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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

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

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VALON & VATAN RESTAURANT

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

4 MR. BROWN: Correct.

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

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

21 MR. CANFIELD: Okay. One of our big
22 concerns was that the owner and yourself are
23 aware of what level of compliance is going to be
24 required here. Interesting you say that, that
25 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

1 development details, paving, et cetera.

2
3 For stormwater management, just show
4 some erosion and sediment control. You're only
5 adding 4,000 square feet. There's not enough
6 room to do much there anyway. I think an erosion
7 and sediment control plan can be incorporated for
8 the grading area.

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

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

13 MR. COCKS: Yes. The variances
14 required will be for minimum lot area, where
15 40,000 square feet is required and 14,218 is
16 proposed; the front yard setback on Stone
17 Street, where 50 foot is required and 32.4 feet
18 is proposed; the front yard setback on Route 9W,
19 60 feet is required, 31.3 feet are proposed; the
20 side yard setback, 15 feet is required, 10.5 is
21 proposed; the minimum lot width, 150 feet is
22 required, 100.4 feet is proposed; and minimum lot
23 depth, 150 feet is required and 141.4 feet is
24 proposed.

25 My other comments are the first one

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

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

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

9 MR. COCKS: Yes.

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

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

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

20 MR. BROWN: I'm sorry?

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

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

1
2 layout of the building. Right now it's intended
3 that the kitchen area will be toward the corner
4 there of North Plank and Stone Street. That's
5 why one of them will get changed out to a door.
6 The bar area would be behind that. The rest of
7 it will all be the seating toward the west.

8 MR. COCKS: Okay.

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

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

15 MR. BROWN: Yes. Probably. Yup.

16 MR. COCKS: That was more for ARB.

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

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

24 MR. BROWN: Actually, we have a
25 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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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