

Talcott Engineering
DESIGN, PLLC

1 GARDNERTOWN ROAD ~ NEWBURGH, NY 12550
 (845) 569-8400 * Fax (845) 569-4583

LETTER OF TRANSMITTAL

TO: Town of Newburgh DATE: 3/4/2013
Planning Board FILE: 12126-ADM t12
308 Gardnertown Road ATTENTION: J.P. Ewasutuyn
Newburgh, NY 12550 JOB # : 12126-ADM

X ENCLOSED RE: Valan & Vatan Restaurant
X PLANS PAPER VELLUM
DISKETTES 3.5" 5.25"
X OTHER

X TRANSMITTED
FEDERAL EXPRESS UNITED PARCEL SERVICE
U.S. POST OFFICE X SHOE LEATHER

SET OF	DATE	NUMBER	DESCRIPTION
12 of 2	2/11/2013	12126-ADM	Preliminary Site Plan
12 each	2/13/2013	"	ZBA Response Letter
12 each	12/5/2012	"	Resubmittal Letter

36 TOTAL

THESE ARE TRANSMITTED AS NOTED BELOW:

FOR REFERRAL TO Z.B.A.
FOR INFORMATION
X AS REQUESTED
X FOR REVIEW AND COMMENTS

REMARKS:

SENT BY: CTB

RECEIVED BY: _____
 12126-ADM-t12.xls

Talcott Engineering DESIGN, PLLC.

1 GARDNERTOWN ROAD ~ NEWBURGH, NY 12550
(845) 569-8400 ~ (fax) (845) 569-4583

Town of Newburgh
Planning Board
308 Gardnertown Road
Newburgh, NY 12550

March 4, 2013

Attn: John Ewasutyn, Chairman

Re: Site Plan – Valan & Vatan Restaurant
Lands of Zef Gjurashaj
34 North Plank Road – Town of Newburgh
SBL: 84-2- 1.1
Job No. 12126-ADM
Town Application No. 2012-26

Dear Sir:

Please be advised that Thursday 2/28/13 we appeared before the ZBA to complete a public hearing held open since the 1/24/13 ZBA meeting. The ZBA voted to grant the variances we had requested based on the Planning Board's referral letter dated 12/26/13.

I am requesting to appear at your March 7th meeting to discuss the issues our appearances before the ZBA, public comment and the variances granted. We are not requesting a technical review by your consultants at this time, but would appreciate this opportunity to work with the Planning Board to move forward with Zef's application.

This letter along with 12 copies of site plan sets and 12 copies of our ZBA response letter will be delivered to the Code Compliance Building on the date and time designated by the Planning Board Chairman.

Sincerely,

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

PC: Zef Gjurashaj

Talcott Engineering DESIGN, PLLC.

1 GARDNERTOWN ROAD ~ NEWBURGH, NY 12550
(845) 569-8400 ~ (fax) (845) 569-4583

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 & Vatou 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