

TOWN OF NEW WINDSOR

ZONING BOARD

January 25, 2016

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
 RICHARD HAMEL
 FRANCIS BEDETTI
 HENRY SCHEIBLE
 GREGORY BIASOTTI

ALSO PRESENT: GEOFFREY CHANIN, ESQ.
 ZONING BOARD ATTORNEY

 STEPHANIE RODRIGUEZ
 ZONING BOARD SECRETARY

MEETING AGENDA:

1. Windsor Hospitality, LLC (15-18)

REGULAR MEETING:

MR. KANE: I'd like to call the Town of New Windsor Zoning Board of Appeals regular session for January 25 2016 meeting to order.

APPROVAL OF MINUTES DATED 1/11/16

MR. KANE: Motion to accept minutes of 1/11/16 as written, they were sent 1/13/16 via e-mail.

MR. BEDETTI: So moved.

MR. HAMEL: Second it

ROLL CALL

MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. SCHEIBLE	AYE
MR. BIASOTTI	AYE
MR. KANE	AYE

WINDSOR HOSPITALITY, LLC (15-18) - CONTINUATION

MR. KANE: Continuation of Windsor Hospitality, LLC for their requested variances. State your name and address again for this young lady over there so she can hear you and we'll pick it up from there. No need for a public hearing, that was already closed, so we're strictly here for the board and asking any questions and taking it from there.

MR. O'CONNOR: My name is Josh O'Connor with Bohler Engineering and Rob is not able to attend tonight, that's who's been here previously and I'm filling in for him. I guess you know we have no one here from the public so I'll keep the presentation down to the minimum here. We haven't really changed anything significantly since we were last here. We did add the fence that we spoke about.

MR. KANE: Okay.

MR. O'CONNOR: So that's recorded on the record so in case it came up again, we did add the adjacent owners along Liner so if it came up as a question, we could address who's where. But aside from that, the plan is unchanged.

MR. KANE: Gentlemen, further questions?

MR. SCHEIBLE: Now, you know, correct me if I'm wrong here, is that the same people that already own the Days Inn?

MR. O'CONNOR: Yes, yes, the owner of the Days Inn New Windsor purchased it over a year ago and they're continuing, you know, they remodeled the Days Inn and anticipate its continuing operation through construction and after.

MR. SCHEIBLE: So I just did a little calculation here, correct me if I'm wrong here, if you add this onto the Days Inn, right, you're talking about 542 rooms, is that correct?

MR. O'CONNOR: Yes.

MR. SCHEIBLE: That's the correct number?

MR. O'CONNOR: Yes, that's correct. No, pardon me, it's 84, 184 and what's, your count is 97 so you're

under 300 rooms.

MR. SCHEIBLE: I'm reading this wrong then.

MR. O'CONNOR: You're at 284.

MR. SCHEIBLE: Okay, 284.

MR. KANE: Any other questions?

MR. BIASOTTI: The only question I have is with regards to the height of the building, has anyone from MTA or FAA given you an okay for the building height?

MR. O'CONNOR: We have.

MR. BIASOTTI: Given its proximity to the airport.

MR. O'CONNOR: We have referred it out to the FAA, I don't have a response of any kind.

MR. KANE: We have not received anything from any of them, we would have been notified.

MR. O'CONNOR: They should be notified in SEQRA as well, I would expect we would have had a comment through that but I have not had a positive response.

MR. KANE: I haven't seen anything come through. My own reservations deal with the height and specifically not too much with the four story but the five story for sure. I really think up on that hill that's just too high, that's my own personal opinion. With going with that, what I do want the board to consider is that when we do the vote on this, we have three separate issues, two heights and a side, I'd like to take a separate vote on each one as we go forward. So keep that in mind when you go to make your motion. Do you want to speak to that?

