

# Talcott Engineering DESIGN, PLLC.

1 GARDNERTOWN ROAD ~ NEWBURGH, NY 12550  
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Town of Newburgh  
Zoning Board of Appeals  
308 Gardnertown Road  
Newburgh, NY 12550

February 13, 2013  
Page 1 of 3

Attn: Zoning Board Members

Re: Area Variance Application of Zef Gjurashaj  
Valon & Vaton Steakhouse (Restaurant)  
Plank Road & Stone Street – Town of Newburgh  
SBL: 84-2- 1.1  
Job No. 12126-ADM

Dear ZBA Members:

On January 24, 2013 the Zoning Board of Appeals (ZBA) voted to keep the Public Hearing for Zef Gjurashaj open and continue it on February 28, 2013. The ZBA asked that the following items be addressed, elaborated on and/or confirmed by the applicants representative, Talcott Engineering (TE). Those items were as followed:

Building Renovations/Impact on Variances - Preliminary Building Plans have been prepared and submitted to Gerald Canfield, Code Compliance Supervisor, for his review and comments on any impacts to the requested variances. It should be noted that as the existing front patio is over 1 foot above grade, front yard setback to Plank Road is now dimensioned to said patio which changes the front yard from 31.3 feet to 29.85 feet. This will be reflected in the requested variance table later in this letter. Proposed and existing roof lines are now depicted on the structures plan view on Sheet 1 of 2 of the revised Site Plan Set. 11 copies of the revised Site Plan Set and the Preliminary Building Plans are being submitted with this letter.

Stone Street Improvements – TE met with Town Highway Superintendent, Darrell Benedict, on Tuesday 2/5/13 and discussed improvements to Stone Street which would make it more passable. Widening the roadway 24 feet and curbing the west side of Stone Street was agreed to and has been added to the revised site plan set. The Site Plan set being submitted with this letter has been given to Mr. Benedict for his review and we are hopeful to have a response in writing to the ZBA prior to the 2/28/13 meeting. It should be noted that we were at the site during the North Plank Tavern lunch hours and witnessed the overflow parking along the east side of Stone Street that Mr. & Mrs. Pearl eluded to at the 1/24/13 meeting. The proposed road improvement would of course be subject to review and additional input of the Planning Board's consultants, if the requested variances are granted.

Also, as suggested by Mr. Benedict, the applicant's attorney and TE will be petitioning the Town Board for No Parking along the westerly side of Stone Street. At a meeting held 2/11/13, TE discussed this with adjacent owner, 250 Lake Street Properties (250 LSP), Facilities Manager Kevin Weir, who is in agreement that there should be no parking along the west side of Stone Street adjacent to 250 LSP or the subject parcel. Mr. Thomas Costa, owner of the 2 tax parcels directly across from the subject parcel is well aware of the overflow parking problem from his 2 parcels. Mr. Costa stated to TE and Mr. Benedict, at the above mentioned site inspection, once he can take his 2 buildings

off septic and connect them to sewer, he is hopeful to expand his parking area to reduce the number of cars parking on Stone Street.

Traffic/Traffic Flow – At the 1/24/13 meeting it was asked by ZBA members and the audience how the traffic would flow through the proposed 20 car parking lot, especially the 6 spaces partially located on the adjacent 250 LSP parcel. We discussed ways to force the traffic back out to Plank Road with Kevin Weir, 250 LSP Facilities Manager. He is in agreement that something will need to be done once the chain blocking out the Stone Street traffic is removed. Jersey barriers in conjunction with do not enter signage was discussed, but nothing definite was decided at this time. We agreed to discuss this with the property owners and come up with something plausible to the Town and the owners. The Planning Board's Traffic Consultant should also weigh in on this, if the requested variances are granted.

Ingress/Egress Parking Rights – As presented at the 1/24/13 meeting, the applicant has the right of ingress and egress from Stone Street over property owned by 250 Lake Street Properties (SBL:84-2-1.2) and the right to park on said lands of 250 Lake Street Properties along the northern side of the common property line. The proposed Site Plan implements these rights, as reserved in both parcels deeds of record with the exception of the present deed into the aforesaid 250 Lake Street Properties(250 LSP). This omission has been pointed out to 250 LSP in a letter from Talcott Engineering dated 12-5-13. That letter and the deeds for each parcel, were mailed to ZBA, under separate cover, 2/4/13 and e-mailed to David Donovan, ZBA Attorney for his review. 250 LSP has no issue with the improvements as proposed on the proposed Site Plan or the applicant exercising his rights as stated in the aforementioned deeds.

Subject Parcel Size/ Variances Substantial – ZBA members and the audience had concern over the subject parcel's size and that the variances requested seemed substantial. TE argues that more than half of the privately owned restaurants in the Town of Newburgh, not located in a Mall or Shopping Center, are on parcels less than an acre in size. Ninety percent of those restaurants are served by municipal water and sewer. The applicant's proposed restaurant will be connected to municipal water and sewer and will be served by the number of parking spaces required (20) by Town Zoning for 80 seats. The variances requested are all for pre-existing conditions and would be required for any use other than existing residential in a "B" Zone. The visual impact of these variances can be mitigated by landscaping proposed by the applicant that will be reviewed by the Planning Board's Landscaping Consultant, if the requested variances are granted. As stated and confirmed at the 1/24/13 meeting, no additional land is available to reduce the variances in question.

Availability of Municipal Sewer – TE spoke by phone to Town Engineer, James Osborne, about the questions by Mr. & Mrs. Pearl and Mr. Hughes regarding the construction start of the No. Carpenter Ave./West Stone Street Sewer Line. Mr. Osborne stated the deadline issued by the EPA is June 2013. The district has its funding and is awaiting final approval of the sewer project from the NYSDEC Division of Water. As soon as NYSDEC approval is granted, the project will go out to bid. As stated by Mr. Gerald Canfield, the applicant, if granted the requested variances, could receive site plan approval conditional on sewer being available or a certificate of occupancy not being issued without sewer connection. Please note that the Site Plan Set show an alternative connection directly to the existing sewer line in Plank Road

As stated earlier in this correspondence, the variance table in ADDENDUM "A" of the variance application needs to be revised for the Front Yard to Plank Road. We respectfully submit the following revised variance table to replace the table shown in ADDENDUM "A":

**4. DESCRIPTION OF VARIANCE SOUGHT: Bulk Requirements: Restaurants**

	REQUIRED	EXISTING
Minimum Lot Area:	40,000 sq. ft.	14,218 sq. ft.
Front Yard Setback: (Stone Street)	50 ft.	32.4 ft
Front Yard Setback: (Plank Road)	50 ft.	29.85 ft*
Side Yard Setback:	15 ft.	10.5 ft.
Minimum Lot Width:	150 ft.	100.4 ft.
Minimum Lot Depth:	150 ft.	141.45 ft.

