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

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In the Matter of

HAMPTON INN & SUITES AND RESTAURANT
(2014-16)

Route 17L & Crossroads Court
Section 95; Block 1; Lot 45.12
IB Zone

----- X

SITE PLAN

Date: July 17, 2014
Time: 8:02 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
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
WILLIAM J. HAUSER
KENNETH WERSTED
PAUL RUGGIERO

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

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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 Hampton Inn & Suites and
4 restaurant, project 2014-16. It's on Route 17K
5 and Crossroads Court, Section 95, Block 1,
6 Lot 45.12, located in the IB Zone. It's an
7 initial appearance for a site plan. It's
8 represented by Maser Consulting.

9 MR. DATES: Good evening. My name is
10 Justin Dates with Maser Consulting here to
11 present the proposed Hampton Inn & Suites project
12 on 17K.

13 To orient everybody to the plan, north
14 is facing up, so 17K is running north, the
15 Thruway is along the east boundary of the site,
16 Crossroads Court is along the west. So the
17 adjacent uses are the Thruway, Hilton Garden Inn
18 on the south and then Orange County Choppers is
19 over on the western side of the site.

20 The parcel in total is 5.9 acres in
21 size. It does include Crossroads Court. There's
22 an agreement in place for the other three lots,
23 the fourth one being this project site, for
24 access into the developed area here.

25 It is in the IB District, so hotels and

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restaurants are a permitted use subject to site plan review by the Planning Board.

The project is a five-story Hampton Inn & Suites.

To make one clarification, we are looking at 139 rooms and not 137 which was in the narrative on the plan. That's been updated to 139.

There's a 6,500 square foot restaurant which is closest to Crossroads Court.

The property itself sits up high along Crossroads Court and Route 17K and then kind of falls down into the site along the Thruway property.

So with our site layout and our parking, what we're looking to do is step the parking down to get to the hotel. We've provided some substantial islands in between the parking to do so. That also gets up the required landscape area/island area for the Town Code.

Access into the site, we're proposing one on the north end here, a two-way access, and then also another two-way access down closer to the cul-de-sac there into the site.

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The parking. We meet the proposed parking based on requirements of the Town Code.

We are proposing a refuse or dumpster enclosure down at the southern end of the site, out of sight along that 17K corridor. They're ducked in down at the back of the site.

We're proposing a pedestrian bridge. There's a drainage easement that comes through here that's in benefit of the United States Government, and that's more or less an open swale that runs through there. So we are proposing a cross connection to encourage patrons from the Hilton Garden Inn to have access to the restaurant, or vice versa, the Hilton Garden Inn has a restaurant to it. We're trying to propose some pedestrian access in that manner.

The site is within the Town's water and sewer districts. There is water and sewer in Crossroads Court. Being the topography of the site, we will need a pump station for each of the sewer connections, a force main up to those existing utilities. Water would be proposed each connection separate from the restaurant and the hotel.

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2 Now, the IB District allows a fifty-
3 foot maximum building height. We are looking for
4 a variance from that. The plans that were
5 provided to you, the elevation sheet 201 is
6 probably the best one to look at just for me to
7 run through the building heights. So fifty feet
8 is where the top of our roof deck is, the entire
9 extent of the building. However, from there what
10 we have is a four-foot parapet, and that's
11 substantially the height along most of the
12 building. That is fifty-four feet. Where we go
13 above that is where we have some decorative
14 cornices on the ends. The highest point of those
15 cornices is over the entrance way which goes up
16 to sixty-two feet nine inches. So twelve foot
17 nine inches above that fifty-foot max. It is
18 isolated to where the access point is. Those
19 parapets and cornices are in place to do some
20 screening of rooftop mechanicals and also the
21 elevator overrun. So none of that is seen based
22 on those parapets.

23 That summarizes the project.

24 CHAIRMAN EWASUTYN: Mr. Milano, would
25 you like to add anything since you're familiar

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2 with the project? Sometimes it's good to hear
3 from the owner and the applicant to be more
4 familiar with what you'd like to accomplish, why
5 you may need to accomplish that and the
6 requirements that the chain may be kind of
7 expecting of you?

