable area requirement.

Other than that, I have nothing  
further.

CHAIRMAN EWASUTYN: Any comments from  
Board Members? John Ward?

MR. WARD: No comment.

MR. FOGARTY: I have no comment.

MR. PROFACI: No comment.

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MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Okay. At this point I'll move for a motion to close the public hearing for the Subdivision for William Noble.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

At this point we'll turn to Mike Donnelly, Planning Board Attorney, to present the resolution for final approval.

MR. DONNELLY: The resolution is for preliminary and final subdivision, lot line, site plan and special permit amended for the existing

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cell tower.

I see that the names of the owners to whom the lot line piece is going to go are Barbedo and Rios. Do you have their first names?

MR. BURNS: No, I don't.

MR. DONNELLY: Could you get them to me?

MR. BURNS: Yes.

MR. DONNELLY: I would like to have them in the resolution.

Beyond that, we've received a report from the Orange County Planning Department finding this is a matter of Local determination.

In terms of conditions, we will need a sign-off letter from Bryant Cocks on the items mentioned in his memo of May 14th. We'll need Town of Newburgh highway superintendent approval for the driveway location. We'll need the Central Hudson letter consenting to the activities within their easement area. A common driveway easement and maintenance agreement will be required to be reviewed by me and signed off on before the plans are signed. I think we need to make sure there is an adequate access easement

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to the cell tower for the users that are on it,  
and that should be prepared and sent to me for my  
review as well. The standard lot line changes  
require, you know, a certain note. You have to  
file the map, which will really be the  
subdivision. We want to see the deed to make  
sure that the land that's been cut off is  
actually going to be transferred. Lastly, there  
will be a requirement for the two new lots in the  
subdivision, that you pay the fee for -- fee in  
lieu of parkland in the amount of \$2,000 per lot,  
bringing the total to \$4,000.

CHAIRMAN EWASUTYN: Any additional  
questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Okay. Then I would  
move for a motion to grant final site plan, lot  
line change, subdivision, special use permit -- I  
think that covered all four -- for the Lands of  
Noble subject to the conditions presented by our  
Attorney, Mike Donnelly.

MR. WARD: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by



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SUBDIVISION FOR WILLIAM NOBLE

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John Ward. 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 Ken Mennerich.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So  
carried.

Thank you.

MR. BURNS: Thank you.

CHAIRMAN EWASUTYN: It was a learning  
experience.

MR. BURNS: Yes, it definitely was.

Will I get a copy of the resolution  
e-mailed to me?

MR. DONNELLY: Sure. Do I have your  
e-mail address?

MR. BURNS: I don't know. I can leave  
it with you, though.

MR. DONNELLY: If you would.

(Time noted: 7:10 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.

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DATED: May 31, 2013

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

----- X  
In the Matter of

VERIZON GARAGE CONSOLIDATION  
(2013-07)

1428 Route 300  
Section 60; Block 3; Lot 22.21  
IB Zone

----- X

SITE PLAN

Date: May 16, 2013  
Time: 7:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
JOHN SZAROWSKI  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: MARK ETTINGER

----- X

MICHELLE L. CONERO  
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MR. PROFACI: The next item on tonight's agenda is the Verizon Garage Consolidation, Project number 2013-07, located at 1428 Route 300, Section 60; Block 3; Lot 22.21, in the IB Zone. It's a site plan being represented by Robert Heymach.

MR. ETTINGER: Actually I'm Mark Ettinger. Robert had some issues and he couldn't make it.

Basically Verizon is consolidating. They're bringing another group of their workers onto this site.

One of the things that they bring with them, they have a pole -- telephone poles that they store, and I think that's the crux of this general discussion, because they want to take a portion of the grass area and pave it and put the pole storage structure there. They're going to put a fence behind it with some kind of vinyl slats. There's an existing natural greenery here.

It overlooks a commercial building. I don't know if you can see that. This is the area of the site they want to take a small piece of.

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There's a commercial building here. I don't believe it's going to be an eyesore to anyone.

CHAIRMAN EWASUTYN: I think the last time it was before us we were waiting to get a sign off from the Orange County Planning Department. We did receive that and they decided it was a Local determination.

At this point what do we have outstanding?

MR. COCKS: My only outstanding comment is a revised EAF. There is a discrepancy between the parking area -- or paved area, whether it was 2,650 square feet or 2,640.

Just the information from the DEC website for threatened and endangered species.

A Local determination was granted on April 29th.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: No comment.

MR. FOGARTY: I just have one. This storage crib is for new telephone poles?

MR. ETTINGER: Yes.

MR. FOGARTY: The old poles that are

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taken down, are they going to be stored there or do they --

MR. ETTINGER: No, they're not going to be stored there.

MR. COCKS: I think they are.

MR. ETTINGER: There might be some.

MR. COCKS: There's two separate ones. Inside the fenced-in area there's two separate cribs. One is a little shorter than the other, so that's going to be for the ones they cut off at the base. The larger one is for the brand new ones to be stacked up.

MR. ETTINGER: The smaller ones are -- well, they're going to -- there are going to be some, that's correct. I'm not sure what they're going to use them for, if they are going to use them anymore. They are going to be shorter in length.

MR. FOGARTY: Do you know if they are stored there for any length of time?

MR. ETTINGER: Well they do use them and then they refresh them. I don't know the duration of how long a pole might sit around. I mean after installing them. They probably all

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disappear. They might sit there for several months.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No comments.

MR. MENNERICH: Nothing.

CHAIRMAN EWASUTYN: Jerry Canfield,  
Code Compliance?

MR. CANFIELD: We don't have anything outstanding. It's an existing site. Accessibility will not be impacted.

The applicants have applied for building permits for the work to take place inside the structure, which is something separate from the site plan -- amended site plan, which we have issued. We have nothing else outstanding.

CHAIRMAN EWASUTYN: Okay. Mike Donnelly, are you prepared to give us conditions?

MR. DONNELLY: Yes. This is a Type II so there's no SEQRA action required.

I don't believe that you voted to waive a public hearing, although I think -- I don't know whether you're inclined to hold one. I'm reciting within the resolution that you waive the

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public hearing.

We have a Local determination from the Planning Board.