\* previously 31.3 feet

Renovations to the exterior of the existing building will not further impact the variances requested above, as the building footprint will remain the same. The plans submitted for review to Mr. Canfield and his staff, will alter the 3 dimensional envelope of the structure. Plans submitted by the applicant for the proposed restaurant's possible future building permits should be substantially the same as those accompanying this letter as they apply to the granting of the requested variances. The addition of the roof over the stone patio on the Plank Road side of the existing building alerted Talcott Engineering that the Front Yard Setback variance to Plank Road needed to be requested from the stone patio corner, not the building corner originally used. The Front Yard Setback to Stone Street will remain the same, as there was no need to annex additional property to Stone Street for the widening proposed.

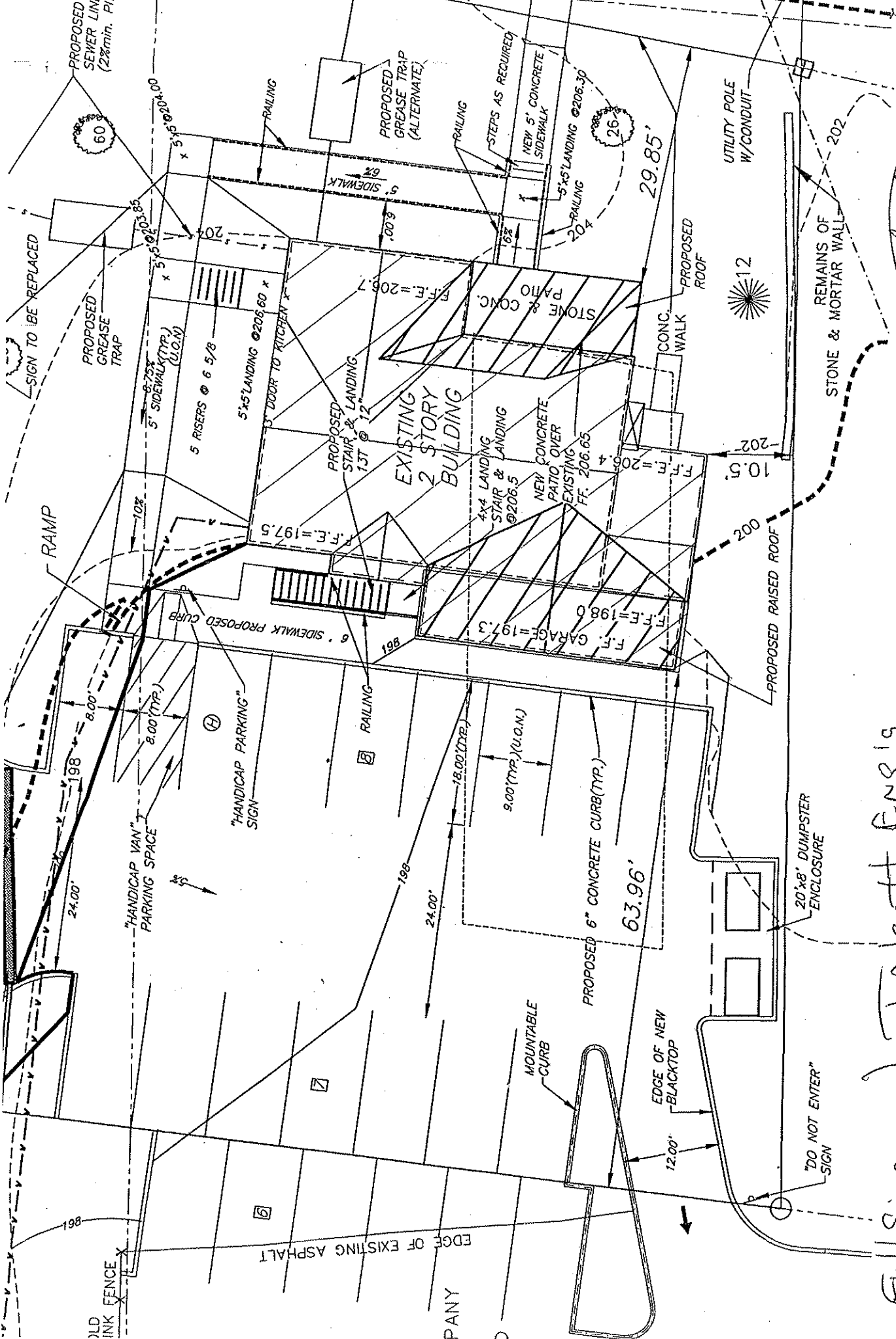
Talcott Engineering and Mr. Gjurashaj are hopeful that this letter and the attached plans include the information the Zoning Board of Appeals needs to make a final decision on the variances requested.