MR. O'CONNOR: We're looking at being able to realize the best density for, you know, the number of rooms in the given square footage. You know, as far as, it's not a matter of aesthetics, obviously, that's, you know, but it is a matter of being able to maximize the developable density of the parcel. And frankly, you know, looking at something like this we have to be able to justify this to you and our justification is that we're consistent with the intent of the zoning and we're consistent with the intent of the county's

comprehensive plan, it's looking for, it's looking to concentrate this type of high load and high use, development it close to highway exits and close to the airport and they do have a planned commercial district immediately in the airport proper but that's not close to the highway exit. This, you know, as far as getting the most of this type of development as close to the highway as you can, this is really one of the best sites for that and that decreases the load, if we have another hotel down the road, that's more trips, that's more taxing on the infrastructure, on the whole, this allows you to really concentrate that development while again not exceeding the allowable density on the site.

MR. KANE: Okay, fair enough.

MR. BEDETTI: I just have a comment. The problem is that you ran into, relative to height is that the property's a little bit small for what you decided to put in there so you had with laying out all three, the existing one and the two on the sides forced you so close to the end lines that you couldn't meet the height requirement, essentially there's not enough space between the property line. It's like trying to put the proverbial 10 pounds of cookies in a five pound bag.

MR. KANE: I don't have a problem with the four story, that kind of makes sense but that extra story going up especially since it's so high up and the airport being right there.

MR. O'CONNOR: One of the major constraints on the site is the shape, you know, and it's the topo. If it was a flat site that had a single road frontage, we wouldn't be here. The issue is we have a road frontage to I87, it's a 60 foot setback to a road that we can never connect to and never realize the benefit of. We have road frontage on three sides of the property. And that eliminates a significant portion in this case, it's a 430 by 30 foot swath of the parcel is completely undevelopable and that's really what's pushing us into the setback and closer to the frontage on Liner Road and we could, I think we could have asked for a different type of variance that would allow my client to realize the full benefit of owning this commercial piece. But again, we aren't proposing anything in excess of the allowed density on the site, but given its shape and its location it kind of confines where we can actually build the buildings.

MR. SCHEIBLE: What troubles me is the ingress and exit is just one strip of road going up there, right, and when you say God forbid there's a fire or whatever, I'm worried about the emergency, there's no emergency exit to get out of there. And there's fire trucks coming in, traffic can't get out of there. That's why I kept on last time I brought up the, it's Square Hill Road now, it's also known as Liner Road, if there was a way to be able to have an emergency exit out onto that, it's a dirt road right now.

MR. O'CONNOR: Sure.

MR. SCHEIBLE: It's a dirt road right now, who's the owner of that road again?

MR. O'CONNOR: That's actually the town.

MR. SCHEIBLE: The town owns that?

MR. O'CONNOR: Liner Road is a town road. The major issue there really it's one of topo, that's a really steep drop between there and we addressed a potential secondary connection through here. But to address the, you know, life and safety issue, typical road in any community in the State of New York is a 24 foot traveled road. Our fire apparatus and fire and first responders are absolutely trained and they expect, they don't occupy both sides of the road, we have fire police that also direct traffic. The road we're proposing is 30 feet wide, it's more than ample to park a truck on the slope without riggers which in this case frankly they would never do, you couldn't serve a fire if they're blocking this road. There isn't a fire they could actually attack from blocking this road and they don't, we don't have a water, we don't have a hydrant or a pumper to hook up to even in this location. So the likelihood of that is entirely it's out there, it's not that it's completely improbable but it's very unlikely. You know, a lot of people live on dead-end roads that only have an 24 foot wide roadway and our fire apparatus are absolutely, are responders are absolutely trained to handle that. We have talked again, we have talked with the fire marshal at length, we've gone through are five iterations of this concept with him, we have offered that connection, given what you're looking at, he'd rather not deal with having a 12 percent grade down to an adjoining parcel than go to the 30 feet out here. And even then there still is a

broad shoulder that, you know, that no one will be stuck on the site in that outlandish scenario where that road is blocked.

MR. KANE: Just remember that you can take that into consideration whether to approve or disapprove but actually putting those type of things in, the things in is the planning board's job and the emergency exits is the town supervisor, just to qualify our statements.

MR. BEDETTI: I thought we were going to depend on the fire guy's sign-off.

MR. KANE: They've been there and they said they had no problem.

MR. SCHEIBLE: Reason for my question if we did go further on that--

MR. O'CONNOR: Indeed, sir, we're addressing that and it's our intent to provide a safe facility for the patrons and the community here.

MR. HAMEL: Are these buildings, are they sprinklered?

