

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

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In the Matter of

BUDGET INN  
(2015-05)

Route 9W  
Section 27; Block 2; Lot 21.2  
Zone: B

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INITIAL APPEARANCE PROPOSED ADDITION SITE PLAN

Date: March 5, 2015  
Time: 7:25 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

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

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2 MR. PROFACI: The next item on  
3 tonight's agenda is Budget Inn, 2015-05, located on  
4 Route 9W, Section 27, Block 2, Lot 21.2. It's in  
5 the B zone. It's the initial appearance for a  
6 proposed addition site plan being represented by  
7 Medenbach & Eggers, P.C.

8 MR. MEDENBACH: Barry Medenbach here  
9 representing Budget Inn. The owner unfortunately  
10 couldn't be here tonight. I was hoping he was.

11 This is a situation where they are  
12 having some problem with storage. It's a limited  
13 site. It's a preexisting motel site. It doesn't  
14 comply with too many of the current zoning standards  
15 and they have subsequently put up a container in the  
16 parking lot for some storage and enclosed an area  
17 with some fencing with a shed roof over it and they  
18 were cited with a violation of having the structure  
19 that were not compliant with the zoning. After  
20 looking at what all the alternatives were, we have  
21 come to the conclusion putting an addition on the  
22 back of the building, giving them the space they  
23 need and it will have the least impact on setbacks.  
24 There's some space in the back of the building. If  
25 you have the map with you, right now the building is

1  
2 as close as 55 feet to the property line where 60 is  
3 required. And you can see there's an addition of  
4 1,200 square feet, a reduced setback of 43 and the  
5 side line of that part of the building will be 27,  
6 but you have the building as close as 2.7 feet at  
7 one location.

8 I sent some photographs with this, I'm  
9 not sure if you got them. I brought some more  
10 photographs with me.

11 CHAIRMAN EWASUTYN: I think what I did  
12 was when I copied it with the copier in the office I  
13 took full color copies. I did recreate it from your  
14 submission. Go ahead.

15 MR. MEDENBACH: If I show you this  
16 photo here.

17 CHAIRMAN EWASUTYN: We will take  
18 advantage of your photographs.

19 MR. MEDENBACH: Yeah. It's the back  
20 of the building. You can see where the bump out is.  
21 We basically follow that roof line. You really  
22 can't see this in here.

23 CHAIRMAN EWASUTYN: Thank you.

24 MR. MEDENBACH: As for the additional  
25 date. This is the last one. The property behind

1  
2 the hotel is fairly wooded. There's a steep slope  
3 there. There's, I guess, a residential development  
4 up there, but it's not very visible. I think the  
5 thing I'm trying to point out is you really don't  
6 see this addition anywhere. And it doesn't seem to  
7 be any other alternative as to bump it out. The  
8 purpose of the storage would strictly be for  
9 materials associated with running the motel.

10 MR. PROFACI: Would you bump it out  
11 along this wall?

12 MR. MEDENBACH: Yeah. If you look  
13 here, this is what -- is that photo the same as I'm  
14 looking at? This photo here is looking this way and  
15 so you see this bump out, you basically extend that  
16 like a shed roof. You take that line and just  
17 extend it out.

18 MR. PROFACI: Okay.

19 MR. WARD: What are you doing for the  
20 roof?

21 MR. MEDENBACH: It will be a shed  
22 roof. If you look at this here, basically taking  
23 this bump out here and extending it.

24 MR. WARD: Okay.

25 MR. MEDENBACH: That has a shed roof,

1  
2 this piece here. You come off of the ridge here and  
3 follow it back.

4 MR. WARD: The structure itself --  
5 (interrupted)

6 MR. MEDENBACH: No. Back of the rooms  
7 there's no windows.

8 MR. WARD: Solid brick?

9 MR. MEDENBACH: I think it is.

10 MR. WARD: Any access to the building?

11 MR. MEDENBACH: I didn't get into the  
12 construction of the building.

13 MR. WARD: What I'm asking is is there  
14 any access this way?

15 MR. MEDENBACH: No. You can get in  
16 either side. You go back here and there's a path  
17 back here, pedestrians mostly.

18 MR. GALLI: What's going to happen to  
19 that building that's back there now? Is that the  
20 one going to be removed?

