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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD

- - - - - X  
In the Matter of

O'REILLY AUTO PARTS  
(2023-21)

1401 New York State Route 300  
Section 60; Block 3; Lot 41.21  
IB Zone

- - - - - X

SIGNAGE/ARCHITECTURAL REVIEW

Date: December 7, 2023  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
JAMES CAMPBELL  
KENNETH WERSTED

- - - - - X

MICHELLE L. CONERO  
Court Reporter  
michelleconero@hotmail.com  
(845) 541-4163

2 CHAIRMAN EWASUTYN: Good evening,  
3 ladies and gentlemen. The Town of  
4 Newburgh Planning Board would like to  
5 welcome you to their meeting of the  
6 7th of December. This evening we have  
7 five agenda items.

8 We'll start the meeting by having  
9 a roll call vote.

10 MS. DeLUCA: Present.

11 MR. DOMINICK: Present.

12 MR. MENNERICH: Present.

13 CHAIRMAN EWASUTYN: Present.

14 MR. WARD: Present.

15 MR. CORDISCO: Dominic Cordisco,  
16 Planning Board Attorney.

17 MS. CONERO: Michelle Conero,  
18 Stenographer

19 MR. CAMPBELL: Jim Campbell,  
20 Town of Newburgh Code Compliance.

21 MR. WERSTED: Ken Wersted,  
22 Creighton Manning Engineering,  
23 Traffic Consultant.

24 CHAIRMAN EWASUTYN: At this  
25 point we'll turn the meeting over to

2 Dave Dominick.

3 MR. DOMINICK: Please stand for  
4 the Pledge of Allegiance.

5 (Pledge of Allegiance.)

6 MR. DOMINICK: Please silence  
7 your cellphones or put them on vibrate.

8 CHAIRMAN EWASUTYN: The first  
9 item is O'Reilly Auto Parts, project  
10 number 23-21. It's here this evening  
11 for signage and ARB approval. It's  
12 located at 1401 New York State Route  
13 300 in an IB Zoning District. The  
14 Board agreed to take action on this  
15 this evening without a representative  
16 being present.

17 Jim Campbell, do you want to  
18 bring us along on this project?

19 MR. CAMPBELL: This is O'Reilly  
20 Auto Parts. They're converting part  
21 of the old Sears building in the  
22 Newburgh Mall for auto parts.

23 The adjoiners' notices have  
24 been submitted and sent out by the  
25 applicant's representatives.

2 A change of use does not  
3 require County Planning review.

4 There is no security for any of  
5 the site improvements required.

6 The site is before the Board  
7 for ARB approval and approval of  
8 minor site modifications.

9 This is a Type 2 action under  
10 SEQRA.

11 The Planning Board should  
12 consider whether to waive the public  
13 hearing for the project.

14 McGoey, Hauser & Edsall takes  
15 no exception to the Planning Board  
16 granting amended site plan approval  
17 for the minor site modifications.

18 CHAIRMAN EWASUTYN: We'll have  
19 a roll call. Does the Planning Board  
20 want to have a public hearing? It's  
21 discretionary on the site plan.

22 Stephanie, do you want to have  
23 a public hearing on this?

24 MS. DeLUCA: No, I don't think so.

25 MR. DOMINICK: No.

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MR. MENNERICH: No.

CHAIRMAN EWASUTYN: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: We'll turn the meeting over to Dominic Cordisco, Planning Board Attorney, to give us the conditions for a final resolution.

MR. CORDISCO: This would be approval of the amended site plan as well as ARB, given the sign changes that are being proposed.

The only conditions, there are two, one is that the construction must actually match the plans. The second is that the fees have to be paid to the Town for review of the application.

CHAIRMAN EWASUTYN: Having heard the conditions of approval presented to the Board by Dominic Cordisco, Planning Board Attorney, would someone move to approve the signage and ARB for O'Reilly Auto Parts.

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MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by John Ward. Can we have a roll call vote starting with Stephanie DeLuca.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

(Time noted: 7:06 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do  
hereby certify:

That hereinbefore set forth is a true  
record of the proceedings.

I further certify that I am not  
related to any of the parties to this  
proceeding by blood or by marriage and that  
I am in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 18th day of December 2023.

*Michelle Conero*  
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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD

----- X  
In the Matter of

NEWBURGH CHICKEN, LLC  
(2023-17)

197 South Plank Road  
Section 60; Block 3; Lot 6.1  
B Zone

----- X

SITE PLAN

Date: December 7, 2023  
Time: 7:07 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
JAMES CAMPBELL  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVES: NICHOLAS WARD-WILLIS,  
GEORGE ALISSANDRATOS, MATTHEW BERSCH and  
COREY CHASE

----- X

MICHELLE L. CONERO  
Court Reporter  
michelleconero@hotmail.com  
(845) 541-4163



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CHAIRMAN EWASUTYN: The second item on the agenda is Newburgh Chicken, LLC. It's a site plan located at 197 South Plank Road in a B Zone. It's being represented by Keane & Beane.

MR. WARD-WILLIS: Good evening, Mr. Chairman, Members of the Board. Nicholas Ward-Willis with Keane & Beane on behalf of the applicant, Newburgh Chicken.

This concerns the property located at 197 South Plank Road which is in the B Zoning District. It is presently occupied by a Dairy Queen/ fast food restaurant. It's proposed to be redeveloped as Popeyes Chicken.

We appeared before your Board in August, at which point you referred us to the ZBA. We have a comprehensive submission packet, so I'm not going to go into too much detail.

I am joined tonight by our consultants, Matt Bersch from Dynamic

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Engineering, Corey Chase from Dynamic Engineering, and my colleague George Alissandratos from Keane & Beane as well.

We went to the Zoning Board of Appeals for a couple of variances, but also, more specifically, a special permit under your zoning code to obtain the authority to continue a nonconforming use. The fast food restaurant is not a permitted use in the B Zoning District. It is in the adjacent district. It being a nonconforming use for over fifty years, we believe this redevelopment is an opportunity to improve the site, both aesthetically and the site traffic circulation, on and offsite traffic impacts.

We appeared before the ZBA at their September and October meetings. At their October meeting they granted a special permit, as detailed in our cover letter and materials, authorizing the nonconforming use as a fast food

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restaurant to continue.

Additionally, in discussions with Town staff, we confirmed that the ZBA has the authority to determine the dimensional setbacks because the use is not permitted. Your zoning code sets forth dimensional regulations based upon the use, therefore the site plan that was reviewed and approved by the ZBA as part of the special permit determines the setbacks. There were some dimensional setbacks that were not related to the use on the property, and we obtained a number of variances. I'm just going to provide a brief summary. They're detailed in our submission. One of them was the loading space. It requires one loading space. We explained to the ZBA that our truck deliveries occur off hours and that they occur -- I'll go into detail on the site plan. They occur onsite where, the

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fast food delivery, they have a keypad to get into the door during off hours. All deliveries at their locations occur off hours. There is not a need for a loading space, which the ZBA agreed with. Other variances were the access on South Plank Road was supposed to be a number of dimensional feet that the entrance is from the intersection, and it's 150 feet. We were 50.6 feet. That's an existing condition. Likewise, there's a dimensional requirement from the center line on Union Avenue required. We obtained a variance of 11.7 feet to be 68.3. Additionally, the front yard abutting Union Avenue, the freestanding sign height, the Zoning Board granted us to have -- permitted is 14 feet. They permitted a sign of 20 feet for a variance of 6 feet. It was one single pole sign that is shown on the site plan. We can go into detail or questions regarding that.