MR. O'CONNOR: Yes.

MR. HAMEL: And do you have fire pumps or is the town pressure--

MR. O'CONNOR: You know, I'll be frank, that's something we'll address in the building permit and the planning process, we've looked and I can say this preliminarily again it's not really in the scope of what we're talking about but just to address your question, we've looked at it preliminarily, indications are that it should be adequate until we've contracted with the fire protection engineer, done those detailed flow tests and that analysis, I don't have a concrete answer on that. But that said we're, you know, my client has contracted with an architect and we're working through the design development of the plans and they're dealing with all the fire issues.

MR. KANE: One other thing I probably should of brought up at the prelim and totally forgot, you guys have no sign issues that are going to come up on that piece of property?

MR. O'CONNOR: To be frank, it's not something we've

talked about, if we have to come back for noncompliance signage, we'll come back.

MR. KANE: I should of asked in the prelim.

MR. O'CONNOR: That's a great question, we don't have a program for that yet. Generally speaking, we'll look in detail at what we have to look at, at what the flag is going to require for the various hotels, we definitely have a Residence Inn here, we're somewhat in flux on what we're having on this lot. So until we have a really solid idea what their signage standard looks like, what our obligation to them to provide it it's hard to say exactly what we'll need there and we'll want the sign facing out, you see out to 87, you know, so right off the bat, that's one that's probably not considered in your standard application.

MR. KANE: No. We've got no response from the county so I'm going to go with they didn't care, they're passed their 30 day window. Further questions from the board? None, I'll step a motion and again, I would prefer to do three individual votes.

MR. BEDETTI: I'll make a motion that we grant an area variance requested for a building height of 38.3 feet for an 84 room hotel on the, called south hotel located at 915 Union Avenue in an HC Zone.

MR. KANE: For the south hotel building height 38.3 feet, we'll take a vote on that one.

MR. CHANIN: We need a second.

MR. SCHEIBLE: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. SCHEIBLE	AYE
MR. BIASOTTI	AYE
MR. KANE	AYE

MR. KANE: Need a motion for building height 11.8 foot for the north, wait a minute, for the hundred room hotel.

MR. BEDETTI: That's the north hotel.

MR. CHANIN: Correct.

MR. BEDETTI: Located at 915 Union Avenue in an HC Zone.

MR. HAMEL: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. SCHEIBLE	AYE
MR. BIASOTTI	NO
MR. KANE	NO

MR. KANE: And the last one is the side yard setback.

MR. BEDETTI: I'll make a motion that we grant an area variance for side yard setback of 13.3 feet for the 84 room hotel called the south hotel located at 915 Union Avenue in an HC Zone.

MR. HAMEL: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. SCHEIBLE	AYE
MR. BIASOTTI	AYE
MR. KANE	AYE

MR. KANE: So the motion passes five zero on the 38.3, 84 room south hotel the building height 11.8 for the hundred room passes three to two and the side yard setback passes at five to zero.

MR. O'CONNOR: Thank you, Mr. Chairman.

MR. KANE: Your next set of instructions, there's always instructions. Have a great day. Thank you very much.

MR. O'CONNOR: We'll be back for signage if need be, we'll see, if need be.

FORMAL DECISIONS

1. Thomas Palmer

MR. BEDETTI: I'll make a motion we accept the formal decision identified as Thomas Palmer 15-19 as written.

MR. HAMEL: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. SCHEIBLE	AYE
MR. BIASOTTI	AYE
MR. KANE	AYE

REORGANIZATION

MR. KANE: And we need to do the reorganization vote, do you guys want to keep it status quo?

MR. BEDETTI: Yes.

MR. KANE: Anybody want to run for chairman?

MR. HAMEL: No.

MR. SCHEIBLE: I'll make a motion to leave be everything the way it is right now.

MR. BEDETTI: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. SCHEIBLE	AYE
MR. BIASOTTI	AYE
MR. KANE	AYE

MR. KANE: That includes our lawyer and secretary, just to get it in the record. Motion to adjourn?

MR. HAMEL: So moved.

MR. BIASOTTI: Second it.

ROLL CALL

January 25, 2016

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MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. SCHEIBLE	AYE
MR. BIASOTTI	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer