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## **PROJECT ANALYSIS**

MUNICIPALITY: TOWN OF NEWBURGH                      TOWN PROJECT NO. 2006-23  
PROJECT NAME: Laxmi Estate II, LLC  
LOCATION: 5277 Route 9W (40-2-20)  
TYPE OF PROJECT: Site plan for a Dunkin Donuts (3900 sq. ft)  
DATE: July 11, 2013  
REVIEWING PLANNER: Bryant Cocks

### **PROJECT SUMMARY:**

Approval Status: Submitted March 27, 2006, resubmitted July 9, 2013  
SEQRA Status: Unlisted, Planning Board lead agency as of May 4, 2006, Negative Declaration issued December 13, 2007, Conditional Final Approval granted May 27, 2008  
Zone/Utilities: B/municipal water and individual septic system  
Map Dated: June 25, 2013  
Site Inspection: November 30, 2007  
Planning Board Agenda: July 18, 2013  
Consultant/Applicant: Bohler Engineering, James Gillespie  
Copies have been sent to: John P. Ewasutyn at the Planning Board Office, James Osborne, Gerald Canfield, Michael Donnelly, Patrick Hines, Karen Arent and Ken Wersted on July 11, 2013

### **COMMENTS AND RECOMMENDATIONS:**

1. The applicant previously received Final Approval for the construction of a Dunkin Donuts without a drive-thru, but did not get the final plans signed by the Chairman of the Planning Board. A worksession was held to discuss ARB issues in 2008, but there were never ARB plans submitted for approval.
2. There is an existing front yard setback violation (50 feet required, 44 existing). The Planning Board previously determined that no variance would be necessary since the setback violation is not increasing.
3. The applicant now proposes a Dunkin Donuts with a drive-thru lane, with the building taking up the whole 3900 square feet of the building. The Planning Board previously reviewed the project for zoning issues, and no variances were necessary. There are several issues in the drive-thru section of the zoning code (185-42) that the Planning Board will need to review before approving the plans, listed below:
  - Pedestrian Safety
  - Signage, lighting and speaker noise
  - Vehicle stacking
4. The applicant has currently only shown a conceptual plan for the project, the above items will need to be detailed on the site plan. A lighting and landscaping plan will also need to be submitted. The Planning Board previously was concerned with the landscaping at the back of the site, specifically if the plantings will survive in the existing soil.

5. The lighting on site should meet the Town Design Guidelines in being pedestrian in scale (15 feet) and have a decorative fixture or aesthetic value. All lighting on site, including on the building, should be evaluated in the lighting plan.
6. ARB drawings should also be provided to the Planning Board with color and material samples brought to the next meeting. All architectural features should be labeled on the plans, including specific colors for each façade. The screening of the rooftop HVAC units should also be shown.
7. A signage plan should be submitted showing the allowable amount of signage on site and the total signage for the freestanding and building signs. The applicant was discussing tying the rock wall into the freestanding sign when they were last before the Planning Board. This should be shown on the site plans and landscaping plan.
8. A traffic movement plans should be submitted showing the turning movements of both the garbage trucks and delivery trucks. Where will the delivery trucks park during drop offs since there is no loading zone and parking in back of the site? The largest delivery truck anticipated should be shown on the turning movement plan.
9. The proposed trash enclosure should be detailed in the site plan.
10. A demolition permit will be required for the car wash bay removal.
11. The project received a Local Determination from the Orange County Planning Department in May 2006. The Planning Board should discuss whether the plans should be re-submitted.
12. The project received approval from the NYS DOT for their Highway Work Permit, dated December 13, 2007. This permit will need to be re-issued when the plans are approved.
13. A SPEDES Permit was also previously issued for the project, that permit will also need to be re-issued.
14. An adjainer notice must be sent to the property owners within 500 feet of the project. The Planning Board should discuss whether they would like to hold the optional public hearing. I will draft the adjainer notice and send the memo requesting the mailing list to the Assessor.

The above comments represent my professional opinion and judgment, but may not necessarily, in all cases, reflect the opinion of the Planning Board. Please revise your plans to reflect these comments with the understanding that further changes may be required. In all cases the requirements of the Zoning Law and Subdivision Regulations shall be adhered to by the applicant and shall be shown on the plans. Where variances to the Zoning Law are required or where waivers from the Subdivision Regulations are needed, specific requests shall be made to the Planning Board for waiver or for referral to the ZBA. These comments are prepared based on current zoning and subdivision regulation requirements. Any change in those regulations prior to final approval of these plans could require revisions beyond the scope of my existing comments.