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We also obtained a variance to permit the discontinuance of the nonconforming use to continue for two years. Under your code, if it's not continued after a period of one year, it's considered abandoned. Part of our project plan is to demolish the existing building, as you can see from the architectural we submitted. We will build a new building. We erred on the side of caution and got the ZBA to concur that as the use would be discontinued, because it's being demolished, the fact there is the construction and building the new building would not be deemed to be a discontinuance of a nonconforming use. That was the other variance.

We're appearing before you tonight for a preliminary discussion and overview for site plan approval, and also request you schedule a public hearing if you deem it appropriate.

As far as SEQRA, the ZBA determined

2 it is a Type 2 action because we're  
3 less than 4,000 square feet as a  
4 commercial use. We suggest that is  
5 the same determination this Board  
6 should make.

7 With that overview, I'd like to  
8 ask our engineer, Matt Bersch, to  
9 walk you through the site plan and  
10 give you a general overview of the  
11 project.

12 MR. BERSCH: Thank you. Good  
13 evening. My name is Matt Bersch,  
14 B-E-R-S-C-H. I'm with Dynamic  
15 Engineering. I'm a licensed  
16 professional engineer, and I was the  
17 project engineer for this project.

18 The exhibit before you is an  
19 aerial map exhibit. It was prepared  
20 by my office. It is exactly what  
21 it's called, it's an aerial map  
22 showing the subject property. The  
23 subject property is located directly  
24 in the center of the page. It's  
25 outlined in yellow. For the Board's

2 orientation, north is to the right  
3 side of the page.

4 To give the Board a little bit  
5 more information about the site  
6 location and existing conditions, the  
7 site is located on the southwest  
8 corner of the intersection of South  
9 Plank Road and Union Avenue. Both of  
10 those are DOT roadways. The subject  
11 property is known as parcel 60-3-6.1.  
12 The address is 197 South Plank Road.  
13 It's located in the B, Business, Zone.  
14 It's just under one acre in size.

15 Onsite today is the Dairy Queen.  
16 I'm sure you're all familiar with the  
17 location and the site, so I'm not  
18 going to get into too much more  
19 detail here.

20 I'd like to note a couple of,  
21 I think they're significant things  
22 with regard to the site. There is  
23 27 feet of grade change from the  
24 south portion of the site to the  
25 north portion. It slopes down towards

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South Plank Road. There is a retaining wall directly in the center of the site, it's approximately 4 to 5 feet, to help with that grade change. On the low side of that wall is the parking lot and the Dairy Queen. On the high side is some overflow parking, which is really just people parking on the grass area. There are also some Picnic tables there.

There are, I guess, three curb cuts. Two of them are full movement driveways leading to the Dairy Queen, one on South Plank Road and one on Union Avenue. There is one other driveway or curb cut along the Union Avenue frontage that leads to that overflow parking area. I'd just like to note that the parking lot, the driveways, some of the existing improvements with this existing development are over the property line, both to the west, towards the CVS, and into the DOT right-of-way.



2 It is kind of a unique situation  
3 here.

4 Some of the layout items on site.  
5 There's a very short queueing for the  
6 drive-through lane and there's dead-end  
7 parking. There are some issues with  
8 the existing site. I know it's been  
9 around for a long time. Everybody  
10 knows it. I'm sure you know how busy  
11 it gets and how many people actually  
12 occupy the site on a night in the  
13 summer. That's my explanation of the  
14 existing conditions.

15 I'd like to present what we are  
16 proposing. This exhibit is a site  
17 plan rendering, again prepared by my  
18 office. It's the same orientation as  
19 the aerial. North is to the right  
20 side of the page. South Plank Road  
21 runs top to bottom, east to west.

22 We are proposing a 2,537 square  
23 foot Popeyes building that contains  
24 24 indoor seats. There's a double  
25 drive-through, a trash enclosure,

2 signage, lighting, stormwater management,  
3 utilities, as well as landscaping  
4 associated with the development.

5 The building's orientation is  
6 towards South Plank Road. The front  
7 of the restaurant faces South Plank  
8 Road, and really the intersection.  
9 We're proposing two full-movement  
10 driveways, one along Union Avenue,  
11 towards the south side of the frontage,  
12 and one directly in the center of the  
13 frontage along South Plank Road.

14 Circulation internal to the site is  
15 one way in a counterclockwise direction.  
16 The drive aisles are essentially between  
17 18 to 24 feet wide as you circle the  
18 building in this manner.

19 We're proposing 22 parking stalls.  
20 They're separated into three separate  
21 sections. There are 14 stalls on the  
22 western side of the site, there's 5  
23 along the southern side of the site,  
24 and there's 3 more up in front of the  
25 site on the north side. It does comply

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with the Town's zoning ordinance.  
All the stalls are 9 by 18 feet, so they also comply with the Town's ordinance.

As far as access to the two drive-through ordering stations, the entrance to the drive-through is on the west side of the building, kind of close to the South Plank Road driveway. You'll enter the drive-through lane. It's 10 feet wide at the entrance. As you circulate around the building on the south side, the drive aisles open up to 12 feet where you stop, you order at the menu board and then you continue on to the pick-up window on the east side of the building.

To touch briefly on some operational characteristics. We anticipate the store will be open 10:30 to 11:00 Sunday through Thursday and 10:30 to 11:30 Friday and Saturday. So an extra half an hour on those weekend nights.

As far as employees go, we anticipate

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6 to 8 on the peak shift.

The different ways to order include ordering inside the actual restaurant, in the drive-through lanes, and they also do mobile orders, so Uber Eats, Door Dash and things of that nature.

There's one trash enclosure located in the southwest corner of the site. That's a 10 foot by 20 foot enclosure containing two dumpsters for recycling and garbage material. The trash pickups will occur approximately three times per week. Cardboard pickup will occur approximately two times a week. Those are typically during the daytime, off-peak hours.

Other types of trucks that will enter the site include a WB-50 which would come to the site one time per week to deliver all of the food items and supplies, other than chicken. That typically occurs during the overnight hours when the site is not

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operational. Another type of delivery is a box truck delivery. This is the chicken delivery. That occurs two to three times per week. Again, it's outside of the operating hours of the business, typically in the morning just prior to opening.

To touch on a few of the other site elements that I mentioned earlier, we are proposing a total of 266 plantings spread throughout the site. That includes 23 ornamental shade and evergreen trees to replace 6 existing trees that are being removed from the site. That leaves 243 other deciduous shrubs as well as grass and perennial plantings throughout the site.

