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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  
(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

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

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2 MR. PROFACI: The next item on  
3 tonight's agenda is the Hampton Inn, project  
4 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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then there's a parcel in the rear back here which really only has -- there's a stormwater basin right now.

What the applicant is looking to do is dissolve this lot line and then also the one up front along 300 and create two new lots. Lot 1 would encompass the existing diner and parking facilities. It will be about 1.9 acres in size. The remainder of the parcel would contain the Hampton Inn hotel, its parking facilities and that drainage basin in the rear. It will be about 6.6 acres in size. As you stated, it's in the IB Zoning District. Both the lots will meet the bulk requirements with exception of the rear yard setback. In the IB it's 60 feet for both of these uses. On lot 1 we can provide 47.1 to the existing diner building, and then on the Hampton Inn lot over on the north side here we can provide 49.5 and not the 60.

Now, in the IB district there, restaurants or fast food establishments are permitted in conjunction with shopping centers, theaters and professional offices. We're 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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street on an improved subdivision map, and this was.

We do think it needs, or may need a road name now depending upon how you're going to designate an address for the existing hotel building, whether it will continue to have it's Route 300 address or some other address.

MR. DATES: Okay. Okay. Would that be required, the name of the road or --

MR. DONNELLY: Only if your address is going to be on that road I think, otherwise we wouldn't care.

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

MR. DATES: It could still maintain it's 300 address?

MR. DONNELLY: I assume the post office would not have a problem with that. Not that necessarily you get -- mail is the predominant thing. I don't know what their rules are. If you keep the Route 300 address, which is logical because everybody knows that's where it's at, nobody is going to see these lines, it doesn't look any different than it did before, I don't think the roadway would need to have a road name.

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MR. DATES: Okay. I think that summarizes the project.

CHAIRMAN EWASUTYN: Jerry, do you have any comments on this?

MR. CANFIELD: I think the addressing remaining the same on Route 300 is fine. I don't see that as an issue.

Like Mike said, I think the only issue is the access requirements.

To name the road, though, I don't think would serve any purpose.

CHAIRMAN EWASUTYN: Okay.

MR. CANFIELD: I think it would be more of an inconvenience for corporate to readdress an established hotel that's nationally known. I think if you meet the access requirements, it would be fine.

MR. DONNELLY: The other problem with 280-A is that the roadway be suitably improved. I take it this roadway is --

MR. DATES: It's paved, curbing.

MR. HINES: It's 30 feet wide.

MR. CANFIELD: Paved, curbed.

CHAIRMAN EWASUTYN: Any other comments,

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

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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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variance.

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

MR. DONNELLY: Access is a different issue.

MR. HINES: It helps your argument.

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

MR. DATES: Actual frontage. Okay.

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

MR. DATES: Okay.

CHAIRMAN EWASUTYN: It never had it all these years.

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

CHAIRMAN EWASUTYN: Okay. Mike Donnelly will prepare that.

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

MR. DONNELLY: Yes.

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

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

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MR. DATES: Sure. Absolutely.

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

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MR. PROFACI: So moved.

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MR. FOGARTY: Second.

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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.

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MR. MENNERICH: Aye.

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MR. PROFACI: Aye.

18

MR. FOGARTY: Aye.

19

CHAIRMAN EWASUTYN: And myself. So  
carried.

20

21

Thank you, Justin.

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MR. DATES: Thank you.

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

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

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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