Sincerely,



Charles T. Brown, P.E. - President  
Talcott Engineering Design, PLLC

PC: Zef Gjurashaj



Sheet 1 of 2

Full Size Available for Viewing AT ZBA OFFICE TON

Talcott Eng'g Site Plan for Valon + Vaton Restaurant

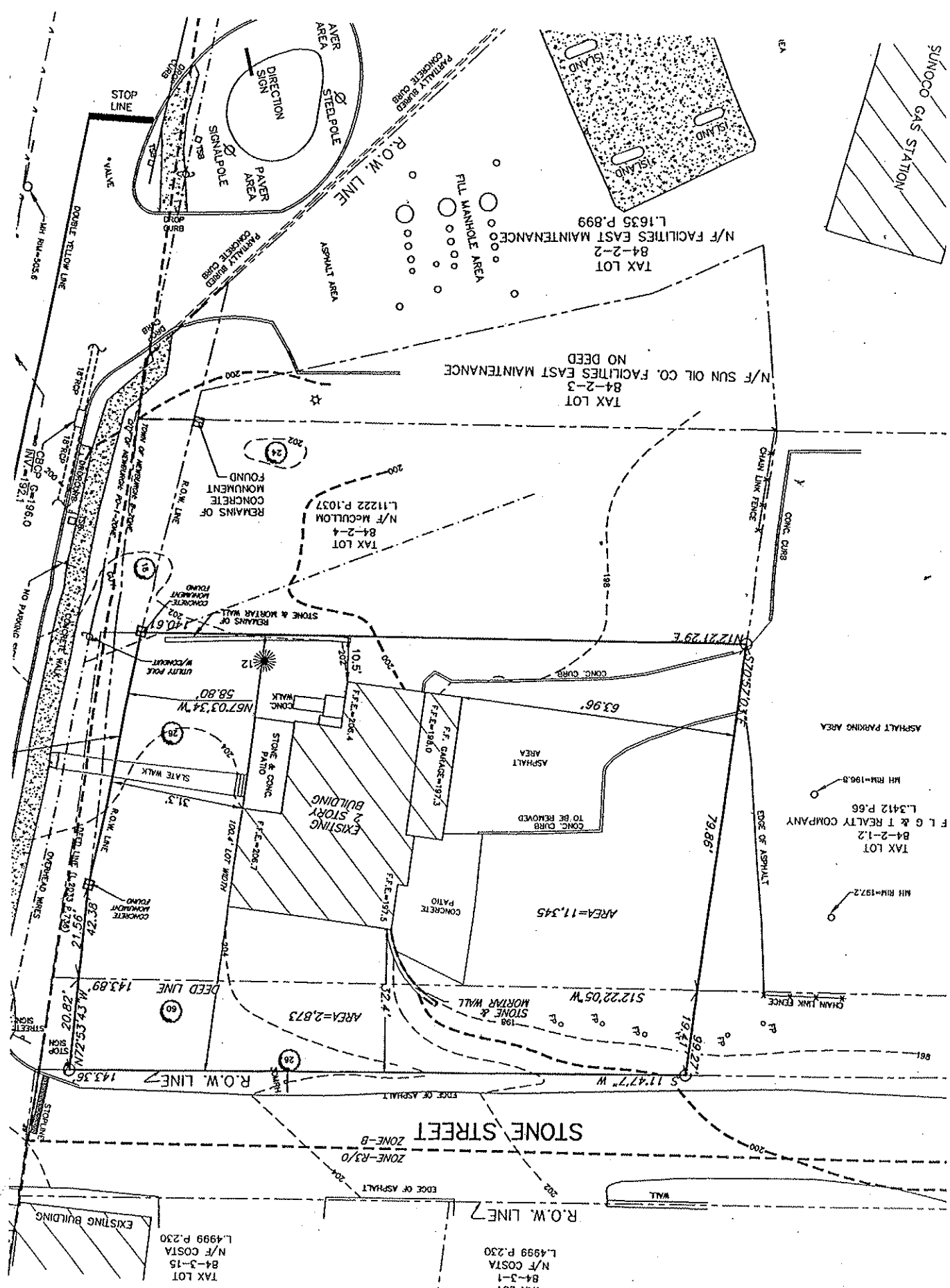
308 Garconetown Road

Full Size at 2BA Office  
April, 1970  
308 Grandview Rd

Talbot Eng'g

Existing Features  
Valon + Vaton Restaurant

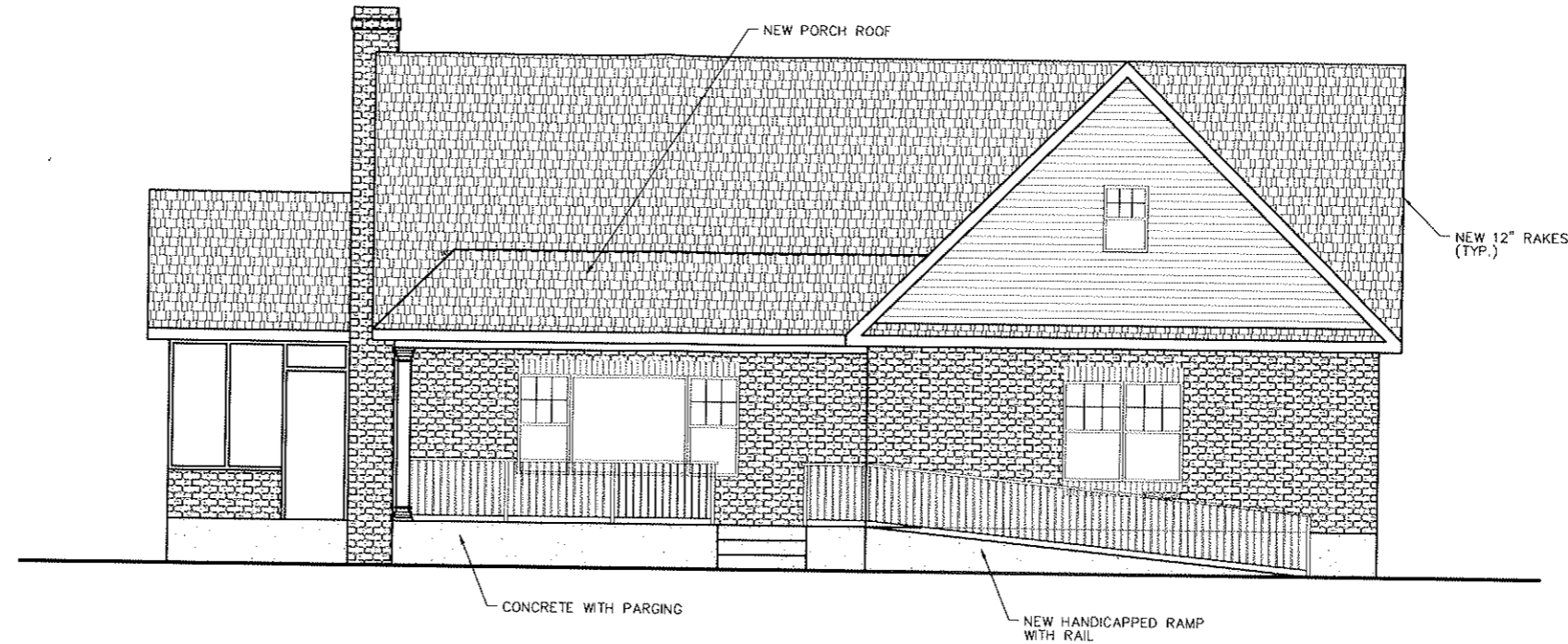
Sheet  
2 of 2



# VALON & VATAN STEAKHOUSE

## TOWN OF NEWBURGH, NEW YORK

REFERENCE ONLY



### FRONT ELEVATION

SCALE: 1/4" = 1'-0"  
NOTE: ALL EXISTING EXCEPT AS NOTED.

S/B/L:84-2-1.1

**VALON & VATAN STEAKHOUSE**  
34 PLANK ROAD  
TOWN OF NEWBURGH, NEW YORK

**TALCOTT ENGINEERING DESIGN, PLLC**

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NEWBURGH, NY 12550  
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**CHARLES T. BROWN, PE**  
P.O. BOX 4470  
NEW WINDSOR, NEW YORK 12553

**FRONT ELEVATION & NOTES**

DATE: 9/13/12 SCALE: AS NOTED REVISED: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_

APPLICABLE CODES:	OCCUPANCY CLASSIFICATION PER SEC. 303, NYS BLDG CODE	CONSTRUCTION CLASSIFICATION PER SEC. 602 NYS BLDG CODE
EXISTING BUILDING	A-2	V-B
BASIMENT UNFINISHED STORAGE	1,900 SF± (GROSS)	
FIRST FLOOR (ASSEMBLY AREA)	1,900 SF± (GROSS)	
KITCHEN, BATHS, STAIRS & OTHER ROOM - CONTRIBUTING FLOOR AREA	~703 SF±	
ASSEMBLY TOTAL	~1,197 SF± (NET)	
DINING ROOM & BAR	~1,197 SF± (NET)	
SECOND FLOOR UNFINISHED STORAGE	834 SF± (GROSS)	
OFFICE	555 SF± NET	
BUILDING TOTAL = 4,634 SF± (GROSS)		
ASSEMBLY TOTAL = 1,197 SF±	80 OCCUPANTS	

OCCUPANT LOAD DETERMINED THROUGH SECTION 1004, NYS BUILDING CODE.  
MAXIMUM TABULAR AREA, FOR TYPE V-B CONSTRUCTION, A-2 OCCUPANCY= 6,000 SF. PER FLOOR. ACTUAL SQUARE FOOTAGE LISTED ABOVE.  
MAXIMUM TABULAR HEIGHT FOR TYPE V-B CONSTRUCTION A-2 USE= 40'-0". 2 STORIES ABOVE GRADE PLANE PERMITTED PER SEC. 504.2, NYS BUILDING CODE.  
ACTUAL HEIGHT= 22'-9", 2 STORY.  