As I mentioned before, there is 27 feet of grade change across this site, the high point being up in the southwest corner, down to the low point in the northeast corner. As such, we are proposing a retaining

2 wall around the south and west sides  
3 of the parking lot. That helps us to  
4 really maintain a relatively flat  
5 site where customers will be walking,  
6 cars will be parking, people will be  
7 opening doors.

8 The building is obviously at a  
9 set finished floor. That area is  
10 relatively flat compared to the rest  
11 of the site.

12 To maintain those drainage patterns  
13 from south to north, we have designed  
14 our proposed grading plan in that  
15 manner which leaves us with an onsite  
16 conveyance system. It's a series of  
17 inlets and pipes that lead to an  
18 underground detention system on the  
19 north side of the development within  
20 the parking lot area. This detention  
21 system -- although we're under an  
22 acre of disturbance, this detention  
23 system does allow us to control flow,  
24 release it at a controlled rate  
25 through an outlet control structure

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to reduce the 110 and 100 year storms. There's also a 50 percent MTBE unit prior to entering the underground detention system for some removal of total suspended solids.

We are proposing utilities for water, sewer, gas and electric. The infrastructure is available within the surrounding right-of-way. Our new service lines will connect to that existing infrastructure.

Finally, we are proposing new lighting onsite. There are a series of 11 pole-mounted LED lights as well as 12 recessed canopy lights underneath the canopies that are attached to the building, and 5 Gooseneck decorative lights toward the rear of the building. These are all LED lights. They're a low-profile design, full cutoff and downward facing, so there's minimal light spillage. Even though it's a commercial area with a lot of activity, we like to contain our

2 lights on site.

3 That's generally an overview of  
4 the site without getting into too  
5 much technical detail.

6 I do have the architectural.  
7 If you wish to see them, I can give a  
8 brief explanation, or if you --

9 CHAIRMAN EWASUTYN: Please, while  
10 you're up there.

11 MR. BERSCH: Okay. This exhibit  
12 is a rendering of elevations. It is  
13 a colorized version of the elevations  
14 that were submitted to the Board. It  
15 was prepared by G141 Architecture.  
16 On the front or north side facing  
17 South Plank Road, that's this middle  
18 elevation on the left side, you'll  
19 see up top there's a white brick  
20 finish with vertical simulated wood  
21 slats with the chicken cutout which  
22 we are calling a sign. There's also  
23 a teal metal canopy over the doorway  
24 and the floor to ceiling windows  
25 which opens up into the dining room.



2 You can see there's a Popeyes  
3 Louisiana Kitchen orange channel  
4 letter sign on the facade.

5 The next facade is the one on  
6 the bottom. This is the one that  
7 faces west towards CVS. There's that  
8 same white brick finish that wraps  
9 around the top of the building, the  
10 same teal canopy over the same floor  
11 to ceiling windows, as well as an  
12 entry door. There's a small Louisiana  
13 Kitchen Chicken sign in the top left  
14 corner. As you make your way towards  
15 the back of the building, there's a  
16 red brick finish, really to break up  
17 the facade from the front to the  
18 back, with Love That Chicken acrylic  
19 graphic sign. As you progress towards  
20 the back, there's a white EIFS finish  
21 with teal shutters.

22 Moving on to the back of the  
23 building, the south side, there's  
24 that same white EIFS finish, and then  
25 this is an external cooler which is

2 gray. I believe it has a -- I don't  
3 recall if there is a finish on that  
4 cooler. Obviously at the hearing it  
5 will be presented by the architect.  
6 It is gray in nature. There is an  
7 emergency exit door on the rear there.

8 Moving on to the final facade.  
9 This is the facade that faces Union  
10 Avenue. This is where the drive-  
11 through pickup window is. You have  
12 the same -- on the backside, you have  
13 the same teal shutters, the same white  
14 EIFS finish. There's an orange metal  
15 overhang over top of the drive-through  
16 pickup windows. Underneath is the  
17 simulated wood, the same that's on  
18 the front side, and there is an  
19 orange channel letter sign that says  
20 Popeyes. Underneath it on that wood  
21 finish is another acrylic graphic  
22 that says Famous Louisiana Chicken.

23 That's all I have.

24 MR. WARD-WILLIS: Thank you, Matt.

25 Mr. Chairman, in recognition of

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our conversation when we first appeared before you in August, we know that traffic is of concern and interest to the Board, especially with the intersection at Route 52 and Route 300. We did provide a comprehensive traffic impact statement in the submission materials. We've also asked Corey Chase from Dynamic Engineering to present tonight, just to provide you with an overview. We made an initial submission to DOT.

Corey, if you could just walk us through that. Thank you.

MR. CHASE: Good evening, everyone. I'm Corey Chase.

As Matt mentioned, as part of the redevelopment of the site, we will be continuing to provide access to both South Plank Road and Union Avenue.

We are proposing to provide counterclockwise circulation around the site.

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The contrast between the proposed Popeyes and the existing Dairy Queen is the significant increase in the drive-through stacking we're providing over what the Dairy Queen currently provides today. The Dairy Queen can accommodate about 6 cars in the queue before it backs up to South Plank Road. We can actually provide 14 cars within the dedicated drive-through stacking area.

As Matt noted too, one of the other things to contrast is we are providing a double order point. Through investigation through the fast food service industry, they found actually the order point was really the holdup in the drive-through ordering process than actually preparing the food. Being able to take two orders simultaneously allows this queue to keep flowing around the site. What you would typically see at a facility that only has a single order point is

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you get a gap between the order point and the pickup window if somebody is doing a lengthy order. This allows that to keep processing through the system, fill that gap in and make maximum utilization of the stacking. We've actually done research counts at existing Popeyes facilities that have only a single order point. The maximum queue that we saw at any of those facilities was only 10 cars. We're providing well beyond that. Again, we're providing that double order point to make this operation more efficient and eliminate any potential for the drive-through queue to extend beyond the drive-through storage area.

As Nick mentioned, we did prepare a comprehensive traffic impact study which was previously submitted to the Town. Typical, as traffic studies do, we focus on the peak hour traffic conditions out there for fast food

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type use, the dinnertime. We did an analysis of the adjacent signalized intersection of Union Avenue and South Plank Road. We found that there were no changes in the level of service between the pre and post-development condition.

We had some consultations with the Town. There are actually 9 pending area developments that we also included. This represents a comprehensive assessment of the overall traffic impacts in the area.

As Nick mentioned too, we did submit an initial proposed review to the New York State Department of Transportation so we can get their initial feedback on this application as well. We are still awaiting comments from the department.

We did receive a comment letter from Creighton Manning. There were some detailed comments in there as well. We're looking forward to

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working with the Board's traffic consultant in addressing those comments as we go through the process.

MR. WARD-WILLIS: Thank you, Corey.

So in summary, Mr. Chairman, we'll certainly take any questions the Board has.

We did receive the comment letters. We have not, obviously, responded to those. We will do so in due course.

I just want to emphasize the opportunity the redevelopment proposes to improve both the aesthetics and increase in the landscaping, moving the building back away from the street and creating more of a buffer, better traffic circulation onsite, as Corey mentioned, that will significantly prevent the backing up that we know occurs during the summer along South Plank Road itself.