In terms of conditions, we will need a sign-off letter from Bryant Cocks on the items in his May 14th memo reporting if they have been resolved. There's a section of the Code, 185-30, for certain performance standards on outdoor storage of materials. There must be compliance with that during the operation. And finally, we have a condition that says that no structures or amenities can be constructed on the site that are not shown on the site plan.

MR. ETTINGER: Right.

CHAIRMAN EWASUTYN: Is everyone satisfied with that?

(No response.)

CHAIRMAN EWASUTYN: Okay. Then I'll move for a motion to grant approval to the Verizon Garage Consolidation subject to the conditions in the resolution presented by Attorney Mike Donnelly.

MR. FOGARTY: So moved.

MR. PROFACI: Second.



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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a  
roll call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So  
carried.

Thank you.

(Time noted: 7:15 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.

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DATED: May 31, 2013

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

----- X

In the Matter of

VALON AND VATAN RESTAURANT  
(2012-26)

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

----- X

PUBLIC HEARING  
SITE PLAN & ARB

Date: May 16, 2013  
Time: 7:15 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
JOHN SZAROWSKI  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
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MR. PROFACI: The next item on tonight's agenda is a public hearing for the Valon and Vatan Restaurant, project number 2012-26, located at Section 84; Block 2; Section 1.1, located in the B Zone. It's a site plan and architectural review.

Prior to our presentation I will have Mike Donnelly explain the purpose of a public hearing.

MR. DONNELLY: When the Planning Board holds a public hearing it's intended to get from you, the members of the public, information that you may be aware of that either the Planning Board Members or their consultants have not yet realized or recognized. After the applicant gives the presentation describing the application, the Chairman will ask those members of the public who wish to speak to please raise your hand. If you would, step forward so we can hear you. Begin by giving your name to the Stenographer. Spell it if you would so we get it down correctly. If you'd tell us where you live in relation to the project, that's helpful. Please address your comments to the Board. If

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you have questions that can easily be answered by either the applicant's representative or one of the Town's consultants, the Chairman will direct the question that way.

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 Town Law on the application of Valon and Vatan Restaurant for a site plan, Architectural Review Board and change of use approval. The applicant proposes a site plan, architectural review and change of use approval from the Planning Board for a 2,000 square foot single-family home to be converted to a 108 seat restaurant with associated parking lot. The lot is .33 acres and located in the B District as an allowable use at 34 Plank Road at the Stone Street intersection, on premises 38 Plank Road in the Town of Newburgh, designated on Town tax map as Section 84; Block 2; Lot 1.1. Said hearing will be held on the 16th day of May 2013 at the Town Hall Meeting Room, 1496 Route 300, Newburgh,

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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 April 19, 2013."

CHAIRMAN EWASUTYN: Thank you.

MR. BROWN: As per the public hearing notice, this is an existing building. It's actually slightly under 2,000 square foot. There was a residence, one story with a full basement. The proposal is to convert that one-story area of the first floor to a restaurant and bar area. The actual seating is going to be 100 max. The breakdown is 63 dining, 24 maximum at the bar and 13 on the outside front patio.

As part of the proposal we have all the upgrades to the site, including parking, landscaping and the lighting. Part of the parking is on the actual former Joanne's Fabric property, and that would be by easement with the present owner of that property.

The property is served by water, sewer and gas. The sewer line I guess was bid yesterday. A new sewer line is going to be going

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down Stone Street. We will be tapping into that. If that isn't available at the time we go for our CO, we will be tapping into the main out in Plank Road, which is actually a little bit more difficult. We're more than likely going to go into the new line.

The water also will be coming off of Plank Road, and the gas also the same.

That's pretty much the sum of the project.

CHAIRMAN EWASUTYN: If there's anyone here this evening that has any questions or comments, would you raise your hand, give your name and address. Ma'am.

MS. PEARL: Hi. I'm Christine Pearl, P-E-A-R-L, I live at 37 Brooker Drive but I own a home at 12 Stone Street which I don't have the section, block and lot but it's the house that's immediately behind Joanne's Fabrics on Stone Street.

I have a huge concern about the traffic that's going to be caused by this. I believe that they've -- their agreement with Joanne's Fabrics, 250 Lake Street Properties, they have

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some parking spaces on there but they made allocation so that they don't go through his parking lot to 9W. The only way out of that restaurant is off of Stone Street right there or the other end of Stone Street which comes up on North Carpenter Avenue.

Now, on any given day, without that being there, it's difficult to get onto Stone Street if you come off of 9W and go to take the left on Stone. You're holding up people, and people that have taken that left with you, you know, they think you're going straight, so slam on their brakes to get around you. It's very difficult getting on and off of that road. I just don't understand how this is going to work out with a 100 seat restaurant there also.

And with the parking, they have allotted, I believe, a minimum amount of parking for 100-seat restaurant, or actually it was 108 last time, but that's assuming that 4 people come in a car. Well that doesn't happen nowadays. Plus staff. Where are those people going to park when that parking lot gets overfilled? My thought is it's going to be exactly like when the



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North Plank Road Tavern was crowded and they parked all the way up Stone Street. So you have that parking in addition to the traffic coming on and off Stone Street.

Now, when I was at the public hearing for the ZBA we tried to bring that issue up so that it could be dealt with and they told us repeatedly that it was a Planning Board issue to deal with, whether a traffic study should be done.

Recently a traffic study was done on Carter Avenue in the Town of Newburgh and they determined that 1,800 cars drive up and down Carter on any given day, and that's a fairly private road. So I can't imagine how busy Plank Road is on any given day.

So what will be the -- you know, what will be done to help that traffic flow on and off of Stone Street?

CHAIRMAN EWASUTYN: At this point we'll turn to Ken Wersted.

Ken, would you introduce yourself please.

MR. WERSTED: Sure. I'm Ken Wersted,

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Traffic Consultant for the Town Planning Board.

A couple of things that are a benefit to this area but also kind of negative for this area. One is the traffic on Plank Road is -- I'm sure it's higher than 1,800 vehicles a day because it's kind of a main route --

MS. PEARL: Mm'hm'.

MR. WERSTED: -- to the riverside of the City of Newburgh. Often times, you know, traffic is backed up all the way to Stone Street and you have to look for a gap to turn into Stone Street from Plank Road.