8 MR. MILANO: Well, in this particular
9 project here, the five-story building is
10 necessary to give it a more efficient layout for
11 the guests, they don't have as far to walk to
12 their rooms. It also allows me to give more
13 landscaping on the site which I like to do to
14 make it attractive. It is on the highway and it
15 is a big building, but with the additional
16 landscaping I think it will soften it and tie it
17 into the Hilton Garden Inn complex type of style
18 where it's more appealing than most of the hotels
19 you see. It sits off the road nice and it's on a
20 stream and it gives you -- even though it's in
21 the middle of all the commercial area, it gives
22 you more of a parklike setting, which I think
23 gives a better feel for the customers when they
24 come in.

25 The decorative parapets that

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2 necessitate this height variance, that's part of
3 the Hampton design which gives the building a
4 little more character so it's not just a square
5 box. That's necessary and that's part of their
6 design, and we need to follow that.

7 You know, I laid the building out in a
8 way so that it doesn't impede the view of the
9 Hilton Garden Inn from the highway, so when the
10 travelers are going up and down the highway, this
11 is really the entrance way to Newburgh and our
12 area, these two buildings will be laid out
13 attractively and, you know, aesthetically
14 pleasing and hopefully draw the general public
15 off our exit here to patronize our facilities and
16 the rest of the Town's facilities. That is our
17 concept how we laid it out.

18 When I bought that property in 1999 and
19 built the Hilton Garden Inn thereafter, this was
20 something that I wanted to hold on to until the
21 right concept came up. When I sold the Hampton
22 Inn, this was a natural way to upgrade the
23 facility and give it a better, more modern and
24 efficient operation. I think we're going to be
25 able to do that . So it was actually a very good

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upgrade and modernization of my other hotel.

CHAIRMAN EWASUTYN: Questions from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Similar to your other hotel, is there going to be a sign along the Thruway?

MR. MILANO: I don't believe we're going to need that sign because the way the other hotel sits, it's not parallel to the highway. I believe that the signage on the building will be sufficient, you know. A free-standing sign, although I like it and it's a good advertising device, there's a lot of maintenance involved. I think we can just get away with the signage on the building so when they drive by on the Thruway they'll see that and hopefully there won't be a need for an additional free-standing sign.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No questions.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No questions.

CHAIRMAN EWASUTYN: John Ward?

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2 MR. WARD: I was going to ask about
3 your proposed sidewalk, extending it down, even
4 down to the hotel. Where you have it going
5 around the circle, going into the restaurant, if
6 you could extend it down to the crosswalk, right
7 down where you go into the Hilton. If anybody is
8 walking from the restaurant, they could walk on
9 the sidewalk to the Hampton Inn one way or
10 another.

11 MR. DATES: We do have this central
12 access corridor kind of between the restaurant
13 and the Hampton Inn, that goes from entrance to
14 entrance, and then the sidewalk extends along the
15 cul-de-sac. We have the crosswalk to get us to
16 that same location or what we're saying is the
17 main access to the restaurant.

18 MR. WARD: Well, I'm basically saying
19 where you have your land banked parking
20 spaces, --

21 MR. DATES: Okay.

22 MR. WARD: -- that way. You're going
23 to have people from all over going to Orange
24 County Choppers, everything else, walking around.
25 Try to make it safe one way or another with the

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parking lot and the traffic and say to cross in the cross. It's going to be a lot of people no matter how you look at it, and they're going to walk in the middle of the parking lot to cross.

MR. DATES: You're looking for a more direct route to the hotel itself?

MR. WARD: It will help.

MR. DATES: We can look at that.

MR. WARD: And do you know, do you have any idea of a proposed restaurant, what type of restaurant would be there?

MR. MILANO: The type of restaurant that I envision for that is, and I'm very picky of what I'm going to put there, it's going to be something that ties into the whole complex. It's not a money matter, it's more of what's going to service my guests better. It's probably going to be an upper end restaurant, not a fast food restaurant. More of an upscale restaurant that will cater to the hotel guests for both hotels, you know, hopefully so they don't have to leave the site if they don't want to, or if there's inclement weather they don't have to leave.