We think our site plan is in accordance with industry standards and your zoning code and good planning.

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This presents an opportunity to rehabilitate this site that's been in its existing condition for over 50 years. We look forward to working with the Board, staff and consultants and will answer any questions you may have tonight.

CHAIRMAN EWASUTYN: Thank you.

Questions from Board Members.

Stephanie DeLuca?

MS. DeLUCA: Not at this time.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I have a couple.

First, Matt, it's the Orange Lake Fire District, not Cronomer Valley. On your application you have Cronomer Valley.

MR. BERSCH: Okay.

MR. DOMINICK: In work session we discussed sidewalks. I'd like to see you extend the sidewalk across the entire frontage of South Plank Road and then throughout Union Avenue/300. Right now you have it



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going from a small piece to CVS.  
There's a lot of heavy pedestrian  
traffic. That's a heavy, heavy, busy  
intersection. Let's increase that  
sidewalk if we can.

MR. BERSCH: Understood.

MR. DOMINICK: Also, the South  
Plank Road/Route 52 entrance, as Ken  
mentioned in his comments, that  
should be right in and right out and  
not the way you have it now. You get  
three cars, possibly, at that  
intersection and it's backed up.  
It's hard to get out. I'd like to  
see that right in and right out only.

MR. BERSCH: Understood. To  
answer your question, we are still  
waiting for comments back from the  
DOT. We anticipate that will likely  
be an issue. We anticipate comments  
from the DOT on that as well.  
Definitely understood.

MR. DOMINICK: I think my last  
comment was, Karen mentioned about

2 the size of the retaining wall, which  
3 is a massive retaining wall in that  
4 section. I know you're trying to do  
5 a lot in that footprint. Can you  
6 soften that retaining wall with some  
7 landscaping?

8 MR. BERSCH: Yes. We are working  
9 with our geo-technical engineer to  
10 figure out the best wall for the  
11 situation. We are looking at that.  
12 We saw the comments. We are going to  
13 address them the best way possible.  
14 I believe in Karen's letter there was  
15 a request to add some additional  
16 grasses at the base to try to screen  
17 some of that wall. We hear the comment.

18 MR. DOMINICK: Finally, we talked  
19 about the loading truck or the delivery  
20 truck. I know it's off hours. Where  
21 will they pull in? Where the drive-  
22 through is?

23 MR. BERSCH: They'll stage right  
24 in the drive aisle. It's off hours.  
25 The WB-50 comes overnight. Nobody is

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coming onto the site at that time.  
They stage wherever is easiest for  
them. It's probably close to the  
front of the building. At the  
beginning of the drive-through lane  
is where they will likely stage.

MR. DOMINICK: Thank you.

That's all I have, John.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Concerning the  
Route 52 entrance, do you also see  
the same problem on the Route 300  
entrance and exit? Is the DOT going  
to raise a question about left-hand  
turns coming out onto 300?

MR. CHASE: We're still awaiting  
the comments from the department. I  
would suspect -- given the proximity  
of the Route 52 access to the  
signalized intersection, it's my  
opinion that I think DOT is going to  
want to see those left-turn lanes  
occur at the Route 300 access. Even  
if you do end up restricting the

2 Route 52 driveway, allowing that  
3 Route 300 access to be full movement  
4 will still allow somebody to exit,  
5 turn left to go to the signal and  
6 head west on 52.

7 MR. MENNERICH: I don't know.  
8 I go through that area a lot of the  
9 times and I have a hard time  
10 visualizing how that would work,  
11 because traffic is often stacked up  
12 in the northbound direction. To get  
13 a left turn coming out of there is  
14 going to be a challenge.

15 MR. CHASE: It's certainly  
16 something we'll consider and work  
17 with Ken to address any concerns you  
18 have as we go through the process.

19 MR. MENNERICH: Thank you.

20 CHAIRMAN EWASUTYN: It's an  
21 impressive plan. It's an aggressive  
22 plan. It also represents change.  
23 There's a lot to be said about it at  
24 this point. I have no direct  
25 comments on it.

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John Ward?

MR. WARD: During work session we were talking in reference to the retaining wall. Our engineer was very concerned of the construction with the back. You're supposed to have a certain stone and everything in the back. You don't have much room there. That has to be readjusted for sure.

With the sidewalks, for pedestrian safety all the way along 52 and up 300, like Dave said.

If I come in on 300, through your entrance, I have to drive all the way around the building to go order? How does that work?

MR. CHASE: That's correct. If you enter the facility on the Route 300 access, you'd circulate counterclockwise.

MR. WARD: So I'm crossing the traffic that's coming in on 52 that's backed up?

2 MR. CHASE: I don't follow your  
3 question.

4 MR. WARD: I'm going around the  
5 building, past there and going right  
6 there. I'm crossing traffic coming  
7 in.

8 MR. WARD-WILLIS: You're joining  
9 the traffic at the stop bar here.

10 MR. CHASE: As Nick mentioned,  
11 you do have to yield the right-of-way  
12 to traffic coming in on 52. Anybody  
13 that's traversing in a counterclockwise  
14 direction comes to the stop sign and  
15 stops here. If there was any  
16 traffic, they would have to yield the  
17 right-of-way and either park in the  
18 stalls along the western side or  
19 enter the drive-through stacking area.

20 MR. WARD: My other question is,  
21 we have Town guidelines in reference  
22 to the parking in the front on 52.  
23 We usually modify that with either a  
24 stonewall or something for allowing  
25 parking there.

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MR. BERSCH: We did see that comment in the engineer's review letter. We will have to get a detail for that. I assume it's a decorative knee wall. We'll have to get that detail. We'll take a further look at it.

MR. WARD: Very good for now. Thank you.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance?

MR. CAMPBELL: We would need more information regarding the freestanding sign, because that will require ARB to be approved.

The building-mounted signage, I believe you're over, according to my calculations. You're allowed a total of 80.685 square feet. Your chart is showing considerably more than that. Look at that.

Also, a hydrant should be added at the west side of the South Plank entrance.

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MR. WARD-WILLIS: Thank you.

CHAIRMAN EWASUTYN: Jim, will it be required to have a sprinkler system in this building?

MR. CAMPBELL: Yes. They are aware of that.

MR. WARD-WILLIS: Correct.

CHAIRMAN EWASUTYN: Ken Wersted with Creighton Manning.

MR. WERSTED: I'll touch on traffic first, and then I can reiterate some of the comments from McGoey, Hauser.

Relative to traffic topics, we haven't talked about Route 52 in the southeast direction has a fairly large shoulder, but it's often used as a travel lane. People will come down and use that lane to turn right, or, if there's a vehicle waiting to turn left onto Route 300, they'll use that shoulder to drive around. That whole intersection has been the subject of many studies of other developments



2 around the area. Because of the  
3 right-of-way, that's one of the  
4 reasons why nothing has been done  
5 there. Your project has the corner  
6 parcel to that, so through DOT review  
7 and Town discussions, we may need to  
8 look at the width of the right-of-way  
9 there and being able to accommodate  
10 some future improvements at the  
11 intersection.