In that regard, right now Stone Street is narrow, it's probably 17 to 20 feet wide. There's a little bit of a shoulder on the tavern side. They do use that for parking when they overflow their parking lot. The applicant is proposing to widen the road on their site side to provide more room, more room to have two-way traffic go through there.

They're also -- are you guys petitioning the Town Board to have no parking on your side?

MR. BROWN: We did discuss that with

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the Town Board. I was hoping that Tom Costa was here tonight. The Town Board's position on that is they do not want us to do it on one side only. We did talk to Mr. Costa. He said he wouldn't have a problem. I was hoping he was here tonight to get that on record so we could do a petition to the Town Board. The Town Board did expressly say one side only. No parking they wouldn't go for.

MR. WERSTED: It does look like you're curbing your side of the road.

MR. BROWN: Yes. The minimum width provided all the way to the bend there is going to be 24 feet.

MR. WERSTED: It will certainly provide a much more cleaner flow to the road than compared to right now. It will also widen it, as I mentioned.

There are some limitations to the parking lots in terms of where they are located. The northern -- the parking lot entrance on the left-hand side of the plan has more limited sight distance when you're looking around the corner, so we're recommending that they don't allow left

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turns into that parking lot because --

MS. PEARL: Say that again. I don't --  
say where you are again.

MR. WERSTED: Sight distance is how far  
you can see ahead --

MS. PEARL: Right.

MR. WERSTED: -- when you're driving.

MR. BROWN: This right here.

MR. WERSTED: The parking lot on the  
left.

MS. PEARL: Where the fence is now and  
the gate is across?

MR. WERSTED: No. It's actually before  
you get to the ninety-degree turn. It's where  
the excavator is parked right now.

MS. PEARL: Okay.

MR. WERSTED: Right about in there is  
where one of the driveways would be to the  
parking lot that would be on the 250 Lake Ave  
property.

MS. PEARL: Okay.

MR. WERSTED: So when you drive up  
Stone Street, you get to that point, and because  
of the vegetation on the corner you can't see

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cars coming from around the corner. So we're recommending that you don't allow left turns to get into that parking lot.

MR. BROWN: Which we would agree to.

MR. WERSTED: So you would have basically all of your traffic entering the parking lot on the right-hand side closer to Plank Road but you could have parking -- you could have some vehicles exiting out of the driveway.

The Stone Street neighborhood is kind of a dead-end neighborhood, so you don't have a lot of cut through traffic.

MS. PEARL: That's not true.

MR. WERSTED: I'm not familiar enough to know who is cutting through.

MS. PEARL: Okay. I've owned the house since 1978. When the gate is open to Lake Street Properties, there's plenty of traffic that comes through because as soon as it backs up on Plank Road, if you're going towards 9W, anyone who knows you can scoot through Stone Street, they're going to do it and they're going to go out onto 9W when that gate opens. So if there's

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access through this way, people are going to do it as well.

MR. BROWN: There is no access from this parking lot into the balance of the 250 Lake Street Property. They can not exit this property and go onto 9W.

MS. PEARL: There's no way they can do that?

MR. BROWN: No.

MS. PEARL: Either way, either way, you're not allowing for any kind of overflow of parking. Where do you think they're going to park? If he has stated that they've already disagreed to making one side of the road no parking, and Mr. Costa isn't here about the other side, but only if two sides, then if you do that, no parking on either side, then where are they going? They're going up Stone Street. They don't have a choice.

MR. WERSTED: Yeah.

MS. PEARL: If they want to eat at either one of the restaurants, that's where they have to go.

MR. WERSTED: You're correct.

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MS. PEARL: I just don't -- I just --

MR. BROWN: We are providing enough parking for 108 seats. Again, we only have a maximum of 100.

MS. PEARL: How many parking spaces?

MR. BROWN: 27.

MS. PEARL: Again, that's 4 people per car.

MR. BROWN: These parking rates are generated by essentially the people that have been doing this kind of stuff for a very, very long time. The ITT, International Traffic --

MR. WERSTED: Institute of Transportation.

MR. BROWN: Anyway, they come up with these rates, and that does include staff, it does include everything else. I mean never is every seat in the restaurant filled. One space for four seats is a formula used not only by this Town but by many, and it apparently works. I mean we're required to follow the code and that's what we're doing.

MS. PEARL: What happens if in this case it doesn't work, not only the parking but

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I'm talking about access off and onto Stone Street? It's a problem. It's a problem now without it there.

Listen, I have no doubt that this project is going to make that end of the street beautiful. I'm not objecting to that part of it. I just think we need to look into this traffic issue and what we're going to do about it. You know, he's going to make it lovely, I have no doubt.

MR. WERSTED: Access is certainly going to be an issue. Even without the restaurant there, you know, traffic is, you know, heavy on Plank Street.

MS. PEARL: Yes, it is.

MR. WERSTED: It's going to become or be an issue as to whether patrons are going to want to go there if they have to fight traffic to get in and out. There are a number of restaurants around. If you drive in and the parking lot is full, you're going to make a decision whether you want to stay and wait to find a parking space, park in an adjacent lot and wait to get in, or you're going to find another



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restaurant to go to because you don't want to wait. That's going to be, I think, an issue that the owner is going to have to, you know, contend with.

MR. BROWN: Self-correct it essentially.

MS. PEARL: True, but let's take where Longhorn Steakhouse is. If I want to go eat at Longhorn and the parking lot is packed like it usually is but I decide to park at Panera Bread, I'm still going to walk to Longhorn. Here if the parking lot is packed and I can park on Stone Street, I'm going to park on Stone Street. It's 100-foot walk, what's the big deal. Except for the people that live there. Well, that's where I live, so I'd like to know what anyone is going to do about it?

MR. WERSTED: I don't think there's any proposed change to the parking on Stone Street on the east/west side that you're on. The petition I think they were looking for is just on the leg that's adjacent. You may have cars parking on that side of the street.

MS. PEARL: Well then -- so there's

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nothing that can be done about it? I just have to suck it up and deal because a restaurant is going into a residential area? That doesn't make any sense to me. I don't live on, you know, Route 52 or Route 32. I'm on a little -- it's a little, like you say, dead-end road. That's it.

