



**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT NAME: RAM HOTELS
PROJECT NO.: 16-21
PROJECT LOCATION: SECTION 95, BLOCK 2, LOT 37.1
REVIEW DATE: 14 JUNE 2024
MEETING DATE: 20 JUNE 2024
PROJECT REPRESENTATIVE: MECURIO-NORTON-TAROLLI-MARSHALL

1. The project is before the Board for reapproval of a proposed site plan for a 112 room hotel.
2. The project has a long history with the Town and was delayed due to litigation between the project sponsor and outside party. The project last received conditional final approval on 4 October 2018. A copy of the previous resolutions are attached for the Board's use.
3. The Planning Board served as Lead Agency for the SEQRA review of the project. No substantive changes have been proposed. The previous NE Dec remains valid and can be re-affirmed.
4. The previously approved SWPPP remains valid as the NYSDEC has not adopted the changes to the Stormwater Management Regulations.
5. A stormwater facilities maintenance agreement is required.
6. Status of approval from the Army Corp of Engineers should be addressed.
7. The site contains habitat for protected bat species. Tree clearing restrictions are proposed to mitigate impacts to bat species.
8. All previously issued special conditions from the three previous approvals continue to be valid.
9. The Town of Newburgh Town Board accepted the cost estimates for stormwater and erosions and sediment control. Stormwater securities in the amount of \$261,752.00 are required to be posted and an inspection fee of \$10,470.00 is required.
10. New Adjoiner's Notices must be circulated.
11. Orange County Department of Planning submission is required as the project is located within 500 feet of a state highway.
12. The Planning Board should discuss whether a public hearing for the site plan will be required.

NEW YORK OFFICE

33 Airport Center Drive, Suite 202, New Windsor, NY 12553
845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

PENNSYLVANIA OFFICE

111 Wheatfield Drive, Suite 1, Milford, PA 18337
570-296-2765 | F: 570-296-2767 | mhepa@mhepc.com

Respectfully submitted,

MHE Engineering, D.P.C.

A handwritten signature in cursive script that reads "Patrick J. Hines".

Patrick J. Hines

Principal

PJH/ltn

RESOLUTION OF APPROVAL

SITE PLAN

SECOND AMENDED

FOR

RAM HOTELS, INC.

PROJECT # 2016-21

Nature of Application

RAM Hotels, Inc. applied for, and received, Subdivision approval allowing it to create 2 new Parcels of land on a ±8.5 acre tract and for approval of a Site Plan permitting the use of the property identified herein for to construct a 5-story, 112-room Hilton Garden Inn and for approval of architectural renderings by the Planning Board sitting as the Architectural Review Board. The applicant now seeks to amend its site plan approval in order to reduce the building footprint and adjust the driveway and easement locations¹ to meet the requirements of the US ACOE.

Property Involved

The property affected by this resolution is shown on the Tax Maps of the Town of Newburgh as parcel(s) 97-2-37.

¹ Because no subdivision map has yet been filed, the applicant is also authorized to file an amended subdivision plat showing the adjusted driveway and easement locations.

Zoning District

The property affected by this resolution is located in the IB zoning district of the Town of Newburgh.

Plans

The Site Plan materials considered consist of the following:

1. Completed application form and Environmental Assessment Form.
2. Plans prepared for RAM Hotels, Inc. as follows:

<u>Author</u>	<u>Title</u>	<u>Last Revision Date</u>
Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Site Plan	August 6, 2018
Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Existing Conditions and Removal Plan	August 6, 2018
Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Utility & Grading Plan – South	August 6, 2018
Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Utility & Grading Plan – North	August 6, 2018
Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Detail Sheet	August 6, 2018
Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Water and Sewer Detail Sheet	August 6, 2018
Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Stormwater Detail Sheet	August 6, 2018
Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Erosion & Sediment Control Detail Sheet	August 6, 2018
Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Landscaping Detail Sheet I	August 6, 2018
Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Landscaping Detail Sheet II	August 6, 2018
Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Lighting Detail Sheet	August 6, 2018

Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Amended Striping Plan	August 6, 2018
Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Survey & Subdivision	July 6, 2017
Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Potential Development Plan for Lot 2 of Subdivision	July 31, 2018
Silvestri Architects PC	First Floor Plan	May 15, 2017
Silvestri Architects PC	Fifth Floor Plan	May 15, 2017
Silvestri Architects PC	Exterior Elevations	May 15, 2017
RAB Lighting	Lighting Layout Version B	March 20, 2017
RAB Lighting	Lighting Layout Version B	March 20, 2017
RAB Lighting	Lighting Layout Version B	March 20, 2017
RAB Lighting	Lighting Layout Version B	March 20, 2017

History

DATE OF APPLICATION

The original application was filed with the Planning Board on December 6, 2016. Subdivision, Site Plan and ARB approval were granted on July 20, 2017. A CPLR article 78 proceeding challenging the adequacy of the number of approved parking stalls resulted in a decision remitting this matter to the Planning Board:

“Inasmuch as the resolution does not expressly state the Planning Board’s finding regarding the minimum number of spaces required, it is necessary for this matter to be remitted to the Planning Board.”