12 Overall the site generally flows  
13 well. It's a typical fast food  
14 layout.

15 Fire truck and delivery truck  
16 access all appear well. I would  
17 defer any access, fire apparatus  
18 access, to the respective department.  
19 I'm sure they'll weigh in on that.

20 The traffic counts that you did  
21 were from October last year. I wanted  
22 to know if the Dairy Queen was seasonal.  
23 I just can't remember.

24 MS. DeLUCA: Yes.

25 MR. WERSTED: Does anybody know

2 what the typical dates are?

3 MR. MENNERICH: Early November  
4 is when they usually close.

5 MR. WERSTED: It would have  
6 been open last year at the time of the  
7 traffic counts. The trip generation  
8 that you have for those, was it based  
9 on ITE or from actual counts of the  
10 Dairy Queen at that time?

11 MR. CHASE: The trip generation  
12 in our report was based on IT data.

13 MR. WERSTED: Trip distribution  
14 generally seems good.

15 We talked about the intersection.  
16 There is no change in level of  
17 service because it's already an F.  
18 We certainly aren't getting any better  
19 on that.

20 There are a number of projects  
21 that are looking to contribute funds  
22 to help improve that intersection,  
23 but it's got to be part of the  
24 discussion with DOT. This is one  
25 corner. There are others that could

2 wind up restricting any improvements  
3 here. We don't know it could happen  
4 in the short term or if this is a  
5 long-term play we need to contend with.

6 You already spoke to DOT's review.  
7 You're in the process of working with  
8 them and getting information back to us.

9 MR. CHASE: That's correct.

10 MR. WERSTED: That's generally  
11 the extent of my comments on traffic.

12 I have the memo from McGoey,  
13 Hauser & Edsall. I'm sure you got a  
14 copy of that.

15 MR. WARD-WILLIS: Correct.

16 MR. WERSTED: John, would you  
17 like me to go through any highlights?

18 CHAIRMAN EWASUTYN: I think the  
19 points that you want to bring forward,  
20 it would make sense.

21 MR. WERSTED: Point number 3, a  
22 permit for demolition of the site  
23 would be required from the Building  
24 Department.

25 As Jim had mentioned, fire

2 sprinklers will be necessary.

3 Calculations supporting the  
4 grease trap sizing will also be  
5 needed.

6 An Orange County Planning  
7 referral is required.

8 The plans identify .99 acres of  
9 disturbance. The 400 feet might be  
10 the size of four of these tables.  
11 One scoop of a shovel --

12 MR. WARD-WILLIS: We saw the  
13 comment. I think we're in agreement  
14 that's prudent.

15 MR. WERSTED: Great. Getting a  
16 permit will just help cover everything.

17 MR. WARD-WILLIS: Agreed.

18 MR. WERSTED: A stormwater facilities  
19 management and maintenance agreement  
20 will be required.

21 We're looking for the DOT signoff on  
22 grading, utilities and access.

23 Also, I think as somebody had  
24 mentioned on the Board, the  
25 constructibility of the retaining

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wall, the foundation or the footing of it may be quite wide. It's very close to the existing property line.

Compliance with the Town's tree preservation ordinance.

The EAF submitted for this is a Type 2. It identifies the habitat as being Indiana bat, so any mitigation measures for tree clearing will have to be addressed.

Pat also had a comment about addressing the 90-degree bends in the sanitary laterals. They usually do manholes or 45s. You can work with his office to address that.

Thank you.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: I think the procedural step the Board could take tonight would be to refer this matter to the Orange County Planning Department. Pat Hines' recommendation was that the plans were in good enough shape for

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the Planning Department to begin their review.

CHAIRMAN EWASUTYN: Should we declare our intent for lead agency?

MR. CORDISCO: You don't need to because it is a Type 2 action as identified by the Zoning Board and Mr. Hines. I concur in that analysis as well.

CHAIRMAN EWASUTYN: So would someone make a motion to circulate the Newburgh Chicken, LLC site plan to the Orange County Planning Department.

MS. DeLUCA: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Stephanie DeLuca. I have a second by Ken Mennerich. Can I have a roll call vote.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Matt, you'll work with Pat Hines as far as the submittal. He'll forward that on to the Orange County Planning Department.

MR. BERSCH: Yes.

CHAIRMAN EWASUTYN: As far as your earlier comment of the public hearing, we can't act on the public hearing until the 30-day period is over with the Orange County Planning Department.

MR. WARD-WILLIS: Correct. You could schedule a public hearing, you just can't close it or take action.

CHAIRMAN EWASUTYN: Generally we wait to hear back from the Orange County Planning Department before we schedule the public hearing. It's just our procedure.

MR. WARD-WILLIS: Understood.

CHAIRMAN EWASUTYN: Any other suggestions or requests?

MR. WARD-WILLIS: We provided you with some overview of the

2 architectural. Did the Board have  
3 any comments or information with  
4 respect to that that we can convey  
5 back to the architect? I do  
6 understand you need to get more  
7 information with respect to traffic  
8 and the retaining wall. We have a  
9 review comment letter. I didn't see  
10 the review comments on the  
11 architectural. I just want to see  
12 if you have any thoughts or if what  
13 we provided was a good overview.

14 CHAIRMAN EWASUTYN: So they're  
15 examples of a national chain. This  
16 is the representation. Do you have  
17 any questions or comments?

18 MS. DeLUCA: No. I thought it  
19 was -- I like it.

20 CHAIRMAN EWASUTYN: Dave Dominick?

21 MR. DOMINICK: No. It's a well-  
22 known brand. It presented very good.

23 MR. MENNERICH: It's okay.

24 CHAIRMAN EWASUTYN: John Ward?

25 MR. WARD: It's all right.



2 CHAIRMAN EWASUTYN: Let the  
3 record show that the Board felt the  
4 ARB plans currently are satisfactory.

5 MR. CORDISCO: The only comment  
6 I would make in connection with that  
7 is, Mr. Campbell pointed out the  
8 signage appears to be slightly over  
9 and may require a variance. If that's  
10 something that the applicant wants to  
11 pursue, or alternatively, potentially  
12 making the chicken a little smaller  
13 or something along those lines to get  
14 it within the required square footage.

15 MR. WARD-WILLIS: Understood. We'll  
16 look at that. If we have any questions,  
17 we'll reach out to Mr. Campbell.

18 CHAIRMAN EWASUTYN: We look  
19 forward to seeing you in a couple weeks.

20 MR. WARD-WILLIS: Very good.

21 Thank you, Mr. Chairman and  
22 Members of the Board.

23 CHAIRMAN EWASUTYN: Have a  
24 happy holiday.

25 (Time noted: 7:38 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do  
hereby certify:

That hereinbefore set forth is a true  
record of the proceedings.

I further certify that I am not  
related to any of the parties to this  
proceeding by blood or by marriage and that  
I am in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 18th day of December 2023.