MR. WERSTED: I can't answer that, you know. I can't say that nobody is going to park over there. The no parking rule could be extended past your property which would help that, but it also hurts you in the sense that you can't park in front of your house. So I don't really have a perfect answer to address that issue.

MS. PEARL: Anybody else got any ideas?

MR. MENNERICH: She can petition the Town Board to have no parking put up along that street, that portion of the street.

MR. BROWN: On both sides. Everybody would be willing to sign the petition.

MS. PEARL: To go all the way up Stone Street?

MR. BROWN: Again, we want to do our stretch of the street. If you wanted to make a

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petition to the Town Board to put no parking all along Stone Street, go ahead. We would be on board for this section of Stone Street. I don't know if you talked to Mr. Costa but if he's on board, again the Town Board will do it for this portion. If you want that to be extended, then we can do the petition together and do all of Stone Street. I mean I think that's going to really create a big problem on the other end where that six-family house went in, which didn't even go through site plan. There are supposed to be twelve parking spaces over there and I don't see any.

MS. PEARL: Well I've heard that there's allocations being made for that. Whether that's so I don't know as a fact.

MR. BROWN: Anyway, that's the best answer I can give you on that.

MS. PEARL: So that precludes me or my kids who live at the house from parking in front of our own house that I pay taxes on?

MR. WERSTED: Yeah.

MS. PEARL: So that a patron of a local restaurant doesn't park there? That's the only

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answer?

MR. WERSTED: I don't think there's any resident parking regulations in the Town that -- in some cities you have resident parking, you need a permit, and that keeps the tourists and visitors kind of out of there but allows parking for people who live on the street. I don't know that that would be, you know, an option here. I think we've got pros and cons to kind of the issue and, you know, I'm not aware of how to meet the needs of the project and, you know, address your concerns as well. So it's going to be some give and take on both portions of it.

MS. PEARL: Okay. I guess I just don't see -- I don't see it. You know, I don't see how it's going to be easily manageable for the people that live there and pay their taxes and have for several, several years. I don't see how Mr. Costa would agree to no parking there when that can clearly be 7 patrons in his restaurant, because his parking lot isn't big enough for the size of his restaurant either.

MR. WERSTED: I did meet Mr. Costa out in the field and he did mention that he used that

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side of the street when his parking lot overflowed.

MS. PEARL: And all the way up. You know, I know I live there. I worked there at the tavern for seven years, so I understand what it's like, what the road is like when that restaurant is busy. So I can only assume that it will be multiplied if this restaurant is busy as well.

MR. WERSTED: Is there any potential to getting more parking on 250 Lake Avenue?

MR. BROWN: No. They've had a lot of interest in the building for, you know, other people and this is as far as they would go.

CHAIRMAN EWASUTYN: Okay. The gentleman in the front, would you give your name and your address?

MR. THERRIEN: Anthony Therrien, T-H-E-R-R-I-E-N. I'm at 137 North Street in the City of Newburgh, basically one block away, across an empty parking lot.

I've lived there for 45 years. I have no objection to the restaurant except this is too much for too little area. I agree a hundred percent with the lady. You're going to end up

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forcing -- North Street has no parking, although it's not posted so people park there, the residents. If this restaurant goes up, the cars going to the restaurant will either park in what used to be Finkelstein's law firm, which is now Tedd's Motorcycle Company, or if they block that off, which they probably will do, they'll try to park on North Street, which they can't do. The City will put up no parking signs, posting it. It's already in like that. And this is just going to be a massive headache. There's no place to park nowhere. You'd have to park blocks away and walk there. So the whole idea -- although I didn't intend to speak on it, it's a bad idea. Thank you very much.

CHAIRMAN EWASUTYN: Thank you.

Additional questions or comments from the public? The gentleman, give your name.

MR. WEIR: My name is Kevin Weir, my address is 250 Lake Street, Newburgh, New York. I'm the facilities manager for 250 Lake Street Properties and Tedd's Cycles. Tedd's Cycles owns the property across the street and they own part of the Finkelstein law office.

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We're not opposed to having anyone park in our parking lot across the street at night. We're only open until 6 o'clock in the evening five days a week. So we're not opposed to parking. I've talked to Ted Doering, the owner of the property, and he has no objections to posting no parking or anything like that in that parking lot.

You know, as far as the 250 Lake Street properties behind the old Joanne Fabrics, we thought we've done the neighbors a service by blocking off that gate because the traffic that was going through Stone Street originally, it was pretty intense. I mean I visited that parking lot and in any given 30 minutes, 30 cars would go through that parking lot, trucks included. So I think we've been doing the neighborhood a service by doing that. We blocked off that whole area and we cleaned it up. So I don't see, you know, how any of the work that we've done or this new restaurant, that -- all it's going to do is beautify that neighborhood. I don't know how many dumpsters of trash we've taken out of there, and we have a homeless problem over there and

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we've been addressing that also. So, you know, I don't see how any of this is a detriment to the community.

I know it's not a one-way street, too. There's other entrances to come in besides the Stone Street entrance. We plan on keeping it blocked off for the time being so that we can curtail the traffic that goes back there, and certainly stop the dumping that goes on there also.

That's all I have to say on that matter.

You know, if they need more parking, if the Town Board says that they need 10 more spots, you know -- we want this project to go ahead, so if we need to give up 10 more spots, I don't think that there's going to be any problem with that, if we need to. We think we've got it solved the way it is now but we'll see what the Town says.

Okay. That's all I have. Thank you.

CHAIRMAN EWASUTYN: Any additional questions or comments from the public?

(No response.)



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CHAIRMAN EWASUTYN: At this point I'll turn to our consultants. Jerry Canfield, Code Compliance?

MR. CANFIELD: We had talked -- Ms. Pearl had talked about the increase in the occupant load. Originally when we looked at this it was 80 and now the applicant is presenting 100. Other than the parking issue, it should be known that the floor plan will facilitate the 100 occupant load. The difference is the 13 or 14 that Mr. Brown had allocated for outside dining on the front patio area. So according to building code and fire code calculations, the floor plan will facilitate the 100 occupant load without an increase to the footprint.

The building is required to be sprinklered, which the applicant has acknowledged.

There will be municipal water brought to the building.