MR. WARD: That's why I'm saying about

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the sidewalk.

MR. MILANO: The other location has an exact similar situation. There is no sidewalk to the hotel. You have to walk a little bit through the parking lot to get to the other sidewalk, which, you know, when you park you normally have to do that in any restaurant that you go to. I don't think it's an impediment. I think, you know, it's similar at the Hilton Garden Inn and I've never had any issues there.

CHAIRMAN EWASUTYN: Thank you. I'm going to leave the discussion. At this point I'll turn to our consultants for their comments. Bill Hauser?

MR. HAUSER: You've already mentioned the five-story variance requirement, so I'll leave that aside.

I call your attention to Section 185-18 C(4)(c) of the Town regulations which requires a thirty-five foot wide landscape buffer along Route 17K. You're precluded from the construction of roadway and parking areas within the limits of that thirty-five foot buffer. So your entire north access way and the ends of all

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2 those parking areas go away if that's the case.
3 Obviously if you want to pursue this
4 configuration, you're going to have to seek a
5 variance from that requirement.

6 MR. DATES: And correct me if I'm
7 wrong, but in that code section I believe it says
8 an access drive is permitted within that.

9 MR. HAUSER: It says except for. It
10 specifically excepts access drives. Let me read
11 it to you. "For all new development projects,
12 the first thirty-five feet of the front yards of
13 all properties fronting on 17K from City of
14 Newburgh to the Town of Montgomery shall be
15 landscaped. Private service or marginal roads
16 (except for access driveways and parking of
17 vehicles) shall not be permitted in these
18 landscaped areas. So yes, you can put that there
19 but the purpose for this, as I read it, is to
20 create a buffer. It requires some clarification,
21 and I think that in reading this it looks to me
22 like you would -- yes, you indeed can build that
23 access way. It depends on how you read this I
24 think. It depends on where the parenthesis is.

25 MR. DATES: I was reading it as private

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service or marginal roads except for access driveways.

MR. HAUSER: Period. But it doesn't -- do you see where the parenthesis is? It's before "and parking of vehicles."

MR. DONNELLY: Take out the parenthesis and it says, "Private service or marginal roads and parking of vehicles shall not be permitted in the thirty-five or forty foot area, and excepted from that prohibition are access driveways. So you're allowed to have an access driveway but you can't have private service, marginal roads or parking.

MR. HAUSER: That's the way I read it.

MR. DONNELLY: Your access driveway is permitted --

MR. DATES: Correct.

MR. DONNELLY: -- but you can't have other service roads. Are you showing a thirty-five foot landscaped area?

MR. HAUSER: No.

MR. DATES: No. This is from the property line to -- this first cut is about ten feet and then the access drive would be after

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that.

MR. DONNELLY: Well, I think what they mean by an access drive is your cul-de-sac road, service roads or marginal roads. I don't think they mean an internal circulation road. I mean if it's an issue the Zoning Board will have to decide it. I think an access drive is the roadway that goes from 17K into the site, provides access.

MR. DATES: You're speaking of Crossroads Court and not --

MR. DONNELLY: Sure.

MR. DATES: -- our access drive into the site?

MR. DONNELLY: That to me is an internal private or marginal road. That's what they're prohibiting. If you disagree, you're certainly entitled to go to the Zoning Board for an interpretation.

MR. HAUSER: Which I think is -- obviously this layout is configured to conform to the development of the hotel on the site, and we clearly understand that. I think the answer to it -- if I were standing over there my gut would

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2 be to go to the Zoning Board of Appeals, at least
3 for interpretation, to interpret exactly what
4 this means. If it means what we say it means,
5 seek a variance. The purpose for this, and I
6 think if you go back to the original intent, this
7 was to allow for widening of the corridor along
8 17K.