*Michelle Conero*  
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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD

----- X

In the Matter of

SPARK CAR WASH  
(2023-23)

1229 Route 300  
Section 96; Block 1; Lots 4 & 5  
AC Zone

----- X

SITE PLAN

Date: December 7, 2023  
Time: 7:38 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
JAMES CAMPBELL  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVES: JENNIFER PORTER,  
MATT CANALE, PAUL MUTCH & OLIVER YOUNG

----- X

MICHELLE L. CONERO  
Court Reporter  
michelleconero@hotmail.com  
(845) 541-4163

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CHAIRMAN EWASUTYN: The next item on the agenda is Spark Car Wash. It's an initial appearance for a site plan located at 1229 Route 300. It's in an AC Zone. It's being represented by Jeffrey Martel.

MS. PORTER: Good evening. My name is Jennifer Porter. I'm the attorney for the applicant, Spark Car Wash, LLC.

We are here tonight, thank you, for the preliminary review in connection with our concept plans and architectural plans in connection with a proposed car wash building to be located at 1227-1229 Route 300.

We do bring with us this evening a representative from Spark Car Wash who would appreciate and love the opportunity to speak to the Board about the operations.

This is a use which is new to the Hudson Valley area, so we'd love to talk about what makes this

2 particular car wash stand apart from  
3 the others and tell you about the  
4 operations, and then we'd like to  
5 have our engineer kind of walk  
6 through conceptually what we have  
7 proposed for this site, and our  
8 architect to give you a sense of what  
9 the proposed car wash facility would  
10 look like. We would welcome any  
11 feedback that the Board has before we  
12 begin fully engineering our drawings  
13 to submit for formal site plan review.

14 CHAIRMAN EWASUTYN: By all means.

15 MS. PORTER: Great. First I'd  
16 like to call Matt Canale from Spark.

17 MR. CANALE: Thank you very  
18 much for your time this evening. I  
19 really appreciate it. I'm Matt  
20 Canale, I'm director of real estate.

21 CHAIRMAN EWASUTYN: Do you have  
22 a business card?

23 MR. CANALE: Yes.

24 CHAIRMAN EWASUTYN: Can you  
25 hand that to the stenographer, please?

2 MR. CANALE: Sure.

3 As Jen eluded to, the role I'd  
4 like to play tonight is just explaining  
5 a little bit about the company, the  
6 operations and the site plan.

7 Spark is a modern, high-tech,  
8 state-of-the-art express car wash.  
9 We utilize a membership model where  
10 people can pay on a monthly basis to  
11 wash their car and utilize the  
12 facilities as often as they'd like.  
13 We also do paper wash as well. You  
14 can just come and wash the car as  
15 well.

16 The way the site plan essentially  
17 is setup is we have two lanes that  
18 are intended for queueing and  
19 stacking. One is dedicated for  
20 members only. The members only lane  
21 is read by license plate recognition  
22 technology, similar to E-ZPass, to  
23 allow people to go through very  
24 quickly without even opening their  
25 window. We process cars very quickly.

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That's all intended as part of the process to provide a very good experience for the customer. It's ultimately what drives our business model with the membership concept. The experience we provide is a theme that I think will come up quite a bit as we kind of work through the application. You'll see the attention that we pay to building aesthetics, to the investment in landscaping and so forth. Again, just going back to the overarching theme, we want to make the customer really have a good experience while visiting and utilizing the facility so they keep coming back, ultimately, and become members.

As you approach the pay stations, if you're paying for a wash, a paper wash customer as opposed to a member, you'll make your selection at the kiosk, you go through the kiosk and you enter the car wash. You stay in

2 your car the entire time. There's a  
3 conveyor that ultimately pulls the  
4 car through. The cars can be  
5 processed very quickly. We do have  
6 the ability to speed up the conveyor  
7 as needed on a busy day to make sure  
8 we're processing the cars through and  
9 not causing any sort of traffic or  
10 backup on the site here.

11 As you exit the car wash, we  
12 have high-tech blowers that ultimately  
13 dry the car almost completely. There's no  
14 manual labor with towels drying the car.  
15 There's none of that at all. It's all  
16 automatic via the equipment that we have.

17 The staff we have onsite at any  
18 given time is three to four, so a  
19 very lean staff, highly trained, very  
20 technically trained. They go through  
21 a pretty rigorous program, both with  
22 mechanicals, operation and customer  
23 service, again going back to the theme  
24 of making sure everybody is having a  
25 good experience at the wash.



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The vacuum park, or Spark Park as we like to call it, is all self-serve vacuums that are on either side of the parking stalls. The parking stalls are 13 feet wide, just making comfortable movement. That's wider than your typical parking spot. You want people to be able to comfortably maneuver, get out of their car and be able to vacuum their vehicle. They're included in the cost of the wash. There's no extra. There's no exchanging of money or credit cards at all or anything like that. It's all included as part of the wash. This is a very popular amenity, we'll call it, to the overall car wash experience. That I think is the primary gist of the operations.

I'll also add that our hours of operation are 8 a.m. to 8 p.m. -- we are not open twenty-four/seven -- seven days a week.

Deliveries are typically once

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every two weeks via Sprinter van, like you see for food deliveries or catering or something like that. A Sprinter van will come onsite, typically off hours, before we open most times, and pull into one of these stalls. They can unload through our equipment doors here.

We are an environmentally friendly company. Everything we use is one hundred percent biodegradable. No harsh or environmentally sensitive chemicals at all. We recycle between eighty and eighty-five percent of the water we use via state-of-the-art retention tanks that are located underneath the parking lot. There's three -- I believe it's three 2,000 gallon tanks which enables us to do this. The water is pulled back up via our system, reverse osmosis, and reused. Again, it's not only good for operations and ultimately making our operations very efficient, but

2 also friendly to the environment.  
3 It's all very important to us.

4 I think that covers just about  
5 everything I have from the business  
6 and operations standpoint. I'm  
7 certainly happy to answer any  
8 questions or add any more detail as  
9 needed. If not, I can turn it over  
10 to some of the professionals we  
11 brought with us this evening to go  
12 through some of the more technical  
13 aspects.

14 CHAIRMAN EWASUTYN: Please.

15 MR. MUTCH: My name is Paul  
16 Mutch and I'm from Stonefield  
17 Engineering, civil engineer on this  
18 project.

19 What I'll do is I'll give you a  
20 high-level overview of just some more  
21 of the technical details of the plan  
22 that Matt has highlighted.

23 This site is encumbered by a  
24 couple of different environmental  
25 factors. We'll start there. It's

2 kind of an aging site. There are two  
3 uses there today. The footprint that  
4 you see on this plan is going to  
5 remain. It's primarily the footprint  
6 that's developed at the current site.  
7 The reasoning behind that is really  
8 we're restricted to doing so because  
9 there is a stream that runs along the  
10 back of the property. You can kind  
11 of see it back here in the woods in  
12 this image, along the side of the  
13 property. We don't have the  
14 opportunity to expand beyond the  
15 existing limits of pavement.

16 We do have an environmental  
17 consultant that is working on the  
18 team with us as well to ensure that  
19 we're complying with all regulations  
20 regarding the stream, as well as some  
21 limited wetland areas that are behind  
22 the site.

