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

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In the Matter of:

**JIN KANJANAKIRITUMRONG**

**(2014-08)**

**349 Meadow Avenue  
Section 66; Block 2; Lot 3  
IB Zone**

----- X  
**SITE PLAN**

Date: May 15, 2014  
Time: 7:18 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

**ALSO PRESENT:** MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES, P.C.  
GERARD CANFIELD, Code Compliance Supervisor

**APPLICANT'S REPRESENTATIVE:** VINCENT J. DOCE ASSOCIATES

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

Reported by: Rosemary A. Meyer

1 - JIN KANJANAKIRITUMRONG -

2 BOARD MEMBER PROFACI: The next item of tonight's  
3 agenda is Jin Kanjanakiritumrong, Project 2014-08, 349  
4 Meadow Avenue, Section 66, Block 2, Lot 3, located in IB  
5 Zone. It's a Site Plan represented by Vincent J. Doce.

6 MR. DOCE: I'm here tonight in place of Darin, my son  
7 Darin, who actually did this job. He had to leave for  
8 Florida suddenly, and he asked me to present for him.

9 As you can see, it's a parcel, about 16,000 square  
10 feet on the south side of Meadow Avenue adjacent to the  
11 Dairy Mart that's located the property on Route 300. My  
12 client, or Darin's client, would like to put a hairdresser  
13 salon in the building, and with the attendant sales of hair  
14 products as is common to this sort of business.

15 The parcel is in an IB Zone and requires five area  
16 variances. In fact, it requires all area variances that  
17 are possible for any parcel of property. That's because  
18 everything in this zone is nonconforming. Every parcel of  
19 property in this zone is about 90 feet in width; similar  
20 setbacks and similar difficulties, that they're being used  
21 for primarily businesses now because it's an IB Zone.

22 There is one additional variance that we will require,  
23 is a use variance, because personal service businesses are  
24 not allowed in an IB Zone. That's a bit confusing because  
25 we were under the impression, until up a week or so ago,

1 - JIN KANJANAKIRITUMRONG -

2 that this was a B Zone. And the reason we thought it was a  
3 B Zone, several years ago I was asked to submit a report to  
4 the Town Board by the present supervisor who was a  
5 councilman at the time, because they wanted everything in  
6 this side of the street to be in a B Zone because nothing  
7 conformed with the requirements of an IB Zone, including  
8 use and all the area variances. I sent that report in. I  
9 thought it was copied to this board, but I really don't  
10 remember. Gill has advised me that they were going use  
11 that to get this into the proper zoning. I never followed  
12 it up in any way. I had no reason to do so, but I thought  
13 that had been done. It really doesn't affect us at the  
14 moment because we have go to the ZBA for variances anyway.  
15 Whether we go for a use variance along with the rest of the  
16 variances, it's not a problem to us. The Site Plan is  
17 pretty well prepared with what we have to work with.

18 We're here this evening to ask for a referral to the  
19 ZBA for the necessary area variances along with the use  
20 variance.

21 CHAIRMAN EWASUTYN: Thank you.

22 MR. CANFIELD: Well, I think Mr. Doce gave a pretty  
23 accurate description of what he needs. He's well aware of  
24 the zone. I don't have anything additional to add.

25 CHAIRMAN EWASUTYN: Pat Hines.

1 - JIN KANJANAKIRITUMRONG -

2 MR. HINES: My first two comments have to do with the  
3 variances, the area and use variance.

4 As the project moves forward, the topography on the  
5 site needs to be provided. What caught my attention was  
6 the swale that's draining along the west property line.  
7 The east property line. I'm sorry. It seems to cross a  
8 couple contours in a strange fashion so it will definitely  
9 need to be added.

10 Also, the proposed parking in the front does not  
11 comply with the design guidelines. Moving forward,  
12 there'll need to be some discussion about how that either  
13 can be met or waivers from the Planning Board.

14 The project, I believe there's water, municipal water  
15 in Meadow Avenue. It appears that the site is on a well.

16 MR. DOCE: There is sewer but no water.

17 MR. HINES: No water? That's why there is a well.

18 Okay.

19 The buffer requirements have been shown. Then as the  
20 project moves forward, we'll need design details on  
21 lighting, drainage, pavement, etcetera. If you're  
22 successful getting the variances, future plans will need to  
23 show that.

24 CHAIRMAN EWASUTYN: For the record, can someone  
25 discuss the, you said five area variances?

1 - JIN KANJANAKIRITUMRONG -

2 MR. BROWN: Yes.

3 CHAIRMAN EWASUTYN: Can someone --

4 MR. HINES: I have them listed. I'll go over those.

5 The lot area variance of 40,000 feet is required where  
6 16,200 is provided. Lot width, 150 feet required where 90  
7 feet is provided. Side yard, 50 feet is required where six  
8 feet is provided. Both side yards, 100 feet required; 45  
9 is provided. And then there's an accessory structure, ten  
10 feet required and only 1.7 feet exists.