9 MR. DATES: I'm just going to point
10 out --

11 MR. HAUSER: You've got room there. If
12 you look at the size of the right-of-way there,
13 there's significant space there. So I think as
14 Mr. Donnelly has suggested, maybe that's the way
15 to go. Again, this is a suggestion, not a
16 recommendation. I think that would be the way to
17 seek definition -- further definition just so
18 everybody is on the same page.

19 MR. DATES: Yeah. I was going to point
20 out that from edge of pavement to the property
21 line, it ranges between seventy-five and
22 eighty-five feet.

23 MR. HAUSER: Clearly that's what we
24 looked at as well.

25 MR. DONNELLY: That might be a

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rationale for granting the variance if you don't get a favorable interpretation.

MR. DATES: Understood. Okay.

MR. DONNELLY: You have to go to the Zoning Board for a height variance anyway. With the Planning Board's permission, we could refer you for an interpretation of the language we just read in that section and/or consideration of a variance from the requirement of the landscaped buffering area.

Are we at the thirty-five foot buffer segment or the forty-five foot? It depends upon whether there are intersections within three hundred and fifty feet.

MR. HAUSER: We don't have an intersection unless we consider the intersection of Crossroads Court as an actual intersection.

MR. DONNELLY: That would need to include that piece as well I guess. I would think they mean other intersections.

MR. HAUSER: I would think they would too, because Crossroads Court really isn't a dedicated Town road per se so therefore it would be an intersection of a driveway or access road

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2 with a highway. I wouldn't classify that as a
3 road intersection by definition. Again, you're
4 going -- you're being suggested to go to the
5 Zoning Board of Appeals. That's the prime place
6 to get an interpretation of that as well. I
7 would put the whole thing in one basket. If they
8 make the interpretation such that we're right,
9 then your next step in that same application is
10 to seek a variance from that based upon the
11 mitigating circumstances and the existing width
12 of the landscaping available.

13 MR. DATES: All right.

14 MR. HAUSER: You're adjacent to a class
15 A stream which is tributary to a water supply, so
16 typically a project like this within a watershed
17 requires treatment of 110 percent of the water
18 quality volume. So you need to look at that.

19 MR. DATES: Yes.

20 MR. HAUSER: I know other developments
21 on this site have gone to a zero based zero
22 discharge program, so that's food for
23 consideration on your part.

24 MR. DATES: We would be proposing some
25 type of subsurface --

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MR. HAUSER: Understood. You're proposing to land bank eighteen out of a significant number of parking spaces. I guess my question is at this point in time don't you, and this is more of a question for Mr. Milano, aren't you -- aren't you going to secure a significant -- and it's not my job to guard your profits, but aren't you going to gain a significant economy of scale to go ahead and build them at this point rather than land bank them and build them later at greater cost? If that's the case, what's the trigger point at which point those eighteen spaces would be taken out of the land bank and improved?

MR. DATES: I think land banking at this point -- again, with no restaurant user identified, we were leaving that open to once that's secured it gives us some flexibility and not creating more impervious just to have it at this point.

MR. HAUSER: It was just a question. Eighteen is a very small percentage of what you're already paving and it just seemed to me you'd get a greater economy of scale.

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You're showing the dumpster enclosure and you mentioned that you looked at the circulation capabilities. I'm looking at it wondering how you're going to turn a garbage truck into that dumpster and pick up a front-loaded dumpster. Take a look at the radius there and see if that really works.

MR. DATES: Okay.

MR. HAUSER: The grading along the Thruway, I think you need to take a good look at that simply because you don't have a lot of distance to make up your grade transition there. You might have some retaining structures that are necessary there in order to match your grades.

MR. DATES: We did look at some initial grades at that point in an effort to minimize the wall.

MR. HAUSER: On your sanitary pump stations, you're aware that those -- both of these pump stations are going to be tying into a force main. We're going to require a design and substantiation that you're not exceeding head requirements and creating backflow conditions that you really don't want. We all know

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2 eventually check valves fail. They fail in every
3 sanitary system. I don't care what you do and
4 how good you are about not flushing a toothbrush
5 down the drain, it's going to happen.