21 MR. MEDENBACH: No. That will stay  
22 there. Nothing will be removed. This goes over the  
23 ridge here, out here and extend out this way  
24 (indicating).

25 MR. WARD: What's in that entrance?

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2 MR. MEDENBACH: Part of that is a  
3 utility room and I think part of it is a bathroom.

4 MR. WARD: I see a vent in the  
5 kitchen.

6 MR. MEDENBACH: There's no kitchen. I  
7 think there's like a big boiler or something.

8 MR. GALLI: If this was to get  
9 approved, would the applicant be willing to repaint  
10 that wall back there and clean it all up?

11 MR. MEDENBACH: I'm sure they would.

12 MR. GALLI: It looks pretty ratty.

13 MR. MEDENBACH: Yeah, it looks pretty  
14 ratty back there. We all agree. I don't think  
15 that's a problem at all. It looks pretty ratty. We  
16 need a variance for this to move forward. We were  
17 hoping for a favorable opinion from the board and  
18 sent to the ZBA.

19 CHAIRMAN EWASUTYN: Jerry Canfield, I  
20 believe Jim Campbell from your office had been to  
21 the site and noticed the violations and brought it  
22 to this board's attention. Do you want to summarize  
23 that for us?

24 MR. CANFIELD: Sure. As Mr. Medenbach  
25 did say, there was an order to remedy issued. Code

1  
2 Compliance Department had observed some structure to  
3 the north that was constructed without permits and  
4 also a storage shed that's out in the front without  
5 permits. And I think that's what prompted bringing  
6 this plan before you.

7 In addition to the attempt to bring it  
8 into compliance, it appears that the applicant is  
9 proposing a 1,200 square foot addition in the rear  
10 which some of you may remember this was before us  
11 back in 2004 for this very same addition. It was  
12 referred to the ZBA and, I believe, a variance may  
13 have been secured back in 2004 which, of course, is  
14 null and void now because of inactivity.

15 But in any event, this is an attempt to  
16 bring the site into compliance. As Pat has noticed  
17 in his comments, there are several variances that  
18 are going to be required. Barry, in your submission  
19 you have acknowledged that this is what's deemed as  
20 existing nonconforming and any expansion or  
21 increasing of nonconformity requires variances.

22 MR. MEDENBACH: All variances; right?

23 MR. CANFIELD: By virtue of the site  
24 plan it's going to raise all the noncompliant zoning  
25 issues. This is a B zone. Hotels/motels are

1  
2 permitted. However, there are lot size and setback  
3 and several variances. We have listed five  
4 variances, area variances that are required and one  
5 for the sign as well as Pat noticed on 9W.

6 MR. MEDENBACH: That sign is  
7 preexisting, isn't it?

8 MR. HINES: You lose the protection.

9 MR. CANFIELD: It's still  
10 nonconforming and you lost that protection by this  
11 site plan. It's the same as -- it's handled the  
12 same as these other area variances.

13 MR. MEDENBACH: Are you saying since  
14 we are applying for the variance we lose the status  
15 of preexisting nonconforming?

16 MR. HINES: Since you are applying for  
17 a site plan, that increases the nonconformity. Any  
18 one nonconformity, you lose protection of all of  
19 them.

20 MR. MEDENBACH: That's the first I  
21 ever heard that.

22 MR. DONNELLY: That's how the code  
23 reads.

24 MR. MEDENBACH: That's how the town  
25 code reads?



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MR. DONNELLY: Yes.

MR. CANFIELD: And if you'd like, I can read through the variances now.

MR. MEDENBACH: If you could.

MR. CANFIELD: The first variance is an area variance for the lot area. The requirement is 5 acres, this site is 1.2 acres. Lot width requirement is 200 feet, this site is 125. Rear yard setback the requirement is 60, this lot is 43. One side yard 50, this is 2.7. Two side yards is 100 total, this equals 29 feet. So they will be the five areas variances for the setback. An additional area variance for the signage is that it's less than 15 feet from the property line. Now, again this is 9W. The property line, I think, is setback somewhat from the actual curb line of Route 9W, but that 15-foot is measured from the property line.

MR. MEDENBACH: Okay.

MR. DONNELLY: Jerry, the one side yard required in existing is?

MR. CANFIELD: One side yard is 2.7, the other is 29.

MR. HINES: Requires 50.

MR. DONNELLY: 50, okay.

1  
2 MR. CANFIELD: 50 and 50. That's  
3 basically on the zoning side. I know Pat has  
4 several other comments as well that apply.

5 One additional question that I have,  
6 Barry, though is on the seven room hotel or  
7 southerly portion of the structure, I don't have a  
8 scale here, but the distance between the seven room  
9 facility and the 13 room facility, in actuality on  
10 the sites appears to be much less. There's like an  
11 addition that perhaps is not shown here. This may  
12 elude to one of Pat's comments with accessibility.

13 MR. MEDENBACH: This is a relatively  
14 current survey, but I'll look into that.

15 MR. CANFIELD: This is very narrow,  
16 probably less than five feet to even get here.  
17 There appears to be a shed type addition on here.

18 MR. MEDENBACH: I'll look into that.

19 MR. CANFIELD: Okay, if you can.  
20 Also, this 1,200 square foot addition is for  
21 nonhabitable space?

22 MR. MEDENBACH: That's correct, all  
23 storage.

24 MR. CANFIELD: All storage?

25 MR. MEDENBACH: That's right, all

1  
2 storage. Furniture, dry goods, whatever they use in  
3 the hotel process.

4 MR. CANFIELD: That is a lot of  
5 storage.

6 MR. MEDENBACH: They are always  
7 looking for storage, so we made it a little bigger  
8 than what they are currently using.

9 MR. CANFIELD: Removing the 160 square  
10 foot container in the front and replacing it with  
11 1,200 square feet of storage.

12 MR. MEDENBACH: Yes.

13 MR. CANFIELD: What is to happen with  
14 that north?

15 MR. MEDENBACH: They would like to  
16 keep it, put a dumpster in there and put a container  
17 in there with recyclables, a lawn mower, things like  
18 that.

19 MR. CANFIELD: Okay. That's all I  
20 have.

21 CHAIRMAN EWASUTYN: Pat, Jerry  
22 mentioned that you have a few comments.

23 MR. HINES: Yeah. The access to the  
24 proposed storage addition, it looks like by  
25 constructing the fence enclosure on the north side

1  
2 that you are not going to get a vehicle back there  
3 or anything.

4 MR. MEDENBACH: No. I think they are  
5 going to access it from the inside of the building.

6 MR. HINES: So there won't be an  
7 external access?

8 MR. MEDENBACH: There probably will be  
9 an external door. There's pedestrian around here.  
10 You can get around this way too. I don't see a need  
11 to bring a vehicle back there.

12 MR. HINES: I didn't know if this was  
13 going to be a lawn mower or something like that.

14 MR. MEDENBACH: No. I think there are  
15 things like linens, blankets. All the types of  
16 things they normally use in a motel. I know he said  
17 sometimes they have used furniture. They have some  
18 used furniture. Sometimes they store mattresses,  
19 things like that. All those things will be handled  
20 by hand. That I know there's no equipment that you  
21 need to load with forklift or anything.

22 MR. CANFIELD: Okay.

23 MR. HINES: Just for the board, the  
24 stockade fence area to the north is used for what?

25 MR. MEDENBACH: Right now they have

1  
2 all kinds of things back there. I couldn't even  
3 list them. That's why I was hoping the owner would  
4 be here so he could better explain that.

5 MR. CANFIELD: Barry, you are saying  
6 you may put the dumpster in there?

7 MR. MEDENBACH: That's what he's  
8 talking about.

9 MR. CANFIELD: Is that the most  
10 sanitary condition?

11 MR. MEDENBACH: It's a fence with a  
12 roof over it and there's a space around, so it  
13 vents. It's not all sealed up.

14 MR. CANFIELD: There's like three  
15 walls and the inside wall would be the exterior wall  
16 of the hotel.

17 MR. MEDENBACH: I think that's  
18 masonry. He said he would like to put a dumpster in  
19 there. I can verify that with him.

20 MR. CANFIELD: You may want to  
21 research that. I don't know if that's the best  
22 scenario for that, but that's the board's decision.

23 MR. MEDENBACH: I will raise that  
24 question again. I asked him a couple times. I  
25 asked him are you sure you want the dumpster and he

1  
2 said yes. I think he said they might have some  
3 plastic containers that they roll out too. Maybe do  
4 some recycling there.

