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

----- X
In the Matter of

HAMPTON INN
(2013-14)

1262 Route 300
Section 97; Block 2; Lots 30.1, 30.22 & 33
IB Zone
----- X

CONCEPTUAL
LOT LINE CHANGE

Date: September 5, 2013
Time: 7:06 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X
MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589

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HAMPTON INN

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MR. PROFACI: The next item on

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tonight's agenda is the Hampton Inn, project

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2013-14. It's a conceptual lot line change,

5

1262 Route 300, Section 97, Block 2, Lots

6

30.1, 30.22 and 33, located in the IB Zone

7

and being represented by --

8

MR. DATES: Justin Dates from Maser

9

Consulting.

10

MR. PROFACI: Justin Dates. Thank you.

11

MR. DATES: No problem.

12

Justin Dates from Maser Consulting.

13

I'm going to take you through the application

14

that Martin Wild, the owner of Hampton Inn, is

15

proposing.

16

Just to orient everyone to the plan, on

17

the bottom of the drawing is Route 300, just

18

south is Palmerone Farms Plaza and to the north

19

is where the old off ramp for 87 came to Route

20

300.

21

Currently there's three tax lots that

22

encompass this area outlined in orange. There's

23

a small sliver along 300, then there's a lot in

24

the center here which contains both the Hampton

25

Inn and the currently vacant Gateway Diner, and

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HAMPTON INN

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then there's a parcel in the rear back here which

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really only has -- there's a stormwater basin

4

right now.

5

What the applicant is looking to do is

6

dissolve this lot line and then also the one up

7

front along 300 and create two new lots. Lot 1

8

would encompass the existing diner and parking

9

facilities. It will be about 1.9 acres in size.

10

The remainder of the parcel would contain the

11

Hampton Inn hotel, its parking facilities and

12

that drainage basin in the rear. It will be

13

about 6.6 acres in size. As you stated, it's in

14

the IB Zoning District. Both the lots will meet

15

the bulk requirements with exception of the rear

16

yard setback. In the IB it's 60 feet for both of

17

these uses. On lot 1 we can provide 47.1 to the

18

existing diner building, and then on the Hampton

19

Inn lot over on the north side here we can

20

provide 49.5 and not the 60.

21

Now, in the IB district there,

22

restaurants or fast food establishments are

23

permitted in conjunction with shopping centers,

24

theaters and professional offices. We're

25

proposing that to be the principal use on that

1
2 lot. So we wouldn't be requiring any use
3 variance for lot number 1.

4 Also for lot number 2, as we interpret
5 Town Law 280-A, a lot must have frontage on a
6 mapped street. The access to this is a -- it's a
7 private right-of-way, private road that's shared
8 between the applicant's parcels and also the
9 plaza next door. So this lot will not have that
10 frontage on a mapped street as we interpret it.
11 That is a variance or waiver that we'd look for.

12 MR. DONNELLY: I think it is mapped.

13 MR. HINES: I think we're okay with
14 that. The 1993 subdivision that created these
15 lots out of the Palmerone Farms showed that
16 private road.

17 MR. DATES: Okay.

18 MR. HINES: So it's --

19 MR. DATES: It is mapped.

20 MR. HINES: Mike, you can jump in.

21 MR. DONNELLY: The requirement is not a
22 frontage one, it's the street or the roadway
23 providing access has to be qualified. If it
24 isn't a Town, County or State highway it's a
25 qualifying roadway if it is shown as a mapped

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HAMPTON INN

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street on an improved subdivision map, and this

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was.

4

We do think it needs, or may need a

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road name now depending upon how you're going to

6

designate an address for the existing hotel

7

building, whether it will continue to have it's

8

Route 300 address or some other address.

9

MR. DATES: Okay. Okay. Would that be

10

required, the name of the road or --

11

MR. DONNELLY: Only if your address is

12

going to be on that road I think, otherwise we

13

wouldn't care.

14

MR. HINES: It's losing it's frontage.

15

MR. DATES: It could still maintain

16

it's 300 address?

17

MR. DONNELLY: I assume the post office

18

would not have a problem with that. Not that

19

necessarily you get -- mail is the predominant

20

thing. I don't know what their rules are. If

21

you keep the Route 300 address, which is logical

22

because everybody knows that's where it's at,

23

nobody is going to see these lines, it doesn't

24

look any different than it did before, I don't

25

think the roadway would need to have a road name.