Amended approval, specifying the board’s findings regarding the minimum

number of parking spaces required was granted on February 1, 2018. This application for second amended approval was filed with the planning board on August 14, 2018.

PUBLIC HEARING

A public hearing on the original application was convened on April 20, 2017 and closed on the same date. An additional public hearing on this second amended application was held on October 4, 2018.

SEQRA

Type of Action:

This matter constitutes an unlisted action under the State Environmental Quality Review Act.

Lead Agency:

The Town of Newburgh Planning Board is the lead agency in regard to this action. The Planning Board's status as lead agency was established on December 15, 2016.

Declaration of Significance:

A negative declaration was issued on March 16, 2017. The planning board hereby reaffirms that negative declaration inasmuch as the proposed amendments do not raise the potential for any significant adverse environmental impacts and the negative declaration previously adopted is hereby deemed amended to incorporate the proposed site plan amendments.

GML 239 Referral

This application is not required to be referred to the Orange County Planning Department for review.

Findings

The Planning Board has determined that approval of this Second

Amended Site Plan will substantially serve the public convenience, safety and welfare; and will not otherwise be unduly detrimental to the public health, safety, comfort convenience or welfare, subject to compliance in full with conditions hereinafter imposed pursuant to Section 185-57 (H).

The Planning Board hereby determines that the minimum number of parking spaces required is 117; that—given the complementary nature of the uses proposed—a more appropriate number of spaces would be 130; and that 143 spaces will meet the potential extraordinary peak usage of the site (however rarely such use might occur).

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve this Second Amended Site Plan as said proposal is depicted on the plans identified above upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the plans upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Specific Conditions

1. The plans shall not be signed until receipt of a letter from Karen Arent, the Town of Newburgh Landscaping Consultant, certifying that the plans have been modified in accordance with her comments made during the planning board meeting held on October 4, 2018.
2. The plans shall not be signed until receipt of a letter from the Planning Board Engineer certifying that the plans have been modified in accordance with his memos of August 27, 2017 and January 29, 2018.
3. This approval is subject to review and issuance of a wetlands

disturbance permit by the Army Corps of Engineers for the disturbance activities proposed or a letter from the Corps reporting that those activities are covered under a general permit.

4. Except as hereby modified, all conditions attached to the original grant of subdivision, site plan and ARB approval are to remain in effect and this approval is subject to, and conditioned upon satisfaction of same as if those conditions were set forth herein at length.
5. The applicant must construct all 143 parking stalls shown on the plan before a certificate of occupancy will be issued.

Outdoor Fixtures & Amenities

6. This site plan approval allows construction of only that which is shown on the plans identified above. No outdoor amenities or accessory structures or outdoor fixtures—including but not limited to exterior walls, mechanical units, dumpsters, etc.—may be constructed, placed or erected except as shown on the approved site plan. Architectural drawings shall carry a certification that what is shown thereon is fully consistent with the approved site plan.

General Conditions

This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of Newburgh Building Department. A full set of the plans to be signed shall simultaneously be submitted to the Planning Board Engineer. The plans shall not be signed until the Planning Board Engineer has reported to the Chair that all conditions of this resolution required to be satisfied before the plans can be signed

have, in fact, been satisfied.

This approval is further conditioned upon the applicant delivering (prior to signing of the plans) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid. The applicant shall also be required to deliver proof that all required Public Improvement, Erosion Control and Landscaping inspection fees and escrow have been deposited with the Town. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all fees have been paid and escrow deposits made.

Approval of the final site plan shall, pursuant to Section 185-58 (E) of the Zoning Ordinance, be valid for two years from the date this resolution is filed in the office of the Town Clerk, after which time this approval shall be null and void unless a building permit has been issued. If no building permit has been issued within that time, the plan must be resubmitted to the Planning Board for approval.

A FAILURE to comply with the general condition immediately above in a timely manner shall result, without further action, in a lapsing of this approval.

In Favor 6 Against 0 Abstain Absent 1

Dated: October 4, 2018

JOHN P. EWASUTYN, CHAIRPERSON
TOWN OF NEWBURGH PLANNING BOARD

STATE OF NEW YORK)

)ss:

COUNTY OF ORANGE)

I, JOHN P. EWASUTYN, Chairman of the Planning Board of the Town of Newburgh, do hereby certify that the foregoing is a true and exact copy of a Resolution maintained in the office of the Town of Newburgh Planning Board, said resulting from a vote having been taken by the Planning Board at a meeting of said Board held on October 4, 2018.

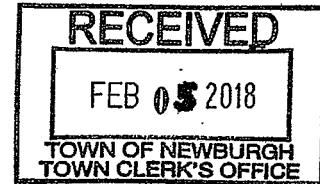
JOHN P. EWASUTYN, CHAIRPERSON
TOWN OF NEWBURGH PLANNING BOARD

I, ANDREW J. ZARUTSKIE, Clerk of the Town of Newburgh, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on

ANDREW J. ZARUTSKIE, CLERK
TOWN OF NEWBURGH

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N-16.21



RESOLUTION OF APPROVAL

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AMENDED

FOR

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Nature of Application

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Property Involved

The property affected by this resolution is shown on the Tax Maps of the Town of Newburgh as parcel(s) 97-2-37.