TABULAR HEIGHTS AND AREAS DETERMINED THROUGH TABLE 503, NYS BUILDING CODE.

**I. DESIGN LOADS:**  
FLOOR: 100 P.S.F. LIVE LOAD  
10 P.S.F. DEAD LOAD  
SOIL BEARING PRESSURE: 1500 P.S.F.  
DESIGN WIND SPEED: 90 MPH  
SEISMIC CATEGORY: 2B  
WEATHERING POTENTIAL: SEVERE

**II. CONCRETE: (AS APPLICABLE)**  
A. ALL CONCRETE, EXCEPT SLABS, SHALL BE 3000 P.S.I. (28 DAY COMPRESSIVE STRENGTH) WITH 5% TO 7% AIR ENTRAINMENT. CONCRETE DESIGN MIX AND REBAR SPICES AND COVERAGE SHALL BE IN ACCORDANCE WITH CURRENT ACI CODES. ALL REINFORCING BARS SHALL BE GRADE 60.  
B. ALL SLABS ON GRADE SHALL BE 3500 P.S.I. WITH 5% TO 7% AIR ENTRAINMENT. 4" CONCRETE ON 4" SAND OR GRAVEL FILL WITH 6X6-10X10 W/M REINFORCING.  
C. ALL INTERIOR SLABS SHALL BE PLACED ON A 6 MIL POLYETHYLENE VAPOR BARRIER. VAPOR BARRIER JOINTS SHALL BE LAPPED 6" MIN. PROVIDE 1/2" EXPANSION JOINT MATERIAL BETWEEN ALL CONCRETE SLABS AND ADJUTING CONCRETE WALLS OCCURRING IN EXTERIOR OR UNHEATED INTERIOR AREAS.  
D. ALL FOOTINGS SHALL BE 20" W/M IN. X 10" H/M IN. (OR PER PLANS) CONCRETE ON UNDISTURBED SOIL WITH TWO #4 BARS CONTINUOUS 3" FROM FOOTING BOTTOM.  
E. PLACE 1/2" DIA. X 12" SILL PLATE ANCHOR BOLTS AT 6'-0" MAX O.C. AND 12" FROM END OR SPLICE, AT EACH CORNER AND BOTH SIDES OF OPENINGS.  
F. WATERPROOF WALLS OF EXCAVATED AREAS WITH THORSALE OR EQUAL.  
G. PLACE 4" DIA. PENETRATED PVC DRAINAGE PIPE AT PERIMETER OF EXCAVATED AREAS. COVER TOP OF JOINTS W/ 15 LB. FELT AND MINIMUM OF 6" COARSE ROCK OR GRAVEL. SLOPE PIPE 3/16" PER FT. MIN. TO POINT OF DISCHARGE.  
H. CONCRETE PLACED IN COLD WEATHER SHALL BE IN CONFORMANCE WITH ACI CODES FOR DESIGN MIX AND/OR CURING OF COLD WEATHER CONCRETE.  
I. CRAWL SPACES SHALL BE WEATHERED ONE S211. MINIMUM PER 150 SQ FT. AREA VENTS SHALL BE WITHIN 3' OF CORNERS. IN ADDITION, A 36" X 24" MIN ACCESS OPENING SHALL BE PROVIDED.  
J. BACKFILL SHALL NOT BE PLACED MORE THAN FOUR FEET ABOVE INTERIOR GRADE. INTERIOR DECK IS ON AND BASEMENT SLAB IS FINISHED.