6 MR. DATES: Understood.

7 MR. HAUSER: Now we go to the
8 interesting one. Your calculation of developed
9 area and your percentage, you want to ignore the
10 full development of Crossroads Court even though
11 it's in fee owned by this parcel in order to stay
12 under the sixty percent development requirement.

13 MR. DATES: We did present it in a
14 manner of a potential dedication of Crossroads
15 Court to the Town, hopefully if that were to
16 occur, to show that the lot had met the
17 requirements.

18 MR. HAUSER: I understand what you're
19 doing. I'm just saying you need to -- I'm not
20 sure, sitting in this chair, whether the Town
21 really wants Crossroads Court.

22 MR. DATES: Understood.

23 MR. HAUSER: That's an exploration that
24 you folks have to conduct. Because if not, then
25 obviously you exceed your development percentage.

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MR. DONNELLY: But you're using it for calculating the amount of restaurant and conference room space you're showing; right?

MR. DATES: The 5.24 acres. Yes.

MR. DONNELLY: You've got to be consistent. Either it's included for all purposes or --

MR. HAUSER: They are using the 5.24 which is without the road for the -- what we don't know is you've got 6,500 square feet of restaurant. We don't know how much conference space is in the hotel.

MR. DATES: That's about 600 square feet.

MR. HAUSER: See, that basically addresses it then because even at 5.24, you're okay then.

MR. DATES: Yes, because we're under the 10,000.

MR. HAUSER: You're under the 10,200 or 400, whatever that calculation. You need to show that on here, otherwise there's no way to substantiate compliance.

MR. DATES: Understood. Just to

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clarify that comment then, we'll present 6,500 square foot restaurant, the 600 for that conference meeting room that we're saying is accounted for on the plan, and then our bulk requirements will be substantially --

MR. HAUSER: Your bulk requirements will be okay but your percentage of surface development still is in question because that again is subject to interpretation because you do in fee own that Crossroads Court which is part of this parcel. It's not a separate parcel, --

MR. DATES: Understood.

MR. HAUSER: -- therefore your lot area -- if Crossroads Court wasn't fully paved, you might be okay, but you're adding an additional .7, for lack of a better term, .64, .66 acres that is fully paved which throws you over the 60 percent development limit.

MR. DONNELLY: What you might also want to tell the board about is whether or not that area was included in, for instance, the Orange County Choppers site plan.

MR. DATES: I was just going to say because this road does service four lots.

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MR. DONNELLY: Was it shown on another plan where it was included in lot coverage? I think that's a relevant consideration for the board as to whether or not it should or should not be considered here. It's already been part of somebody else's lot coverage, maybe it shouldn't be part of your lot coverage here, merely because the roadway is owned by the same entity.

MR. DATES: Understood.

MR. DONNELLY: If it's never been charged to somebody's coverage, maybe it should be charged here.

MR. DATES: The fact that it is access for all four of these parcels here, dividing that up, the impervious coverage over the four parcels, could it be looked at in that manner?

MR. DONNELLY: Perhaps. I think the first step is let's find out if it's already been charged to another lot. If that's the other proposal, to divide it up among the others, show what's on those site plans and those calculations. It's going to be the Board that will decide it. Right now you're showing it as

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part of this site plan. It is impervious. I question whether or not it may have already been included in another site plan. Let's find out.

MR. DATES: Okay.

CHAIRMAN EWASUTYN: Bill, any additional comments?

MR. HAUSER: No. That's all I have, Mr. Chairman.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant?

MR. WERSTED: We looked at the site plan submission and we generally didn't have any real comments on the circulation. It seems very straightforward.

Expanding on Bill's comment about the dumpster, it does look like a garbage truck could access it but it would probably be coming in at an angle. I'm thinking the forks on the garbage truck might be a little askewed. It might be advantageous to look at orienting it towards one of the drive aisles so a truck could have a straighter shot at it.