And additionally for Ms. Pearl, I would just like to make a comment, this property borders a residential zone. This property is in a B Zone. The line is right there at Stone

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Street. By use it is permitted. They did go to the Zoning Board, as you were there, and they received their variances as far as setbacks. The use is permitted because it is a B Zone. If that just helps you a little bit.

MS. PEARL: I understand that completely, but, you know -- and like I said, I have no objection to beautifying that end but with that part is traffic through a residential area. I'm not trying to imply that that is incorrect, you know, about your zoning there. I'm talking about traffic through a residential area. There's a basketball court up there, the kids are out in the street, and that traffic will be -- will be increasing. Yes, it has decreased, like Mr. Weir said. Once they closed that gate there, it's a hundred percent better. A hundred percent better. This will increase it again.

MR. CANFIELD: Right. One of the reasons why I mentioned that also is it's been my experience, and I've been in this business 27 years, whenever you have business and residential, at some point they have to meet, at some point you have to have a line. There's

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always a potential for problems because of business being in proximity and the closeness to a residential zone. In this case it's city style, everything is so close. I just wanted to make sure that you understood that this lot is in a B Zone.

MS. PEARL: I do. I knew that.

MR. CANFIELD: The line is right there.

MS. PEARL: I knew that.

MR. CANFIELD: Just for clarification. That's all I have.

CHAIRMAN EWASUTYN: John with McGoey, Hauser & Edsall, Drainage Consultant?

MR. SZAROWSKI: We have just a couple of notes. You did actually add the bumpers along the edge of the parking lot.

MR. BROWN: Right.

MR. SZAROWSKI: If you could add a note for long-term maintenance of those bumpers just so they're maintained.

We need a couple details, the one for the sprinkler, the one for the Town road pavement for the road widening.

MR. BROWN: The Town road pavement is

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actually on sheet 3.

MR. SZAROWSKI: Okay.

MR. BROWN: We've been calling the water department religiously to try to get that detail. We haven't had a return phone call. I might send somebody up there to get it.

MR. SZAROWSKI: We're a little concerned with the outlet pipe for the trench drain being 8 inch and so shallow.

MR. BROWN: Because of the grades over there, I had to reduce the size of the pipe. I did calculate it. I actually used the entire 24 width of Stone Street. I went back through there today, actually more because of one of the comments from the traffic consultant. That road actually does have a swale that runs along the side of North Plank Tavern. So we really are only taking half the road. I did size the pipe. I did design it. I think as far as maintenance, yes, it's very low pitched. We should include something in there. They'll be responsible for maintaining that pipe. As far as the grade, that's the best we could do. I will put the calculation for the pipe sizing on the plan.

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MR. SZAROWSKI: That would be great.

CHAIRMAN EWASUTYN: Bryant Cocks,  
Planning Consultant?

MR. COCKS: My only outstanding comment was on the lighting. You did show the 15 foot high lighting fixture. We will need to see the iso footcandle diagram showing the amount of light so that we can ensure none will spill over to the adjacent parcels. Even though this is a real well lit area of the Town and there is commercial lighting next to it, we want to see if there will be any spillover from the lighting fixtures proposed.

MR. BROWN: We actually went through a couple rounds with them. Originally we had quite a bit of light spilling over onto the McCullins' property. We figured that out and on the last pass we did not get the iso. I'll make sure that's provided. Not a problem.

CHAIRMAN EWASUTYN: I'll turn to the Board Members. John Ward?

MR. WARD: I have a few questions. First, your sign. You don't have a location where you're putting it?

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MR. BROWN: Yes. It's right here.

MR. WARD: Okay. Your sign is 10 feet high and then you have the canopy on top. It doesn't have a measurement. As a visual with the traffic going in to make a left or right or whatever, when people are going out it's going to affect traffic.

MR. BROWN: Well actually, again, it's 15 foot off the front property line which is probably another 25 foot from the curb line. There's no way that sign is going to conflict with sight distance where it's located. I presume that's why the code is the way it is, to keep it 15 feet off the property line, so it doesn't affect sight distance.

MR. WARD: I was concerned about how big it is.

MR. BROWN: We're less than two-thirds of what's permitted as far as the sign size. The height, actually I was surprised we went up to 40 feet in this zone, which shocked me. I mean height wise, the top of the sign.

MR. WARD: With your fencing, you have stockade fencing going around on the bottom, then

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you have 6 foot stockade, and then you have 4 foot screen fencing on the side. I'm recommending keeping it all screened fencing. Try to keep it uniform.

MR. BROWN: That's fine. Yup.

MR. WARD: And with the parking lot, you put the bumpers down. Personally I don't see that in a year or so holding up with traffic hitting them and snowplows. So somehow or another you have to have maintenance, replace them, whatever. I don't know how you put them in, whether there's rods going in them.

MR. BROWN: They're pinned with a rebar.

MR. WARD: Rebar.

MR. BROWN: We've had very poor luck with actually the ones made out of recycled plastic. Plows hit them and they essentially disintegrate. The concrete ones, when they're installed correctly they stay there. The reason for that is, you know, we need to be able to travel through them so they don't end up with patches of ice in the wintertime. We will add a maintenance note.

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MR. WARD: My question was with that gate on the end of the road there, what was that used for? At the end of the road. You put the gate for traffic.

MR. WEIR: That gate was always there. It's been knocked down by whoever wanted to go through the parking lot.

MR. WARD: Was that for Joanne's?

MR. WEIR: That was the old Joanne's Fabrics building. Right. That fence has been there since then. It just was opened. I closed it once and it was busted open again, and I closed it up, I chained it all together and I put a chain across the end of the road and that stopped people from busting through it.

MR. WARD: When the business was open was it accessible to go in and out?

MR. WEIR: It probably was. Yes, it was.

MR. WARD: So if another business comes in, that's more traffic. That's what I'm trying to ask.

Another question was the curve going around. At work session Ken, you mentioned about



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the curve going up. You didn't mention it. If you can.

MR. WERSTED: Right now it's a ninety-degree curve for the turn and there's no signing for it. Everyone that lives in the neighborhood knows that there's a turn there.

MR. BROWN: You're talking about the turn on Stone Street?

MR. WERSTED: Correct.

MR. BROWN: Okay.

MR. WERSTED: So we were recommending a turn -- a warning sign on either side of it with an advisory speed limit.

MR. BROWN: In other words, the one would be on Tommy's side of the street, Costa, and the other one would be around the bend?

