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

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In the Matter of

440 SOUTH PLANK ROAD
(2016-16)

Section 52; Block 7; Lot 1
B Zone

----- X

INITIAL APPEARANCE - SITE PLAN

Date: September 15, 2016
Time: 7:48 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER TAGUE
SUSAN TAGUE

----- X

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

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MR. BROWNE: Our next item of business is 440 South Plank Road, project number 2016-16. This is an initial appearance for a site plan being presented by Margaret --

MR. TAGUE: My name is Chris Tague. My wife Susan and I are in the process of purchasing this building. It's going to be used -- it's currently used as a restaurant.

Tonight we're here to request a waiver for the site plan based on the square footage. It's 2,015 square foot. The code allows for that waiver.

I did read some of the engineer reports and I can answer some of them -- most of them.

CHAIRMAN EWASUTYN: Let's start with Board Members. Frank Galli?

MR. GALLI: No questions.

MR. BROWNE: No. We covered everything in the work session.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Not at this point, no.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Just give me a brief -- what is your potential business? I have a

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refrigerator, you buy it, sell it?

MR. TAGUE: Yeah. It's more vintage stuff, dealing with some furniture, a lot of collectibles and pottery.

MS. TAGUE: We purchase through an auction and put it up through resale. It's collectibles. Not all antiques. I call them collectibles. Little vintage. If you want to go to antiques you're going very, very expensive and very, very collectible.

MR. DOMINICK: Thank you.

MR. WARD: Nothing.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: They're here requesting a waiver under Section 185-56 for structures less than 2,500 square foot. The building is 2,015 square feet.

Right now the site has uncontrolled access from Route 52. There's no curbing, no defined curb cut. If you look at the site, it looks like it has a lot of parking and a lot of pavement but some of that pavement is on the adjoining property, a lot of the parking spaces.

In addition, the site has existing

1 zoning bulk deficiencies for front yard, side
2 yard and accessory deck. There's nothing in the
3 section of the code that allows the waiver that
4 says you can't do it if it needs a variance. I
5 just noticed -- just wanted to note those
6 existing zoning bulk deficiencies. I believe
7 it's up to the Board. I don't know, I think Mike
8 concurs there is no zoning issue.

10 MR. DONNELLY: Under 185-56(b) there's
11 no prohibition on granting a waiver when there
12 are zoning deficiencies for the lot. It's also
13 not a requirement that you grant a waiver. It's
14 in your determination. It says you have the
15 discretion to waive the requirement of site plan
16 approval for buildings with areas under
17 twenty-five feet in your determination as to
18 whether or not review by the Planning Board is
19 required.

20 CHAIRMAN EWASUTYN: Okay. Do you
21 understand that some of what you're showing there
22 really doesn't belong to you?

23 MR. TAGUE: Yes, yes. We discussed
24 that with our lawyer, Dan Bloom.

25 CHAIRMAN EWASUTYN: So let's assume

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that -- you are, in your site plan, taking credit for that or you're not taking credit for it let's say as it relates to just parking?

MR. HINES: They didn't provide a parking analysis. The survey that was submitted just shows the lot lines. I didn't do a parking calculation either. I don't know if it meets that or not based on the retail.

MR. TAGUE: There's currently fifteen spots on the side with an additional ten in one area. We do know that part of that is taken, but we also will be purchasing the land behind it which is an empty lot right now.

CHAIRMAN EWASUTYN: With the intention of doing what with it?

MR. TAGUE: Nothing at this time, sir.

CHAIRMAN EWASUTYN: Using it for parking or not?

MR. TAGUE: Not at this time. We don't envision needing that for parking.

CHAIRMAN EWASUTYN: Are we talking --

MR. HINES: We were just discussing the parking layout.

MR. GALLI: If they own the property

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behind it -- is it all one piece?

MS. TAGUE: All one piece.

MR. HINES: The lot has reverse frontage on Old South Plank Road. I would assume the major access would be off of Route 52. I'm just guessing there's probably eight parking spots if you pulled in off of 52 in front of the building.

MR. TAGUE: That's right.

CHAIRMAN EWASUTYN: Signage, as far as any signage on the property?

MR. TAGUE: There is a current sign from the restaurant. It's on the west side of the building, right in front of it. It doesn't block any view.

CHAIRMAN EWASUTYN: You're going to work with that existing sign?

MR. TAGUE: We're going to use that.

MR. MENNERICH: Are you going to remove the one on the east side? I know there's nothing in the sign, it's the framework that's still there.

MR. TAGUE: That's where that -- we don't own that land. Right now we don't plan on

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removing that because it's not our piece of property. That sits actually on that other land.

MR. HINES: That's well on that parcel that I was discussing.

CHAIRMAN EWASUTYN: Okay.

MR. HINES: Was it for the restaurant, though?

MR. TAGUE: I'm sorry?

MR. HINES: Was it for the previous use of the site?