**III. CARPENTRY: (AS APPLICABLE)**  
A. UNLESS OTHERWISE NOTED, FRAMING LUMBER SHALL BE CONSTRUCTION GRADE. BEAMS, HEADERS AND FLOOR JOISTS SHALL HAVE AN ALLOWABLE BENDING STRESS (FB) OF 1200 PSI.  
B. UNLESS OTHERWISE NOTED, PROVIDE:  
1. DOUBLE HEADER JOISTS AND TRIMMERS AT ALL FLOOR OPENINGS.  
2. DOUBLE JOISTS UNDER ALL PARALLEL PARTITIONS.  
3. DOUBLE 2 X 10 HEADERS WITH 1/2" PLYWOOD BETWEEN ALL DOOR AND WINDOW OPENINGS. (UNLESS OTHERWISE NOTED ON PLAN)  
4. 1 ROW OF 1" X 3" CROSS BRACING PER JOIST SPAN.  
5. FLOOR CONSTRUCTION SHALL BE 3/4" TONGUE AND GROOVE PLYWOOD WITH EXTERIOR GLUE.  
6. USE WATER RESISTANT GYPSUM BOARD FOR WALLS AND CEILING AND 1/2" PLYWOOD UNDERLAYMENT IN ALL BATH AND TOILET AREAS.  
7. EXTERIOR WALLS SHALL BE 2" X 6" STUDS WITH 5 1/2" FIBERGLASS INSULATION (R-21).

**IV. MISCELLANEOUS: (AS APPLICABLE)**  
A. UNLESS OTHERWISE NOTED, PROVIDE:  
1. R-38 BATT INSULATION IN ALL CEILING OR RAFTERS ADJACENT TO THE EXTERIOR OR TO UNHEATED SPACES.  
2. INSTALL VAPOR BARRIERS AGAINST INSIDE OF ALL INSULATION.  
3. WINDOWS SHALL BE CAPITAL DOUBLE HUNG 2550 SERIES. WINDOWS SHALL BE LABELED TO SHOW COMPLIANCE WITH RESIDENTIAL CODE OF NEW YORK STATE.  
4. CARULING AT ALL SASH, SLIDING GLASS DOORS, ENTRANCE DOORS AND BOTTOM PLATES.  
5. ALL LUMBER IN CONTACT WITH CONCRETE SHALL BE TREATED.  
6. INTERIOR WALL FINISHES SHALL HAVE A FLAME SPREAD NO GREATER THAN 200 AND SMOKE DEVELOPED LESS THAN 450.

**IV. MISCELLANEOUS CONT.**  
B. HEATING SYSTEM SHALL AS EXISTING AND TO REMAIN.

**V. CODES:**  
A. ALL MATERIALS, SYSTEMS, AND METHODS OF CONSTRUCTION SHALL CONFORM WITH CURRENT EDITION OF THE NEW YORK STATE CODES AND APPLICABLE TOWN AND COUNTY LAWS, ORDINANCES, RULES AND REGULATIONS.  
B. ELECTRICAL SERVICE SHALL BE 200 AMP/220 VOLT.  
C. ALL PLUMBING, HEATING AND ELECTRICAL WORK SHALL BE IN CONFORMANCE WITH STATE AND LOCAL CODES.

NOTE: THIS PLAN MEETS THE ENERGY CONSERVATION CONSTRUCTION CODE OF NYS. (2010)

**VI. ENERGY CODES:**  
R-VALUES  
CEILING VALUE R-2.06  
FLOOR VALUE R-21  
EXTERIOR WALL VALUE R-21

THE PLANS AND SPECIFICATIONS HEREIN ARE INTENDED FOR THE SUBJECT PROJECT ONLY AS A RESULT OF CONTRACTUAL NEGOTIATIONS BETWEEN THE BUILDERS, THE CLIENT NOTED AND TALCOTT ENGINEERING DESIGN, PLLC. THESE PLANS AND SPECIFICATIONS WILL BE THE SUBJECT OF A COPYRIGHT PETITION AND MAY NOT BE REPRODUCED OR REVISED BY ANYONE WITHOUT THE WRITTEN AUTHORITY OF TALCOTT ENGINEERING DESIGN.