MR. WERSTED: Correct.

MR. BROWN: Okay. Okay.

MR. WARD: Another thing was, worst-case scenario, say there's no parking signs that they're able to park there, where are they going to turn around? In the parking lot? Say you want to go to another restaurant, is there any access that they can turn around?

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MR. BROWN: Well again, we're providing enough parking for our use. We're not going to be encouraging people to park on the street. I'm sure if they see any patrons parking on the street, they'll tell them not to park there. I mean other than that, there's not much more we can do than that.

MR. WARD: I'm just making it public.

And the other scenario is if you do get no parking signs for the entire street, the overflow could go to cross the street or, you know, it depends.

MR. BROWN: It actually exasperates the problem around the bend.

MR. WARD: That's what I'm trying to say.

That should do it. Thank you.

MR. FOGARTY: One of the areas that came up during the work session was the problem with the delivery trucks. You may want to just go over it. I remember we discussed that.

MR. WERSTED: The truck access is going to be limited to mainly that front parking lot close to the building.

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MR. BROWN: A box truck. Right.

MR. WERSTED: You'll be able to get a box truck in there and they can pick up the garbage and make deliveries. Anything larger than that is going to have a really difficult time. You'll have to schedule deliveries around the peak restaurant time.

MR. BROWN: We wouldn't be taking deliveries then.

MR. VATAN: They come three or four hours before we open.

MR. BROWN: Right. And the 14-foot width with the flair and the grade is actually set up for that size truck.

MR. FOGARTY: The other question, regarding Stone Street, you're going to expand Stone Street from 17 to 20 feet now to what?

MR. BROWN: 24.

MR. FOGARTY: To 24?

MR. BROWN: Right.

MR. FOGARTY: But the Town Board is saying you can not park just on one side of the street?

MR. BROWN: That's not what they said.

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Based upon the Zoning Board meeting, and I think an earlier meeting with this Board, we went to the Town Board and we said, you know, informally would you consider allowing us to post at Stone Street no parking. What they said was we don't do just one side of the street. If we're going to post it, we do both sides. I'm presuming that's because of the 24-foot width. There's only a 30-foot right-of-way through this section of Stone Street. When you get around the bend it goes to 50 feet. So, you know, I mean I know that probably is not a solution the Town Board wants to hear, but widening the rest of Stone Street to allow parking along one side might be a solution to the problem. That's not something we're going to do. That's what the Town Board told us. I'm sure if you proposed to do both sides we would notify Mr. Costa and he would come to the Town Board meeting and respond. So we're willing to do that.

MR. FOGARTY: Are they saying they're going to allow on the new street, they're going to allow parking on both sides?

MR. BROWN: They don't say that. They

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say they won't post just one side of the street.  
They do not want just one side of the street  
posted.

MR. FOGARTY: I don't understand that.  
You eliminated the whole purpose of widening the  
street.

MR. BROWN: And if you're parking on --  
really parking on both sides you don't have  
enough to get through. You're right. You're  
right. I mean I can't speak for their reasoning,  
I can just relay what they said. I mean I'll  
propose it to the Town Board. I will. I don't  
have a problem doing that. We'll post our side  
of the street no parking.

MR. FOGARTY: I think that makes the  
most sense.

MR. BROWN: I agree. I agree. I mean  
also it would affect the sight distance for  
people coming in and out of our parking lot.

MR. FOGARTY: If you say no parking on  
both sides, that's just going to spread the  
parking into the neighborhood where you don't  
want to have it to begin with.

MR. BROWN: Well if that's something

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the Planning Board wants me to do and the Planning Board directs me to do that, that gives me more, I don't know, authority to go to the Town Board. I don't have a problem doing that. If that's what the Planning Board wishes, I will say it's at the request of the Planning Board.

CHAIRMAN EWASUTYN: We never get into a position of making recommendations.

MR. BROWN: It's a request. Not a recommendation but a request.

CHAIRMAN EWASUTYN: The Planning Board does not -- Mike Donnelly will speak on that.

MR. DONNELLY: Generally we do not. Our Traffic Consultant, if he thinks it's appropriate, may pass along a report to the Town Board. The Planning Board wouldn't usually get involved in that.

MR. BROWN: Again, we're willing to do that. It's to our benefit, too. We don't want parking along that side of the street.

CHAIRMAN EWASUTYN: That is no different than us making a recommendation to the Zoning Board of Appeals.

MR. BROWN: Okay.

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MR. FOGARTY: Thanks, Charlie.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Charlie, the offer by Mr. Weir of parking in their lot, is that going to be a formalized agreement in writing?

MR. BROWN: The one across the street? That's across --

MR. WEIR: The one in the back you mean?

MR. PROFACI: Wherever you were proposing for parking on your property.

MR. BROWN: Across the street. Across North Plank Road at Tedd's Cycle. You said after 6.

MR. PROFACI: Is that the Finkelstein property?

MR. WEIR: That's the Finkelstein property.

MR. BROWN: We don't have any formal agreement or haven't discussed any formal agreement on that.

MR. PROFACI: Okay. So that's just talk then?

MR. BROWN: This is the first I've

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heard of it. So yes.

MR. PROFACI: What is your plan with that?

MR. WEIR: We're not opposed to having any parking at night in the parking lot.

MR. PROFACI: Parking at night. That's an agreement you would formalize?

MR. BROWN: I'd be concerned about people crossing that street.

MR. PROFACI: That's why I'm saying it doesn't seem like an offer that's worth anything.

MR. WEIR: It's just an offer. We don't post no parking signs.

MR. PROFACI: It's a potential liability issue for you, too.

MR. BROWN: So let's remove that from the table right now.

MR. WEIR: If we did that, that would cause a lot of problems. A lot of people use that parking lot, including bus services, school buses, everything.

MR. PROFACI: The Finkelstein lot?

MR. WEIR: Yup.

MR. BROWN: We'll take that off the



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table.

MR. PROFACI: It sounds like you need to close that somehow.

CHAIRMAN EWASUTYN: School buses park there around 8, 9 o'clock in the morning.

MR. PROFACI: By whose permission?

CHAIRMAN EWASUTYN: I just happened to be there one morning and I was waiting for someone and I myself pulled into the parking lot and I was surprised to see --

MR. PROFACI: Do they have permission for that?