MS. TAGUE: I believe they might have had it for that use.

MR. TAGUE: Yeah.

MS. TAGUE: I'm really not sure.

MR. TAGUE: The restaurant in the past, I don't know if they used both of the signs.

MR. DONNELLY: Will there be any outdoor storage of materials?

MR. TAGUE: No.

MS. TAGUE: No.

MR. MENNERICH: Will you be making any improvements to the outside exterior of the building?

MR. TAGUE: Probably just paint. The

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building was recently painted by a person. We don't really see it at this time needing any painting. Most of it is just painting the inside. Nothing on the outside.

CHAIRMAN EWASUTYN: What section again, Michael?

MR. DONNELLY: 185-56(b) authorizes you to grant the waiver. I think if you do so your resolution should note the need for variances and you're not approving the use until the Zoning Board acts. You can grant the waiver but we don't want anybody to understand they can go in business. You need variances.

CHAIRMAN EWASUTYN: Do you understand that?

MR. DONNELLY: You'll have to go to the Zoning Board to get variances for front yard, side yard and the accessory deck.

Where is that, in front or --

MR. HINES: It's to the rear of the property -- to the rear of the structure.

MR. TAGUE: The front of the building is where it's at, where 52 -- the building sits right there.

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MR. DONNELLY: I know they exist but you need to get variances for this change of use.

MR. TAGUE: We go in front of the Board?

CHAIRMAN EWASUTYN: The Zoning Board.

MR. TAGUE: Okay.

CHAIRMAN EWASUTYN: That would be a separate application. Mike Donnelly explained to you how that process works starting --

MR. DONNELLY: You need to check with the building code department. They will deny you a building permit or give you a letter and an application packet to appeal to the Zoning Board. You have to show the Zoning Board why it creates no detriment to the community. The most important factor is the building exists, you're not proposing to change it. They'll have to have a public hearing. You won't be able to occupy or use the building until you obtain that variance. You will not need, if the Board grants a waiver, to come back here for any further approval.

MR. GALLI: If you don't plan on using that deck and you're going to tear it down, you might want to mention it because when you go to

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the Zoning Board that will be one less variance
you'll need.

MS. TAGUE: Well that deck is mobile.
It looks like somebody put a piece of board. You
can pick it up and do whatever you want with it.

MR. HINES: Then move it 4.7 feet.

MR. GALLI: Move it over 5 feet.

MR. TAGUE: That's our plan for that.
They moved it from behind the building.

MR. GALLI: You have to show it on the
survey or show something when you go to the
Zoning Board. You won't need that variance.
They'll come out and look and see it's not there.

MR. HINES: If you're going to the ZBA,
while you're there you should get a variance for
the sign which is less than fifteen feet off the
front property line. That will clean up all your
issues there.

CHAIRMAN EWASUTYN: All right. Then
I'll move for a motion to -- a motion from the
Planning Board under Section 185-56(b) which
allows the Planning Board to waive site plan
approval for buildings under 2,500 square feet
which the application before is I believe 2,100

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square feet.

MR. HINES: 2,015.

CHAIRMAN EWASUTYN: 2,015. Thank you.

I'll move for a motion to grant that approval.

MR. DOMINICK: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Frank Galli. I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

Now the process begins with the ZBA. Thank you.

MR. TAGUE: Thank you.

MS. TAGUE: Thank you.

(Time noted: 7:57 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of September 2016.

Michelle Conero

MICHELLE CONERO



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS D.P.C.

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**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT: 440 SOUTH PLANK ROAD
PROJECT NO.: 2016-16
PROJECT LOCATION: SECTION 52, BLOCK 7, LOT 1
REVIEW DATE: 8 SEPTEMBER 2016
MEETING DATE: 15 SEPTEMBER 2016
PROJECT REPRESENTATIVE: MARGARET M. HILLRIEGEL, L.S.

1. The Applicants have provided a partial survey of a building which is identified as a previous restaurant which they are proposing to purchase and utilize as a second hand vintage retail store. The existing structure is identified as 2015 square feet. The Applicant's are requesting a waiver in accordance with 185-56. The Planning Board should evaluate the site with regard to any potential waivers it wishes to grant under the code.
2. The existing site has uncontrolled access from NYS Route 52. Planning Board may wish to discuss signage with the Applicant's representative.
3. The building appears to have zoning Bulk deficiencies. The following Bulk deficiencies are identified:
 - 1) Front yard: 40 required, 29.4 depicted.
 - 2) Side yard: 15 feet required where 8.3 is depicted.
 - 3) Accessory deck is also located 1.3 feet from the property line.

In addition what appears to be a large amount of parking for the site is actually located within NYSDOT right of way and on an adjoining parcel.

Respectfully submitted,

**McGoey, Hauser and Edsall
Consulting Engineers, D.P.C.**

Patrick J. Hines
Principal

PJH/kbw

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