23 We're also aware that there is  
24 a threatened and endangered species  
25 impact associated with this site.

2 Because we're staying within the  
3 footprint of the current development,  
4 there will be very limited tree  
5 removal. We will be working with our  
6 environmental consultant to ensure  
7 that if there are trees removed,  
8 we're doing that in the time periods  
9 that do not impact the nesting season  
10 of that bat on the site.

11 We're, you know, trying to  
12 reuse an existing footprint, not  
13 expanding into the woods with this  
14 layout and what we're trying to do  
15 here. The layout is kind of depicted  
16 in this way with those restrictions  
17 in mind.

18 The primary thing we look for  
19 in these car washes is to ensure the  
20 queueing for the pay stations as well  
21 as the exit queue of this building  
22 does not interfere with the roadway.  
23 We try to separate those two points  
24 as much as possible. That's what  
25 we've done as part of this site.

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As you've heard, this is a state-of-the-art car wash. The pay stations are very user friendly. They process cars very quickly. In this two-lane system, we have the daily wash for the non members and we also have the member lane that can be utilized by either person. The members are a little bit more efficient in getting through there.

We've also provided a lengthy queue. Typically what you see on the plan, there are two cars that are paying and two cars are waiting. That's the most you'll see because of the efficiency of the operation. On days maybe it's a little busier, we're giving away free car washes or something like that, we've afforded room to go up to sixteen cars that could queue up in that space, and we really feel that's more than sufficient to handle the load that we have at these sites just based on our

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experience and the efficiency of this model. They can speed the conveyor up inside the building, if it's busy, just to make sure that we're processing cars. That's the business model, clean cars. That's what we're looking to do.

In addition, there is a comment in the review letter that we did receive for this project about parking being in front of the building rather than behind. Typically we prefer to have the building up front. In a situation where we're restricted in lot width, having the exit of the tunnel directly adjacent to the driveway creates a lot of issues of traffic crossing traffic and backup onto the state highways that we're looking to avoid. What we've done with this layout is tried to optimize the operations to ensure that all of the internal operations have no impact on the surrounding roadway.

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We have submitted to the DOT our stage 1 review. We're waiting for those comments to come back.

Obviously this project is very much in the due diligence stage, so we're looking from feedback from this Board, as well as every other department in the Town.

We do have utility will-serve letters for sewer and water submitted and received. We're gathering the information to ensure this project will be a success, assuming that it is viewed favorably.

We have seventeen vacuum spaces out in front of the building and three employee spaces.

There was a comment about the location of the trash enclosure. I think we agree we would like to tuck that away a little better, so we'll look to do that.

The business model is you wash your car and then you use the vacuum



2 spaces. There's not really a want to  
3 have people just coming here to  
4 vacuum their cars. There are employees  
5 that are there to monitor that, looking  
6 to convert people into members and  
7 make sure that they are having a good  
8 experience on site.

9 From firsthand experience, the  
10 employees are really excellent on  
11 these sites. It's not like a car wash  
12 where you have a bunch of people  
13 standing at the exit of the drive-  
14 through. Those employees are onsite  
15 to ensure the site is operating  
16 efficiently. They are extremely  
17 friendly and helpful.

18 You've heard about the reclaim  
19 system with Matt. It's a state-of-  
20 the-art system that really allows  
21 most of the water onsite to be  
22 recycled so there's not this heavy  
23 and constant load on the sewer system.  
24 We've actually started to introduce  
25 some of the roof leaders from the

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roof to help supplement that system, because it is just like fueling the whole internal operation. We can take that roof runoff and further reduce the impact of this site, but also use that water in our reclaim system. You heard about the reverse osmosis. You come out of it and it's supposed to be a spot free dry. You don't have to have the towel dries at the end of the tunnel. It's all a very state-of-the-art system here that we're really proud of.

In addition and what you'll notice as we get into the architecture, we brought kind of the color images of what we're doing, the aesthetics and the investment of the look and feel of the site is very important to Spark as well. They make a heavy, heavy investment in landscaping to ensure that the site stands out from an aesthetic point of view and from a green point of view. Everything here

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that we can plant, we're going to plant heavily. You'll see those images soon.

There is some zoning relief that we're seeking. I just want to highlight it so we can have the discussion. We have a rear yard setback. We pressed the building back for those circulation items that we were talking about. We have the buffer of the stream and the environmentally sensitive areas in the rear. We're not impacting a neighbor with that rear yard setback. I believe we're going to have a front yard setback as well. You'll see the images.

We have what is a kiosk as well as a canopy over the pay stations, and that's going to be located in the front yard. It's an aesthetically pleasing building. You'll see the images of it and we can discuss it further.

Obviously there's parking in

2 the front that we've discussed as  
3 well.

4 We're looking for any comments,  
5 feedback as we look to move this into  
6 the design stage and fully prepare  
7 engineering drawings.

8 CHAIRMAN EWASUTYN: Thank you.  
9 Do you want to give some examples of  
10 your ARB?

11 MR. MALKICH: Absolutely.

12 MR. YOUNG: Good evening, everyone.  
13 My name is Oliver Young with GK&A  
14 Architects. We're the architect for  
15 the Spark Car Wash.

16 What we have is an aerial view  
17 taken from Google Maps of the  
18 existing site from east looking west.  
19 You see the two existing structures.  
20 This is the as-built condition. We  
21 prepared a preliminary aerial  
22 rendering of the proposed development  
23 based on Stonefield's site plan.  
24 You'll see the building looking west  
25 towards the rear of the site.

2           The building itself is 4,294  
3           square feet for a footprint. The  
4           dimensions are 36 by 115, but it's  
5           actually two shifted rectangles, a 21  
6           foot by 118 foot and a 15 foot by 118  
7           foot rectangle. They're offset by  
8           each other 4 feet. You see a little  
9           jog in the building here. The tunnel  
10          is on the west side of the building  
11          towards the rear. That's the 21 foot  
12          section. On the east side, which  
13          faces 300, that is 15 feet wide.  
14          It's the support for the building  
15          starting with offices right here, a  
16          break room, an equipment room, an  
17          electrical room and a storage room.

18                 In terms of massing of the  
19          building, the average height is 18 to  
20          19 feet for the majority of it, however  
21          on the east elevation, in this gray  
22          color, it comes up to about 22.5 feet,  
23          then we have this wedge tower element  
24          towards the south side on the east of  
25          the building, and that's angled in

2 towards the building. It peaks and  
3 slopes back. That tops off at  
4 approximately 33 feet.

5 The design itself is sleek and  
6 modern. It has contemporary finishes  
7 with a tastefully catchy color. The  
8 prevalent materials here are metal  
9 panels in the Spark blue and white.  
10 We have corrugated metal siding in a  
11 galvalume finish, and then we have  
12 white exterior porcelain tiles. You'll  
13 see those colors and materials  
14 carried throughout the site.

15 The vacuums themselves are also  
16 painted blue, the Spark blue.

17 The kiosk element here has the  
18 same colors, the same materials as  
19 the building itself.

20 I'll introduce one other view  
21 of the development from street level.  
22 Again, this is looking west from the  
23 southern portion of the site across  
24 300. Again you see the two existing  
25 structures onsite. This is the as-

2 built condition taken from Google  
3 Street views. We have a view of the  
4 proposed development looking in.  
5 You'll see the building sitting  
6 towards the back of the site, you'll  
7 see the vacuums in the foreground and  
8 the monument sign right at the  
9 entrance.