MR. WEIR: No.

MR. PROFACI: I'd be worried if I were you.

That's all I have.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have nothing.

CHAIRMAN EWASUTYN: Charlie, since you're here and we are -- do you want to go through some of the ARB on this?

MR. BROWN: Sure. We're all done with the site plan now?

CHAIRMAN EWASUTYN: Yes.

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MR. BROWN: Okay.

CHAIRMAN EWASUTYN: We can't take action on it this evening. We can close the public hearing. We can't take action until we get the City flow acceptance letter from the City.

MR. BROWN: Okay.

CHAIRMAN EWASUTYN: What we can do is sort of put everything in order, and that's why I say we'll go through the ARB at this point also.

MR. BROWN: Okay. We're showing the various elevations here. This is Plank Road, this is from Joanne's -- former Joanne's, 250 Lake Street Properties, from that building. This is from Stone Street, in other words across from North Plank Tavern. And that's the side facing Sunoco.

What we're proposing to do is there's the block foundation below the existing brick will be patched and painted. The brick -- existing brick will be cleaned. Wherever we effect the brick will be filled in with brick to match. The rest of the areas above the brick would be stucco. I brought color samples with

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us. The windows are Anderson 400 series with the diagonal grills which I think go very, very well in a steakhouse place. The shingles, we're using a Timberline, this color right here. We had to change the color on the shingles because the actual color that we wanted that we put on the original plan were made in a factory that was affected by Hurricane Sandy so they're virtually impossible to get at this particular time. This is actually a different manufacturer.

As far as the stucco, the reddish one, the color is Woodpecker, number 2360, and the fascia would be painted white. The columns are stucco and those are putty gray. The only thing left is the cultured stone which is a chardonnay style.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: It looks very nice. I like it.

MR. PROFACI: The windows are the diagonal or diamond style grills?

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MR. BROWN: Diamond. I'm sorry.

Diamond.

MR. PROFACI: Okay. I just used them  
in my house.

MR. BROWN: They look good.

MR. PROFACI: They look really good.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: The cultured stone  
Charlie, what did you -- you mentioned it was  
what color?

MR. BROWN: A chardonnay style.

MR. MENNERICH: Like a light gray?

MR. BROWN: Yeah. Also it's the round  
stone. They have different style --  
unfortunately I didn't bring that. I should  
have. They've got the flat stone. These are the  
rounded stones. They're pretty mixed up, pretty  
earthy colors. It's called chardonnay style.  
The color that goes with it, I will get that  
information to you.

CHAIRMAN EWASUTYN: Maybe at the next  
meeting you'll bring a sample of that.

MR. BROWN: Right.

CHAIRMAN EWASUTYN: Okay. Jerry?

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MR. CANFIELD: Charlie, just one thing. On the floor plan that you submitted, on the elevations, they're a little bit different than the architectural drawings you're showing there.

MR. BROWN: Yeah. The floor plans are still a work in progress. This elevation is what we're sticking with. The floor plans will be made to match.

MR. CANFIELD: Okay. This shows the copper colored metal roof.

MR. BROWN: That was actually changed. They asked me to make it today because of the price of it. That will be the same shingles. You can barely see it. The roof is still there.

MR. CANFIELD: That will be flat then?

MR. BROWN: No. It will be steep pitched. I have to outline it with a dark black line so it shows up more. We'll be using the same shingles on that as the rest.

MR. CANFIELD: This shows a reverse gable.

MR. BROWN: It's not in the back.

MR. CANFIELD: Yeah.

MR. BROWN: No, it's not. It's a

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pyramid like. It's showing a copper roof but it's actually a hip all the way around.

MR. CANFIELD: But that's what you're proposing?

MR. BROWN: Yeah. The geometry is the same on the exterior of the building as what we originally submitted.

MR. CANFIELD: These are going to change on your actual submittal?

MR. BROWN: The floor plans will. The geometry of the exterior will not change.

MR. CANFIELD: One other item, John. Also, John Ward had mentioned about the signage. The sign that's proposed is approximately 35 square feet per face, it's double faced, and that's 140 square foot. The linear footage that's available is 241. 50 percent of that is 120 square foot as allowable and they are only showing 70. Signage wise they're well under the calculation.

MR. BROWN: We forced them to have a lot of frontage.

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to close the public hearing on the

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VALON AND VATAN RESTAURANT

Valon and Vatan Restaurant located at 34 North  
Plank Road.

MR. MENNERICH: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Ken Mennerich. 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 Ken Mennerich.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

MR. BROWN: Now as far as coming before  
the Board again, I would get a hold of that  
letter and forward that to you and you will  
automatically get us on?

CHAIRMAN EWASUTYN: Normally we get the  
letter. We get cc'd on the letter from Jim  
Osborne. We'll work with you on that.

MR. BROWN: We actually forwarded our

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letter -- request a long time ago. I'll have to remind them. Okay.

Thank you very much.

CHAIRMAN EWASUTYN: And come back with the samples of the stone.

MR. BROWN: Yes, I will.

(Time noted: 7:58 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.

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DATED: May 31, 2013



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

----- X  
In the Matter of

GIBSON ESTATES  
(2013-09)

122 Rock Cut Road  
Section 47; Block 1; Lot 28.2  
R-1 Zone

----- X

CONCEPTUAL FOUR-LOT SUBDIVISION

Date: May 16, 2013  
Time: 7:58 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
JOHN SZAROWSKI  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: KEN LYTLE

----- X

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

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MR. PROFACI: The last item on tonight's agenda is Gibson Estates, project 2013-09, located at 122 Rock Cut Road, Section 47; Block 1; Lot 28.2, located in the R-1 Zone. It's conceptual four-lot subdivision being represented by Ken Lytle.

MR. LYTLE: Good evening. This is a 6.1 acre parcel of property. The DEC wetland is on the eastern side of the property. It's located at 122 Rock Cut Road.

There's an existing dwelling on lot number 1. Bryant's comment brought up there's an 80 foot setback from the front to the base of the building, so we are required to go to the Zoning Board for that approval.

Regarding lot number 4, we were hoping actually to keep it which would require going to the Zoning Board also. It keeps it in line with the adjoining neighbor to the south and the next neighbor. It keeps them right in line. That would be to the benefit to do it that way.