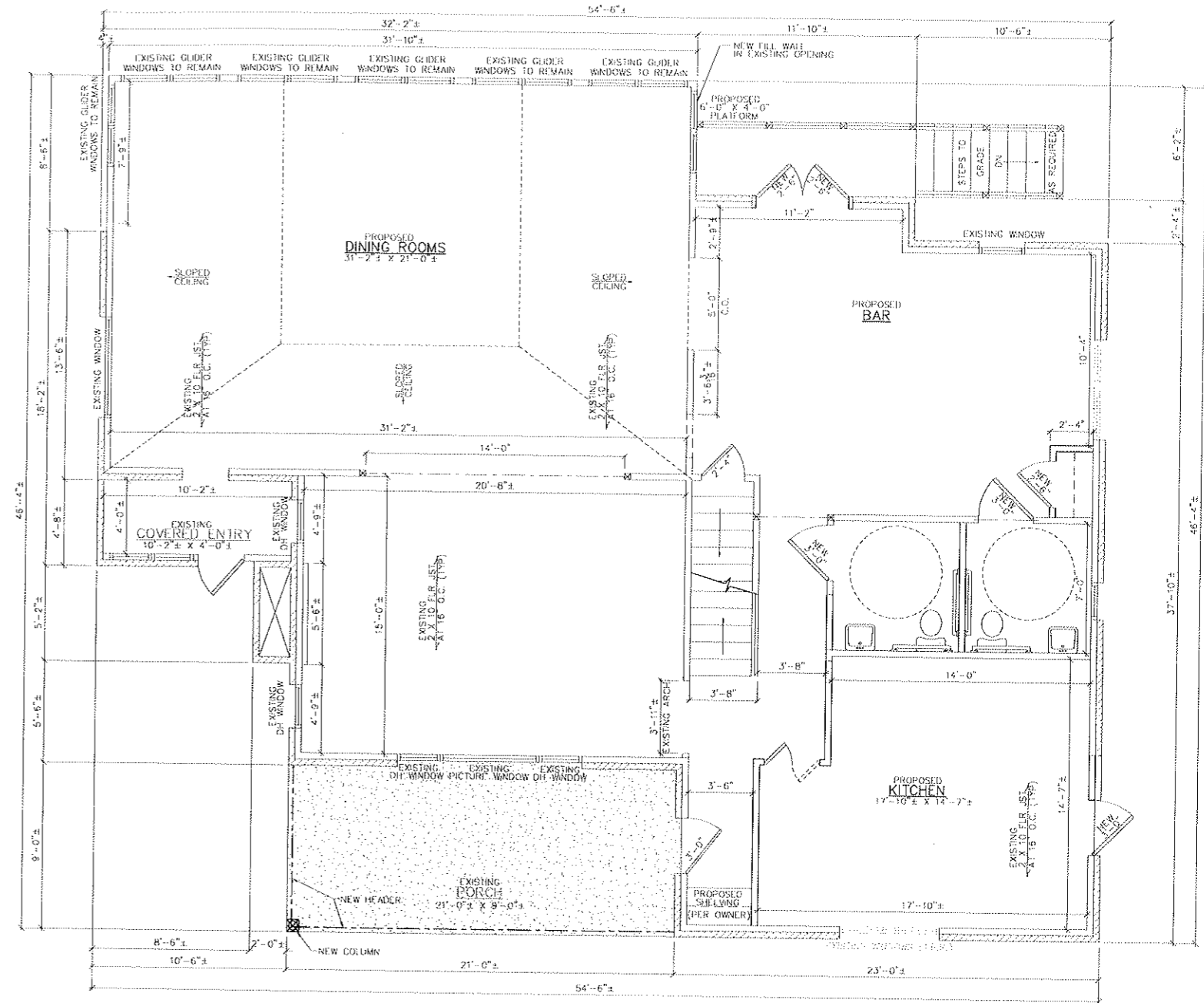
**CONSTRUCTION NOTES:**  
1.) PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL VERIFY DIMENSIONS, EXISTING FRAMING (SIZES, SPACING, AND ORIENTATION), AND BEARING WALL LOCATIONS WITH HEADER SIZES.  
2.) ANY DISCREPANCIES FOUND SHALL IMMEDIATELY BE CONVEYED TO THE DESIGN ENGINEER FOR DESIGN ADJUSTMENTS AT THE ENGINEER'S DISCRETION.  
3.) ON COMPLETION OF FRAMING AND PRIOR TO INSULATING AND/OR SHEETROCKING, THE DESIGN ENGINEER SHALL BE NOTIFIED SO HE CAN INSPECT AND DOCUMENT THE AS-BUILT STRUCTURE.  
4.) THE ENGINEER SHALL BE IMMEDIATELY NOTIFIED OF ANY MATERIAL SUBSTITUTIONS AND/OR FIELD CHANGES FOR PURPOSES OF REVIEW AND AUTHORIZATION.  
5.) TECHNICAL DOCUMENTS, MANUFACTURED CERTIFIED DESIGNS, AND PERFORMANCE CERTIFICATION, ETC. FOR ALL PRE-MANUFACTURED COMPONENTS AND/OR NON-STANDARD MATERIALS AND/OR ELEMENTS, SUCH AS TRUSSES, LAMINATED BEAMS, I-JOISTS, PRECAST FOUNDATIONS, ETC. SHALL BE PROVIDED TO THE DESIGN ENGINEER FOR REVIEW AND APPROVAL.  
6.) UPON COMPLETION OF PROJECT, CONTRACTOR SHALL SUBMIT A COMPLETE AS-BUILT SET OF DRAWINGS TO THE DESIGN ENGINEER FOR HIS RECORDS.  
7.) FOUNDATION IS PRE-EXISTING AND THEREFORE NOT A COMPONENT OF THIS DESIGN, EXCEPT AS NOTED.  
8.) COMMERCIAL HOOD SYSTEM CONTRACTOR SHALL SUBMIT PLANS TO BUILDING DEPARTMENT AND ENGINEER, PRIOR TO ASSOCIATED CONSTRUCTION.  
9.) PORTABLE FIRE EXTINGUISHERS SHALL BE PROVIDED WITHIN 30' OF ALL OCCUPANCY AREAS.



**EXISTING  
FIRST FLOOR PLAN**

SCALE: 1/4" = 1'-0"

