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**MUNICIPALITY:** Town of Newburgh                      **TOWN PROJECT NUMBER:** 12-07  
**PROJECT NAME:** Ice Cream Parlor for Stergios Corporation  
**LOCATION:** Route 32 (North Plank Road) adjacent to Alexis Diner (80-3-19))  
**TYPE OF PROJECT:** Conversion of former gas station to an Ice Cream Parlor (.45 ac)  
**DATE:** April 18, 2012  
**REVIEWING PLANNER:** Bryant Cocks

**PROJECT SUMMARY:**

Approval Status: Plans submitted April 17, 2012  
SEQRA Status: Type II  
Zone/Utilities: B/Municipal Water and Sewer  
Map Dated: April 16, 2012  
Site Inspection: April 13, 2012  
Planning Board Agenda: April 19, 2012  
Consultant/Applicant: Shaw Engineering  
Copies have been sent to: John P. Ewasutyn at the Planning Board office, James Osborne, Michael Donnelly, Karen Arent, Ken Wersted, Patrick Hines and Gerald Canfield on April 18, 2012

**Comments and Recommendations:**

1. The applicant is proposing to convert the existing vacant gas station behind the Alexis Diner on North Plank Road to an Ice Cream Parlor. The applicant has taken down the gas canopy and will be converting the existing building into the Parlor. The applicant is proposing to install new parking lot striping, a new refuse container in the northeastern portion of the lot and a new customer area in front of the Parlor. The customer area will have several picnic tables, planters with ornamental trees and be curbed from the parking lot. The applicant is also proposing pavers in this area for aesthetic value. New landscaping will be installed between the Alexis Diner and the Parlor, further increasing the aesthetic value of the site.
2. The applicant is requesting a waiver of the site plan approval by the Planning Board because the project is below 2,500 square feet (Section 185-56). The Planning Board can waive the requirement of the applicant making a full application to the Board for their review, and can let the building department review the project for compliance with Town Regulations.
3. The existing building does have an existing non-conforming front yard setback. The applicant is not increasing the degree of non-conformity as they are only doing façade renovations to the building. There are no other setback violations on site. The applicant

is providing 15 parking spaces while 12 are required. The access to the Parlor is through a NYS DOT right of way, the applicant does not look to change the access into the site, and no DOT Highway Work Permit would be required.

The above comments represent my professional opinion and judgment, but may not necessarily, in all cases, reflect the opinion of the Planning Board. Please revise your plans to reflect these comments with the understanding that further changes may be required. In all cases the requirements of the Zoning Law and Subdivision Regulations shall be adhered to by the applicant and shall be shown on the plans. Where variances to the Zoning Law are required or where waivers from the Subdivision Regulations are needed, specific requests shall be made to the Planning Board for a waiver or for referral to the ZBA. These comments are prepared based on current zoning and subdivision regulation requirements. Any change in those regulations prior to final approval of these plans could require revisions beyond the scope of my existing comments.