Bryant also mentioned about the driveway. Again, there's currently a circular driveway. We met with Pat Kennedy from the

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County highway and he was in agreement. We're actually sharing this with the two middle lots and abandoning this so the existing house only has one driveway.

We're proposing individual wells and individual septics.

We met with the DEC and they have actually signed off on the wetland location.

I know I had spoke to Pat Hines and he was going to fax over the comments. I didn't receive those yet. I briefly spoke to him. I can get them. They were technical comments.

MR. SZAROWSKI: Sorry about that.

MR. LYTLE: That's fine.

CHAIRMAN EWASUTYN: Do you have them?

MR. SZAROWSKI: I don't have his copy, unfortunately.

CHAIRMAN EWASUTYN: I have a copy. Here you go.

MR. LYTLE: I don't know if the Board has any comments.

CHAIRMAN EWASUTYN: I think what Bryant will discuss is the need, at this point actually, to be referring it to the Zoning Board of

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Appeals. And then the other thing that we want to make clear on the record, and Jerry Canfield will propose this with you, is the new septic system being installed prior to the signing of the maps.

Jerry.

MR. CANFIELD: Pat had brought up a comment regarding the note and the relocation of the existing septic. From an enforcement point of view I would feel more comfortable, and I feel it would be easier to enforce, if that relocation was a condition of approval as opposed to being hinged upon building permits or C of Os.

MR. LYTLE: So basically we would install it, give you the sign off and --

MR. CANFIELD: Exactly. That would be my recommendation to the Board, that it be a condition of approval.

MR. LYTLE: I think Bryant brought up something with the driveways. We'll do that at the same time also.

CHAIRMAN EWASUTYN: Bryant Cocks, do you want to review the variances that will be needed for this?

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MR. COCKS: Sure. Before we start that, the 10,000 square foot buildable area, I know you said you were going to take a look at it. I don't know if you can fit that in on both of those lots in back.

MR. LYTLE: The two lots in the rear, yes, I can definitely make some minor adjustments and make that happen. That's not a problem at all. Lot 4 was the real question. By going through the code it looks like, because there was actually no wetlands on this lot, we were able to use the adjoining area outside the setbacks. I think you wanted me to show in the hatched-in area where that building area would be.

MR. COCKS: Absolutely. With the lot configuration, why do you have those two access strips going back?

MR. LYTLE: Lot 4 originally was created to get the extra acreage we needed. Minor adjustments. We can adjust it to make that happen. Lot 1 originally we had a different configuration. We tried to look at doing a possible sewer treatment plant at one time. We had a large number of lots compared to this.

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That actually still remains. We can adjust that and take that out.

MR. COCKS: But the lot --

MR. LYTLE: Lot 4 is going to have some part of it. We'll have to stop it short of the wetland. So I can use the 10,000 square foot area.

MR. COCKS: So the variances will be two front yard setback variances which have to be 60 feet on Rock Cut Road, and also, at the same time, the 80 foot from the center line of Rock Cut Road.

MR. LYTLE: That's correct. It makes sense, especially with the new lot. We're going to do smaller homes.

MR. DONNELLY: Which lot? Lot 1 is the one that has the pre-existing nonconforming; correct?

MR. LYTLE: Yes. Lot 4 would be the new proposed one.

MR. DONNELLY: 4 needs a required front yard and 80 --

MR. COCKS: 80 feet from the center line of Rock Cut. As far as variances and

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setbacks, I think those were the two main issues.

As mentioned, the abandonment of the driveway was going to be a major issue. That would be a condition of approval.

At the same time fill the septic in and the driveway. Me or Jerry will go out for a site visit just to see if the driveway is abandoned. If you sign the site plans there will be three dwelling units on the one lot and then you need that waiver. If you get that done --

MR. LYTLE: What I mentioned to Jerry is we have to do a septic as-built for the Town. Would it be difficult to get a septic permit? We'll do it on the overall lot.

MR. CANFIELD: We can give you a permit for that.

MR. LYTLE: We'll bring back the as-built map and show the driveway has been removed, then it's signed and sealed and filed, if that's okay.

CHAIRMAN EWASUTYN: Mike, I have a question for you at this point. The notice to the adjoining property owners within ten days before they appear before the Planning Board, is

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that initiated now or is that initiated after he goes before the ZBA?

My second question is the envelop that's addressed, which in this particular case is addressed in the affidavit that's presented by Zen Design, does it have a return address to the Planning Board or does it have a return address to Zen Design?

MR. DONNELLY: I would think you would want it to be the Planning Board. The applicant is providing the envelopes.

MR. COCKS: Mark Taylor also clarified. The adjoiner notice is sent by the applicant, you just get the affidavit.

CHAIRMAN EWASUTYN: Understood. That's what I'm discussing. Understood.

MR. COCKS: Okay.

MR. DONNELLY: I think the notice should be sent now.

CHAIRMAN EWASUTYN: Okay.

MR. LYTTLE: Return address, we'll put the Planning Board's address, in case there's any questions it will come back to you guys. Okay.

CHAIRMAN EWASUTYN: And you'll forward



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MR. DONNELLY: Referral letter.

Pre-existing front yard setback on lot 1 and two variances for lot 4, one is required front yard and the other is 80 feet from the center line of Rock Cut Road.

MR. LYTLE: I think the 80 feet is required for lot 1 also. Both of those. The first one again is pre-existing on both of those cases. Lot 4 as well. If we don't get it we can actually adjust the house to make it work. It's not a problem. We prefer to have it look that way.

CHAIRMAN EWASUTYN: Anything else?

MR. CANFIELD: Just one thing. Also Ken, the wetland area, this is also a flood zone.

MR. LYTLE: Okay.

MR. CANFIELD: Okay. I think it's panel 136. Take a look at that. It should be delineated on the map as well.

MR. LYTLE: Okay.

MR. CANFIELD: It's an AE Zone.

MR. LYTLE: Not a problem.

CHAIRMAN EWASUTYN: All right.

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MR. LYTTLE: Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of the 16th of May.

MR. WARD: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward, a second by Tom Fogarty. I'll ask for a roll call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

Thank you.

(Time noted: 8:07 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.

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DATED: May 31, 2013