Zoning District

The property affected by this resolution is located in the IB zoning district of the Town of Newburgh.

Plans

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<u>Author</u>	<u>Title</u>	<u>Last Revision Date</u>
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Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Utility & Grading Plan – South	January 15, 2018
Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Utility & Grading Plan – North	January 15, 2018
Mercurio Norton Tarolli Marshall Engineering and Land Surveying	Detail Sheet	January 15, 2018
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PUBLIC HEARING

A public hearing on this application was convened on April 20, 2017 and closed on the same date.

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Type of Action:

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Lead Agency:

The Town of Newburgh Planning Board is the lead agency in regard to this action. The Planning Board's status as lead agency was established on December 15, 2016.

Declaration of Significance:

A negative declaration was issued on March 16, 2017.

GML 239 Referral

This application is not required to be referred to the Orange County Planning Department for review.

Findings

The Planning Board has determined that approval of this Amended Site Plan will substantially serve the public convenience, safety and welfare; and will not otherwise be unduly detrimental to the public health, safety, comfort convenience or welfare, subject to compliance in full with conditions hereinafter imposed pursuant to Section 185-57 (H).

The Planning Board hereby determines that the minimum number of parking spaces required is 117; that—given the complementary nature of the uses proposed—a more appropriate number of spaces would be 130; and that 143 spaces will meet the potential extraordinary peak usage of the site (however rarely such use might occur).

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve this Amended Site Plan as said proposal is depicted on the plans identified above upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the plans upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Specific Conditions

1. The plans shall not be signed until receipt of a letter from the Planning Board Engineer certifying that the plans have been modified in accordance with his memos of July 18, 2017 and January 29, 2018.
2. This approval is subject to review and issuance of a wetlands disturbance permit by the Army Corps of Engineers for the disturbance activities proposed or a letter from the Corps reporting that those activities are covered under a general permit.
3. Except as hereby modified, all conditions attached to the original grant of subdivision, site plan and ARB approval are to remain in effect and this approval is subject to, and conditioned upon satisfaction of same as if those conditions were set forth herein at length.
4. The applicant must construct all 143 parking stalls shown on the plan before a certificate of occupancy will be issued.

Outdoor Fixtures & Amenities

5. This site plan approval allows construction of only that which is shown on the plans identified above. No outdoor amenities or accessory structures or outdoor fixtures—including but not limited to exterior walls, mechanical units, dumpsters, etc.—may be constructed, placed or erected except as shown on the approved site plan. Architectural drawings shall carry a certification that what is shown thereon is fully consistent with the approved site plan.

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copies of the plans to be signed, including mylars when required, to the Town of Newburgh Building Department. A full set of the plans to be signed shall simultaneously be submitted to the Planning Board Engineer. The plans shall not be signed until the Planning Board Engineer has reported to the Chair that all conditions of this resolution required to be satisfied before the plans can be signed have, in fact, been satisfied.

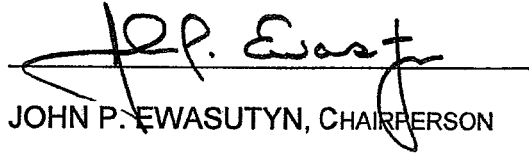
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A FAILURE to comply with the general condition immediately above in a timely manner shall result, without further action, in a lapsing of this approval.

In Favor 5 Against 0 Abstain Absent 2

Dated: February 1, 2018

A handwritten signature in black ink, appearing to read "J.P. Ewasutyn", is written over a horizontal line. The signature is stylized and cursive.

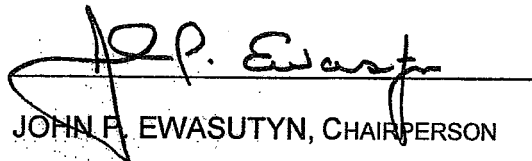
JOHN P. EWASUTYN, CHAIRPERSON
TOWN OF NEWBURGH PLANNING BOARD

STATE OF NEW YORK)

)ss:

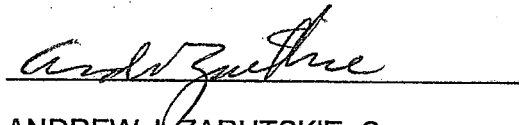
COUNTY OF ORANGE)

I, JOHN P. EWASUTYN, Chairman of the Planning Board of the Town of Newburgh, do hereby certify that the foregoing is a true and exact copy of a Resolution maintained in the office of the Town of Newburgh Planning Board, said resulting from a vote having been taken by the Planning Board at a meeting of said Board held on February 1, 2018.



JOHN P. EWASUTYN, CHAIRPERSON
TOWN OF NEWBURGH PLANNING BOARD

I, ANDREW J. ZARUTSKIE, Clerk of the Town of Newburgh, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on FEB 05 2018



ANDREW J. ZARUTSKIE, CLERK
TOWN OF NEWBURGH

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