5 MR. HINES: I do believe there should  
6 be an existing dumpster enclosure on the site.

7 MR. MEDENBACH: It's just on a little  
8 pad of concrete.

9 MR. HINES: While we have this  
10 opportunity to have this site before you, it's  
11 certainly a clean up item that should be  
12 accomplished. It requires Orange County Planning  
13 referral. We normally send these projects on 9W to  
14 the D.O.T. for their review and again we were just  
15 discussing the use of it. If you can clarify it's  
16 going to be dry storage, no vehicle access,  
17 incidental to the motel use and not any other usage.  
18 It just seems very large. It's probably 25 percent  
19 of the building size that you are connecting it to  
20 right now.

21 CHAIRMAN EWASUTYN: Mike Donnelly,  
22 Planning Board attorney. I'll let Mike speak.

23 MR. DONNELLY: What I would do, Barry,  
24 is send a letter to the zoning board referring  
25 the -- your client for consideration of those area

1  
2 variances. But you, of course, would need to make  
3 an application.

4 MR. MEDENBACH: You want us to make an  
5 application directly there and not get a referral  
6 from this board?

7 MR. DONNELLY: Both. I'll send a  
8 referral letter on behalf of this board. We don't  
9 generally make positive or negative recommendations  
10 to the zoning board. Although if there were factors  
11 to be considered that are relevant they are brought  
12 to the attention of the board. I understand the  
13 required variance to be a rear yard setback, 43  
14 where 60 feet is required. A lot width variance of  
15 existing 120 feet where 125 is required. Lot area  
16 presently is 1.25 acres is required. On the side  
17 yard we have one side yard of 2.7 feet where 50 is  
18 required. Both sides yards at 29 where 100 feet is  
19 required. There is also a 15-foot sign setback that  
20 is required.

21 CHAIRMAN EWASUTYN: I move for a  
22 motion to refer this to the ZBA as outlined by Mike  
23 Donnelly this evening.

24 MR. PROFACI: So moved.

25 MR. MENNERICH: Second.

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2 CHAIRMAN EWASUTYN: Motion by Joe  
3 Profaci and second by Ken Mennerich. All in favor?

4 MR. GALLI: Aye.

5 MR. BROWNE: Aye.

6 MR. MENNERICH: Aye.

7 MR. PROFACI: Aye.

8 MR. DOMINICK: Aye.

9 MR. DONNELLY: Regarding the size of  
10 the structure, is this a type 2?

11 MR. HINES: It is a type 2.

12 CHAIRMAN EWASUTYN: Thank you. Barry,  
13 if you get copies of the plans to Pat Hines and  
14 circulate to the D.O.T. in the Orange County  
15 Planning Department.

16 MR. MEDENBACH: Okay.

17 MR. CANFIELD: John, just one more  
18 question for Barry. Do you know where the septic  
19 is?

20 MR. MEDENBACH: They are tied into the  
21 sewer I think.

22 MR. HINES: No.

23 MR. CANFIELD: No. There is no town  
24 sewer.

25 MR. MEDENBACH: There's not? I'll



1  
2 find out. There's a front yard area there. That's  
3 the only place I would think it would be. I have  
4 not investigated that, but I'll investigate that.  
5 They have municipal water though; right?

6 MR. CANFIELD: No.

7 MR. MEDENBACH: No municipal water  
8 either?

9 MR. CANFIELD: No. Unless it comes  
10 down from the back.

11 MR. HINES: Some of them sneak in from  
12 the back.

13 MR. CANFIELD: There's no water on 9W  
14 from Carter Avenue down to Dogwood Hills. If there  
15 is, it's coming down from the back.

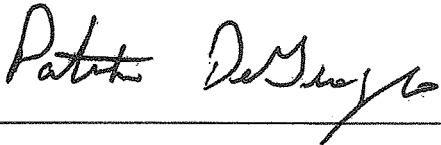
16 MR. MEDENBACH: I'll find out.

17 CHAIRMAN EWASUTYN: Thank you.  
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STATE OF NEW YORK )  
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I, PATRICK M. DeGIORGIO, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing is a true and accurate record of the minutes having been stenographically recorded by me and transcribed under my supervision to the best of my knowledge and belief.

X 

PATRICK M. DeGIORGIO

Dated: March 17, 2015