As we looked at the sidewalk connections, future plans obviously you'll

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2 provide curb ramps and show where those are
3 located --

4 MR. DATES: Correct.

5 MR. WERSTED: -- throughout the site.

6 As for the hotel, we looked at a
7 preliminary estimate of traffic based on two
8 scenarios. Hotels in itself, many of them have
9 an amenity of a restaurant, so we had said if
10 this proposed restaurant, even though it's an out
11 parcel, it's an amenity to the site as a whole,
12 would generate around sixty-four trips -- I'm
13 sorry, around eighty trips. If the restaurant is
14 I think occupied by a tenant that is more well
15 known and it starts to generate traffic
16 independent of it being part of the hotel, then
17 it would be an additional amount of traffic. The
18 hotel would still have approximately eighty trips
19 and then the restaurant as a separate entity
20 would generate around sixty-five trips during the
21 p.m. peak hour.

22 As a whole, we looked at some previous
23 studies based on OCC and the Roadhouse Cafe to
24 look at how much traffic might be coming and
25 going from Crossroads Court. In previous

1 applications on the intersection, signal warrants
2 previously were not met, although a full signal
3 design has been completed. We had asked -- we
4 are asking the engineer to take a look at
5 updating that to see with this proposal are there
6 any changes to the signal warrants.
7

8 As part of our workshop discussion, the
9 Board asked the potential for an accident warrant
10 being met given some of the difficulty in turning
11 left out of Crossroads Court during a busy time.
12 I had mentioned that that is a possible warrant
13 that would be met if the accident records, you
14 know, show that there's an issue there. In
15 addition to looking at the volume warrants I
16 would ask you look at any accident history at
17 that intersection to see if that's applicable to
18 it.

19 MR. DATES: Okay. I did speak to Phil
20 Grealy from our office. We definitely agreed
21 we'd look into this warrant. I'll pass this
22 information along.

23 MR. WERSTED: That was all the comments
24 that we had.

25 CHAIRMAN EWASUTYN: Okay. Any

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additional questions or comments from Board Members? Frank Galli?

MR. GALLI: No additional.

MR. MENNERICH: On the impervious surface, the eighteen land banked parking spots, are they included as impervious surface in that calculation?

MR. DATES: In the 5.24 acre parcel, yes.

MR. MENNERICH: They are?

MR. DATES: Yes.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No questions.

MR. DOMINICK: I think what John was trying to mention is where that sidewalk is, the crosswalk by the restaurant, to extend that parallel with the existing tied into the foot bridge there so when you come off that pedestrian food bridge you take the sidewalk up or down to the restaurant.

MR. DATES: Is that correct?

MR. WARD: Yeah.

MR. DATES: I misunderstood. I thought

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you were looking for it along the --

MR. DOMINICK: Right now you don't have the foot bridge. If it was me, I would go right through this right here.

MR. WARD: Or behind your parking. Behind the proposed storage parking right there. The borderline of your -- what is it? You have the dotted line there for New York State.

MR. DATES: The easement line.

MR. WARD: Right in between there. I'm emphasizing it because you want the atmosphere but you have family and children and that's important with this situation. It's not your basic -- you're going to have traffic from both hotels going to the restaurant and Orange County Choppers and you want to make it safe, and it looks nicer. That's why I'm pushing it.

MR. DOMINICK: If you're worried about aesthetics and making it a park atmosphere, I think that bridge would be much safer.

MR. DATES: We can look at that.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: John Ward, additional comments?

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MR. WARD: I just said it. Thank you.

CHAIRMAN EWASUTYN: Okay. We will declare our intent for lead agency and we will circulate to the Orange County Planning Department. We'll get plans to Pat Hines' office.

I guess the question for you now is Mike Donnelly prepared a referral letter to the ZBA. What would you like to have mentioned in that referral letter? Do you want to speak to your client about it and let us know and/or are you ready to address it now?

MR. DATES: Can we just go over the things we spoke about? Obviously the height variance is definitely one that's required and was mentioned. The second which we discussed was the landscape buffer and the allowance of our drive aisle within that. The third factor would be the coverage; correct? If I understand correctly, the Board is looking at the full parcel, the full 5.9 acres, and what the impervious coverage is on that.