11 CHAIRMAN EWASUTYN: You mentioned a use variance.

12 MR. HINES: Yes. The use variance for the personal  
13 service in the IB Zone.

14 MR. BROWN: May I just state for the record that all  
15 of these variances that are required are because everything  
16 is existing in there. We're not creating any kind of a  
17 variance, they're all existing.

18 CHAIRMAN EWASUTYN: Thank you.

19 Comments from Board Members. John Ward.

20 BOARD MEMBER WARD: No comments.

21 CHAIRMAN EWASUTYN: Dave Dominick.

22 BOARD MEMBER DOMINICK: No comment.

23 CHAIRMAN EWASUTYN: Joe Profaci.

24 BOARD MEMBER PROFACI: None.

25 CHAIRMAN EWASUTYN: Ken Mannerich.

1 - JIN KANJANAKIRITUMRONG -

2 BOARD MEMBER MENNERICH: Is there any activity towards  
3 getting this rezoned to B?

4 MR. DOCE: Well, what I was going to say when you  
5 gentlemen were finished, I would be glad to contact Gill  
6 and remind him that they wanted this to be a B Zone and  
7 that they had my report, and if there's anything that I  
8 could to help them get it done, I will be glad to do it.  
9 So I will do that. It's kind of ridiculous that's an IB  
10 Zone.

11 CHAIRMAN EWASUTYN: Cliff Browne?

12 BOARD MEMBER BROWNE: Nothing.

13 CHAIRMAN EWASUTYN: Frank Galli.

14 BOARD MEMBER GALLI: The one variance is the accessory  
15 structure. Why don't you eliminate it, just knock down the  
16 shed?

17 MR. DOCE: It is, from what I understand, fairly  
18 substantial. Offhand, if it became a requirement at the  
19 ZBA I'm sure that she would reconsider. We would like to  
20 see if we could keep it there because almost every parcel,  
21 I've been there, is sort of identical. The shed is in the  
22 same way, everything is in the same place.

23 CHAIRMAN EWASUTYN: Mike, one more time for the  
24 record, the referral letter that you'll be preparing to  
25 send to the ZBA.

1 - JIN KANJANAKIRITUMRONG -

2 MR. DONNELLY: Sure. There will be the use variance  
3 for personal service business in the IB Zone; lot area, lot  
4 width, side yard, both side yards, and setback for the  
5 accessory structure in the dimensions Pat recited earlier.

6 CHAIRMAN EWASUTYN: I move for a motion to the  
7 Board --

8 BOARD MEMBER PROFACI: Would you want to take a look  
9 and see if that B Zone would be considered before you go to  
10 the Zoning Board?

11 MR. DOCE: Well, we would like to, even though it's  
12 more work for us, I wouldn't want to hurt this woman by  
13 delaying it for how long it might take. So what I would  
14 like to do the application to the ZBA. But at the same  
15 time I would be glad to do that, also.

16 CHAIRMAN EWASUTYN: Any further questions?

17 BOARD MEMBER DOMINICK: I think Gerry had a question

18 CHAIRMAN EWASUTYN: Gerry.

19 MR. CANFIELD: John, I have a question for Mike.

20 There's an exception, 185.18, Nonconforming Lots of  
21 Record, which this is. Does the Site Plan, the fact that  
22 it is a Site Plan, does this lose that protection, as well?

23 MR. DONNELLY: Is that the one that has a step down  
24 bulk table? How does that section read?

25 MR. CANFIELD: It allows existing lots. Nothing shall

1  
2 prohibit the use of lots less than the prescribed area or  
3 width when such lot is owned individually and separate from  
4 any adjoining tract.

5 MR. DONNELLY: Well, then the lot area and width are  
6 probably not needed.

7 MR. CANFIELD: Correct. If they still maintain that  
8 protection.

9 MR. DONNELLY: Well, the lot does, but that's separate  
10 from the use.

11 MR. CANFIELD: Right.

12 MR. DONNELLY: We'll identify them as deficient, but  
13 suggest that no variance is needed because of 185.19.

14 MR. CANFIELD: Correct. 18.

15 MR. DONNELLY: Eighteen. Sorry.

16 CHAIRMAN EWASUTYN: That's even better at this point.

17 MR. DOCE: In the past, just to enlighten that, when  
18 that came up we were still asked to go to the ZBA to make  
19 them aware that it was being addressed.

20 CHAIRMAN EWASUTYN: Then I'll move for a motion with  
21 the corrections to refer to the ZBA that were presented by  
22 Gerry Canfield, send this on to the Zoning Board of  
23 Appeals.

24 BOARD MEMBER PROFACI: So moved.

25 CHAIRMAN EWASUTYN: I have a motion by Joe Profaci.



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Do I have a second?

BOARD MEMBER WARD: Second.

CHAIRMAN EWASUTYN: Second by John Ward.