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HAMPTON INN

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MR. DATES: Okay. I think that

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summarizes the project.

4

CHAIRMAN EWASUTYN: Jerry, do you have

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any comments on this?

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MR. CANFIELD: I think the addressing

7

remaining the same on Route 300 is fine. I don't

8

see that as an issue.

9

Like Mike said, I think the only issue

10

is the access requirements.

11

To name the road, though, I don't think

12

would serve any purpose.

13

CHAIRMAN EWASUTYN: Okay.

14

MR. CANFIELD: I think it would be more

15

of an inconvenience for corporate to readdress an

16

established hotel that's nationally known. I

17

think if you meet the access requirements, it

18

would be fine.

19

MR. DONNELLY: The other problem with

20

280-A is that the roadway be suitably improved.

21

I take it this roadway is --

22

MR. DATES: It's paved, curbing.

23

MR. HINES: It's 30 feet wide.

24

MR. CANFIELD: Paved, curbed.

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CHAIRMAN EWASUTYN: Any other comments,

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Jerry?

MR. CANFIELD: No.

CHAIRMAN EWASUTYN: Mike, do you want to outline the ZBA referral?

MR. DONNELLY: The referral would be for two area variances; lot 1 rear yard, I'm taking this from Pat's memo, 60 feet required, 47.1 provided.

Lot 2 is a rear yard or side yard?

MR. DATES: Rear yard.

MR. DONNELLY: I have it as a rear yard.

MR. HINES: Corner lot.

MR. DONNELLY: 60 foot required, 49.5 provided. And a use variance application for a restaurant and use as a principal use on a lot in the IB zoning district.

MR. HINES: And then the other ones, Mike, are the ownership issue.

MR. DONNELLY: If they are going to look for the use variance then they wouldn't need that. Right?

MR. HINES: No, because the provision is that there was a note on the 1993 subdivision

1
2 that said that the entire property occupied by a
3 hotel/motel/accessory restaurant shall be
4 maintained in common ownership throughout the
5 life of the development.

6 MR. DONNELLY: And if they wanted to
7 continue to abide by that condition they wouldn't
8 need the use variance. Since they're now cutting
9 off this lot, the use is no longer allowed. They
10 would -- instead of common ownership, they would
11 get a use variance. Now we just have two
12 separate uses, assuming the ZBA grants the use
13 variance.

14 MR. HINES: Okay. And then the other
15 one is the principal frontage, or is that
16 included there on the State --

17 MR. DONNELLY: I'm sorry. You're
18 right. Okay. The hotel itself needs frontage
19 and it does not have it. That's an area
20 variance. One of the requirements is the hotel
21 use have frontage on a State highway. By virtue
22 of this subdivision you're removing that
23 frontage.

24 MR. DATES: Okay.

25 MR. DONNELLY: That's another area

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HAMPTON INN

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variance.

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MR. DATES: The private road had a
4 direct access to Route 300.

5

MR. DONNELLY: Access is a different
6 issue.

7

MR. HINES: It helps your argument.

8

MR. DONNELLY: This is frontage on a
9 State highway.

10

MR. DATES: Actual frontage. Okay.

11

MR. HINES: And probably because of
12 that former detour it probably didn't before.
13 Everybody assumed when it was originally approved
14 that it did.

15

MR. DATES: Okay.

16

CHAIRMAN EWASUTYN: It never had it all
17 these years.

18

MR. HINES: The detour was found out
19 after the buildings were put up I believe.

20

CHAIRMAN EWASUTYN: Okay. Mike
21 Donnelly will prepare that.

22

Would this be the appropriate time to
23 circulate to the Orange County Planning
24 Department?

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MR. DONNELLY: Yes.

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CHAIRMAN EWASUTYN: Okay. Then I'll make a motion to circulate to the Orange County Planning Department.

Justin, if you'd see that Pat Hines gets the plans, --

MR. DATES: Sure. Absolutely.

CHAIRMAN EWASUTYN: -- we'll get that going.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Tom Fogarty. I'll ask for a roll call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

Thank you, Justin.

MR. DATES: Thank you.

Mr. Donnelly, you'll provide us with a letter of referral?

MR. DONNELLY: I'll give you a copy.

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HAMPTON INN

MR. DATES: Great. Thank you.

(Time noted: 7:14 p.m.)

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.

Michelle Conero

DATED: October 5, 2013