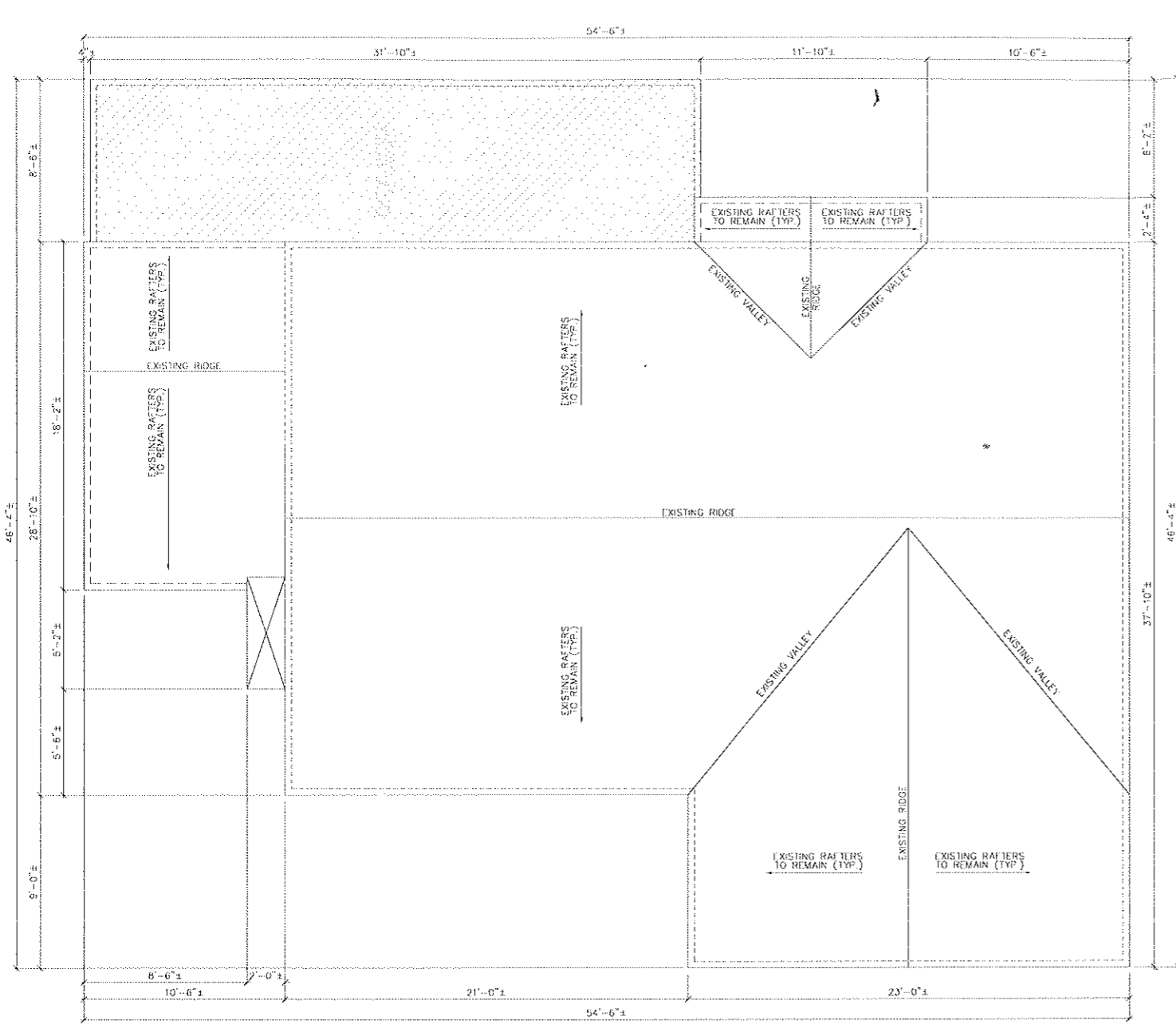
NOTES: 1) 8'-0"±, EXISTING FIRST FLOOR CEILING HEIGHT.



**PROPOSED  
FIRST FLOOR PLAN**

SCALE: 1/4" = 1'-0"

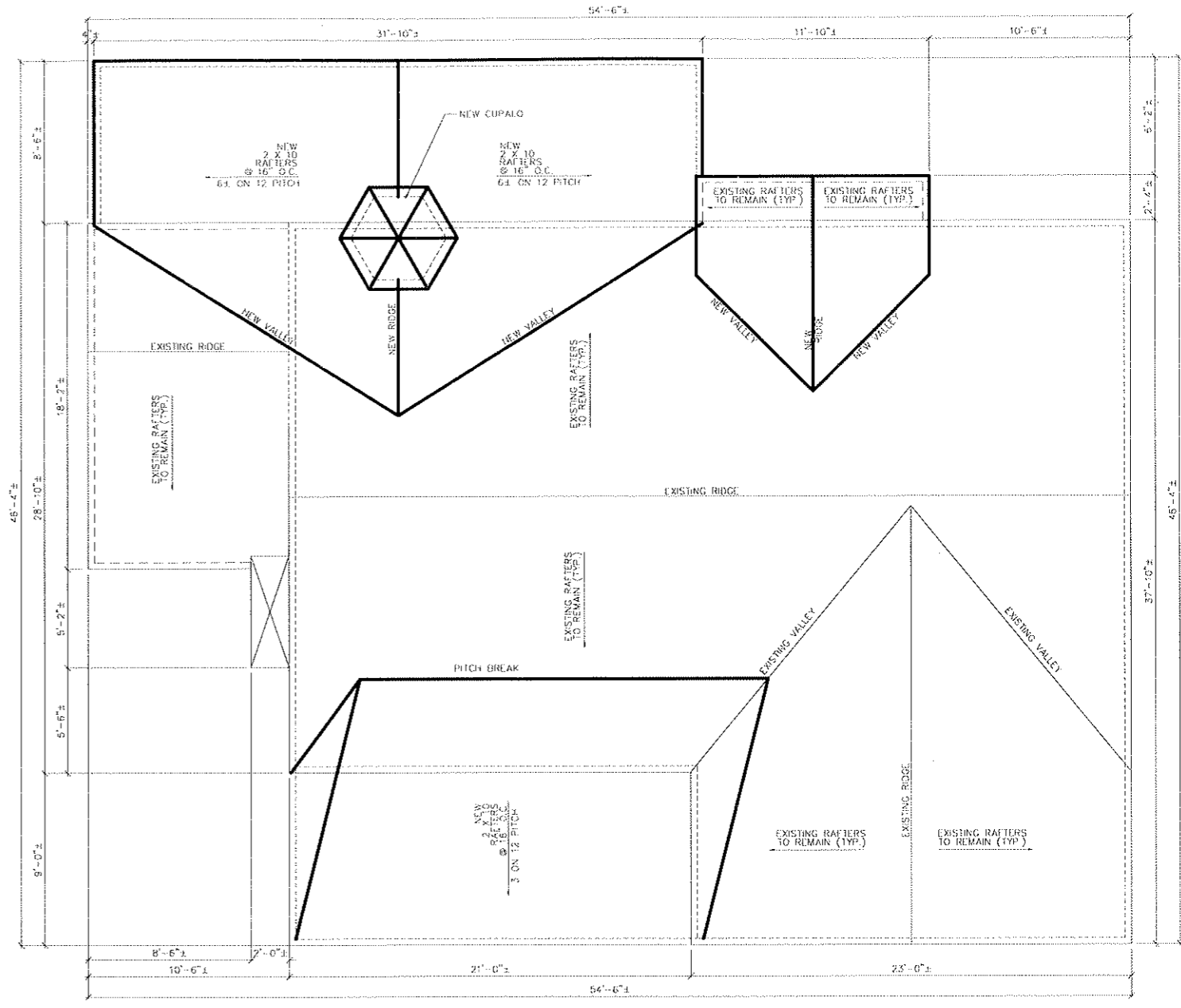
<p><b>VALON &amp; VATAN STEAKHOUSE</b> 34 PLANK ROAD TOWN OF NEWBURGH, NEW YORK</p>		
<p><b>TALCOTT ENGINEERING DESIGN, PLLC</b> 1 GARDNERTOWN ROAD NEWBURGH, NY 12550 (845) 569-8400 (845) 569-4583 (fax#)</p>		
<p>SCALE:</p>	<p><b>CHARLES T. BROWN, PE</b> P.O. BOX 4470 NEW WINDSOR, NEW YORK 12553</p>	
<p><b>EXISTING FIRST FLOOR PLAN AND NEW FIRST FLOOR PLAN</b></p>		
<p>DATE: 9/13/12</p>	<p>SCALE: AS NOTED</p>	<p>BY: HWS/ED</p>