Any discussion of the motion?

(No verbal response.)

CHAIRMAN EWASUTYN: Move for a roll call vote starting with Frank Galli.

BOARD MEMBER GALLI: Aye.

BOARD MEMBER BROWNE: Aye.

BOARD MEMBER MENNERICH: Aye.

BOARD MEMBER PROFACI: Aye.

BOARD MEMBER DOMINICK: Aye.

BOARD MEMBER WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(The motion was approved and carried.)

MR. DOCE: Now, just so I don't step on my tongue as I often do, when I contact the Town Board I'll say that we were here and it was suggested that that be looked into about the IB. I want to phrase it properly. About looking into changing that IB to a B Zone based on what I have done in the past.

BOARD MEMBER MENNERICH: Not by us it wouldn't.

MR. DOCE: Yeah, no.

BOARD MEMBER MENNERICH: We have no say in it

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whatsoever.

CHAIRMAN EWASUTYN: Generally, we don't advise the ZBA one way or the other.

MR. DOCE: It's the Town Board.

But when I go to the Town Board, I just don't want to say something that's going to create a problem. I want to say that I was here and I -- obviously, it's an IB Zone when it was intended to be a B Zone in the past. Can I say that it's with your blessing, at least, that I'm bringing it up to them again?

CHAIRMAN EWASUTYN:a I'll poll the board members.

Frank Galli.

BOARD MEMBER GALLI: No.

BOARD MEMBER MENNERICH: Nothing do with it. I mean it's not part of us.

CHAIRMAN EWASUTYN: Cliff Browne.

BOARD MEMBER BROWN: I don't think it should be connected with the board, per se.

MR. DOCE: Okay.

BOARD MEMBER BROWN: I think it should be more on the personal side, your firm addressing it, because that's what you guys do. I don't think it should be as part of the Board saying that. Because again, it's ...

BOARD MEMBER MENNERICH: I mean I think it's good idea

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but I don't think we can, the Planning Board saying we are in favor of it.

CHAIRMAN EWASUTYN: Joe Profaci.

BOARD MEMBER PROFACI: Without putting our weight behind it, can't we say that it is a suggestion to look into? That's not really saying we endorse it or we don't endorse it. It's a suggestion.

BOARD MEMBER GALLI: It's already been suggested. He did all the paperwork. He just have to revisit it when he talks to the supervisor. He's already done all the legwork so we don't have to really get involved at all. Just say to revisit this now. They have the paperwork.

BOARD MEMBER PROFACI: True. At least I am finding it a suggestible situation.

MR. DONNELLY: You'll ultimately be asked to give a report to the Town Board if they decide to move forward, so you'll have another chance.

CHAIRMAN EWASUTYN: Dave Dominick.

BOARD MEMBER DOMINICK: I agree, it's personal. I agree that that should be personal with the Town Board.

CHAIRMAN EWASUTYN: John Ward.

BOARD MEMBER WARD: I believe you've talk to Gill as a councilman, now supervisor. It should be between you and him. Nothing to do with this board. Because that's

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2 hearsay or whatever. We have no proof of anything, so ...

3

CHAIRMAN EWASUTYN: For now, I guess it would be just

4

up to you to further the conversation.

5

6

MR. DOCE: And you understand it doesn't make a  
7 difference to us whether it's done or not. We're willing  
8 to pursue that as a courtesy.

9

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MR. DONNELLY: It might because getting a use various  
11 could be difficult.

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MR. DOCE: And next door was a hairdresser and I think  
18 that's what precipitated it the first time, that a  
19 hairdresser is going in there on the property next door.  
20 And that hairdresser was there, it was for years. I think  
21 they just moved out recently.

22

Okay, gentlemen, I thank you very much.

23

24

25

CHAIRMAN EWASUTYN: All right. There being no further  
26 items on this evening's agenda, I move for a motion to  
27 close the Planning Board meeting of the 15th of May.

28

BOARD MEMBER GALLI: So moved.

29

BOARD MEMBER MENNERICH: Second.

30

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I  
31 have a second by Ken Mennerich.

32

I ask for a roll call vote starting with John Ward.

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BOARD MEMBER WARD: Aye.

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BOARD MEMBER GALLI: Aye.

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BOARD MEMBER BROWNE: Aye.

BOARD MEMBER MENNERICH: Aye.

BOARD MEMBER PROFACI: Aye.

BOARD MEMBER DOMINICK: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(The motion was approved and carried.)

(Time noted: 7:33 p.m.)

\* \* \* \* \*

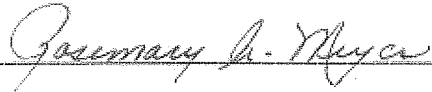
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**REPORTER'S CERTIFICATION**

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

that the foregoing transcript is an accurate record of the proceedings herein, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.



ROSEMARY A. MEYER

Date Transcribed: June 7, 2014