MR. DONNELLY: We can certainly send it for that purpose. You may be able to satisfy the

1 Board depending on how that was treated in an
2 earlier application as not required, but if
3 you're going to put an application in you can
4 always withdraw that part if you satisfy the
5 Board here. Yes, you can include that.
6

7 MR. MILANO: It sounds good.

8 CHAIRMAN EWASUTYN: For the record,
9 could you --

10 MR. DONNELLY: I would refer it to the
11 Zoning Board. You'll have to make the
12 application, I'll simply send a letter and copy
13 you. First, an application for a height variance
14 for the five-story hotel. Secondly, for an
15 interpretation of the terms used in Section
16 185-18 C(4)(c), specifically the requirement of a
17 thirty-five foot buffer. We'll ask the Board
18 whether an internal circulation road is an access
19 driveway and hence exempted from the buffer
20 requirement or a private service or marginal road
21 prohibited within the buffer area. That will be
22 for an interpretation and/or a variance. Next,
23 whether the forty-five foot buffer area
24 requirement is triggered by virtue of your access
25 driveway. The question is is that an

1 intersecting street within the meaning of that
2 section. And finally, we'll refer it for
3 consideration of a lot coverage variance
4 depending upon whether the access driveway, the
5 cul-de-sac access driveway there is to be
6 included within your development coverage.
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8 CHAIRMAN EWASUTYN: Any additional
9 questions, or comments, or additions?

10 MR. DATES: No.

11 CHAIRMAN EWASUTYN: I'll move from the
12 Board to declare our intent for lead agency, to
13 circulate to the Orange County Planning
14 Department --

15 MR. WARD: So moved.

16 CHAIRMAN EWASUTYN: -- excuse me -- and
17 to have Mike Donnelly prepare a referral letter
18 to the ZBA outlining the issues that were just
19 discussed this evening. I'll move for that
20 motion.

21 MR. WARD: So moved.

22 MR. PROFACI: Second.

23 CHAIRMAN EWASUTYN: I have a motion by
24 John Ward and a second by Joe Profaci. Any
25 discussion of the motion?

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(No response.)

CHAIRMAN EWASUTYN: I'll move for a
roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Just going back for one quick minute.

I know it's getting late. What the Planning Board will be entertaining soon is the return of The Market Place for that site plan. One of the issues that we're going to be discussing and referring to the Zoning Board of Appeals is very similar to what you discussed with us this evening, the parapets as they relate to the design of the buildings. The Market Place will be very similar to your site plan where what's being dictated by the national chains as far as a parapet or design does in fact exceed the allowable height. So I guess in the future there may be need to look at the zoning, to amend the zoning to allow for the type of design elements

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2 that are just being dictated by change today. So
3 you're kind of right in tune with everyone else
4 is what I'm trying to say.

5 Thank you. We look forward to seeing
6 you again.

7 MR. DATES: Thank you.

8 MR. HAUSER: Can I just raise one very
9 quick question? As it relates to the question of
10 the variance, and the front yard, and also as far
11 as circulation, are you at a point, and I don't
12 know what you normally do, this borders a State
13 highway and will require DOT consultation even
14 though we're not -- it should go to DOT as part
15 of the SEQRA review.

16 CHAIRMAN EWASUTYN: That would be one
17 of the agencies.

18 MR. HAUSER: I just wanted to clarify
19 that.

20 CHAIRMAN EWASUTYN: That's standard.

21 MR. HAUSER: Okay.

22 CHAIRMAN EWASUTYN: Any additional
23 questions or comments?

24 (No response.)

25 MR. DATES: Thank you.

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2 (Time noted: 8:43 p.m.)
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4 C E R T I F I C A T I O N
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8 I, Michelle Conero, a Shorthand
9 Reporter and Notary Public within and for
10 the State of New York, do hereby certify
11 that I recorded stenographically the
12 proceedings herein at the time and place
13 noted in the heading hereof, and that the
14 foregoing is an accurate and complete
15 transcript of same to the best of my
16 knowledge and belief.
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DATED: August 12, 2014