**EXISTING  
ROOF PLAN**

SCALE: 1/4" = 1'-0"

NOTES: 1) ROOF STRUCTURE IS TO REMAIN, EXCEPT PORTION OF ROOF THAT IS NOT WATERTIGHT. (HATCHED AREA)



**EXISTING  
ROOF PLAN**

SCALE: 1/4" = 1'-0"

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**EXISTING ROOF PLAN AND NEW  
ROOF PLAN**

DATE 9/13/12	SCALE AS NOTED	REVISIONS
ENGINEER	DRAWN BY	

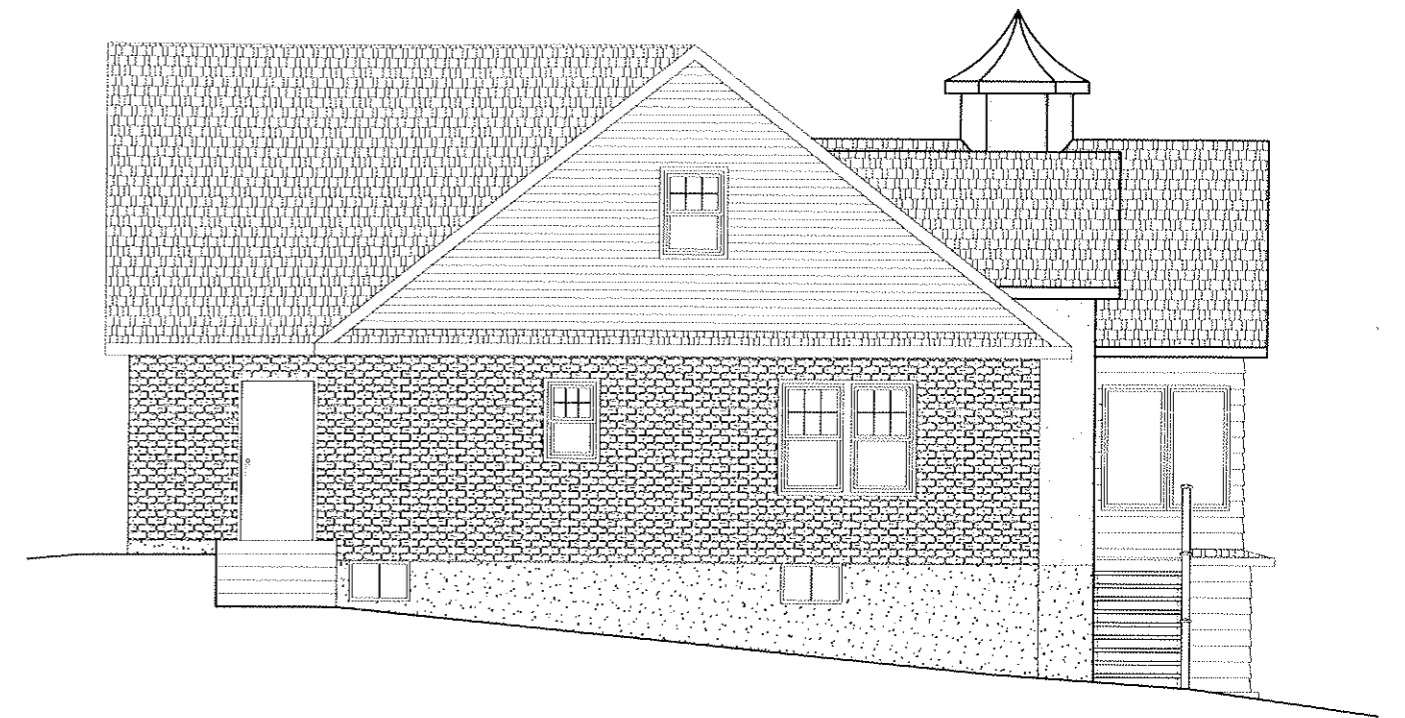




PROPOSED  
**REAR ELEVATION**

SCALE: 1/4" = 1'-0"

NOTES: 1) ROOF SHOWN WITH NEW DECORATIVE RAKES.



PROPOSED  
**RIGHT ELEVATION**

SCALE: 1/4" = 1'-0"

NOTES: 1) ROOF SHOWN WITH NEW DECORATIVE RAKES.



PROPOSED  
**LEFT ELEVATION**

SCALE: 1/4" = 1'-0"

NOTES: 1) ROOF SHOWN WITH NEW DECORATIVE RAKES.

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<b>CHARLES T. BROWN, PE</b> P.O. BOX 4470 NEW WINDSOR, NEW YORK 12553		
<b>ELEVATIONS</b>		
DATE 9/13/12	SCALE AS NOTED	REVISED
ENGINEER CHARLES T. BROWN, PE.	DRAWN BY TRL	
<b>JOB# 12126-ADM SHEET 4 OF 4</b>		<b>A-4</b>