10 That covers everything I wanted  
11 to address, Jen. Is there anything  
12 else you wanted me to touch upon?

13 MS. PORTER: To the extent you  
14 want to share the elevations, that's fine.

15 MR. YOUNG: Just to get a better  
16 view of the building itself, we've  
17 also prepared some preliminary color  
18 rendered building elevations. This  
19 is the east elevation here facing  
20 Union Avenue. You see the blue, the  
21 white and the metal panels, the  
22 porcelain. This is the gray corrugated  
23 siding.

24 This element is called the Spark  
25 Park. Everybody has mats, whether

2 they're rubber mats or carpeted mats.  
3 You can take your mats out of the  
4 car, walk up and there's two mat  
5 cleaners right there for the carpeted  
6 mats, and then there's this area  
7 right here for the rubber mats where  
8 you can hang them up on clips.  
9 There's a hose available to you.  
10 Even throughout the winter you can  
11 wash your mats any time. There's  
12 also supplementary cleaning elements  
13 here, such as rags, spray bottles,  
14 which you also find at most of the  
15 vacuum stations, too.

16 You have the north and south  
17 views right here. This is the office  
18 area which is on the northeast corner  
19 of the site. It has a good view of  
20 all the vehicles stacking into the  
21 entrance of the tunnel.

22 This is the proposed west elevation  
23 facing the rear of the site where the  
24 tunnel itself is.

25 MS. PORTER: That concludes our



2 presentation. We're happy to answer  
3 any questions on architecture,  
4 engineering or operations.

5 CHAIRMAN EWASUTYN: Ken Mennerich,  
6 I believe, has a question.

7 MR. MENNERICH: What is the  
8 purpose of the tall thing on the left  
9 side there?

10 MR. YOUNG: That's the wedge  
11 element. It is there as -- we see it  
12 as a beacon, an eye catcher for the  
13 building. That's where we tend to  
14 place most of our building signage.  
15 As Paul mentioned at the beginning of  
16 the presentation, ideally we want  
17 this building on the road. That's  
18 how we designed their standard  
19 building so we could have this tower  
20 element and place the signage there.  
21 Obviously with the building shifted  
22 towards the back of the site, the  
23 signage itself isn't as prevalent,  
24 however the wedge element itself will  
25 stand out.

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MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Board Members.  
Stephanie DeLuca?

MS. DeLUCA: First off, just  
the looks of it, it does look very  
nice. It's a nice pop color. It  
certainly does stand out.

My second point was, I'm glad  
that you're going to be discussing  
the environmental issues, because  
that is a very, very sensitive topic.  
There was quite a lot of discussion  
about that whole thing as far as it  
having access to a river -- a stream.  
I appreciate that you're going to  
address that.

That's all I have right now.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: A very good  
presentation, everyone. You did a  
really nice job.

A couple of things. Is there  
any retail element to this, whether  
it be a kiosk or a store, to buy

2 supplies?

3 MR. CANALE: No, there's not.

4 MR. DOMINICK: The second  
5 thing, in front of -- just before  
6 your property, there's a third lane.  
7 Every car wash has a queue, whether  
8 it's offseason, giving away a free  
9 car wash, like you said, traffic  
10 backs up. My concern is even though  
11 you have fourteen or so in that queue  
12 I believe you mentioned, Matt, I  
13 think you're still going to get some  
14 overflow or spillage onto 300. I'd  
15 like you to look at possibly  
16 extending that third lane up past  
17 your property line before the next --

18 MR. CANALE: Just so I  
19 understand the comment --

20 MR. DOMINICK: The third lane  
21 is to the north. There's a third  
22 lane. Keep going up. Up.

23 MR. CANALE: Here?

24 MR. DOMINICK: On 300.

25 MR. CANALE: Got it.

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MR. DOMINICK: It kind of ends on the corner of your property line. Extend that all the way down south to the bottom portion of your property line, if you can. That would also act as somewhat of a turning lane or overflow if the queueing backs up. I would like you to look at that possibility.

MR. CANALE: It's out in the DOT right-of-way. We'll have that conversation.

MR. DOMINICK: I think there's a similar project going through the same situation.

MR. CANALE: Just the point about queueing. The more queueing, I completely agree. I think it is important to note the ability for us to process cars quick is quite substantial. We do it very -- it's a very intentional, well thought out and designed system for that exact thing.

2 We have a number of other car  
3 washes that are currently open and  
4 operating on probably busier roads  
5 than that. On the worst day we're  
6 not at fourteen cars. It would be  
7 less than that. I don't know if we  
8 have the data yet to show that. I  
9 think we're in the process of putting  
10 it together just to make sure that  
11 there's a --

12 MR. DOMINICK: You'll still  
13 look at --

14 MR. CANALE: We're going to  
15 bring that point up when we talk to  
16 the DOT at stage 1.

17 MR. DOMINICK: We talked about,  
18 in work session, extending the sidewalk  
19 in front of the entire frontage of  
20 your property. Pedestrian traffic on  
21 300 is increasing. They go from the  
22 hotel, the restaurants, the Wal-Mart  
23 plaza to the shops next door. For  
24 the safety of pedestrians, let's look  
25 at that.

2 MR. CANALE: Absolutely.

3 MR. DOMINICK: Thank you.

4 MR. MENNERICH: Do the landscaping  
5 plans still have to be detailed?

6 MR. CANALE: We have a licensed  
7 landscape architect that will prepare  
8 those.

9 MR. MENNERICH: Okay. Thank you.

10 CHAIRMAN EWASUTYN: Will the  
11 employees have uniforms?

12 MR. CANALE: Yes. Seasonal as  
13 well. They have winter gear and  
14 their warm weather gear.

15 CHAIRMAN EWASUTYN: That was my  
16 only question.

17 John Ward?

18 MR. WARD: How high is that tower?

19 MR. YOUNG: The highest point is 33  
20 feet and it slopes down to approximately  
21 30 feet.

22 MR. WARD: In reference to the  
23 right-hand lane, it comes from the  
24 Lowes light. It's a merge on the  
25 right-hand side going in. It's

2 basically a continuation with DOT.  
3 It depends what they say. It's a  
4 win-win situation if you can.

5 MR. CANALE: Absolutely.

6 MR. WARD: Thank you.

7 MR. DOMINICK: One thing I  
8 forgot is, I know you mentioned about  
9 relocating the dumpster. If you can  
10 really tuck that in the back.

11 MR. CANALE: We put it up front  
12 because we thought the wetlands might  
13 have circled around, but they don't.  
14 I think we do have a pocket in the  
15 back to do it.

16 CHAIRMAN EWASUTYN: Jim Campbell,  
17 Code Compliance?

18 MR. CAMPBELL: Just a couple  
19 comments. Just to note the fire  
20 district is Winona Lake Engine Company  
21 in the Orange Lake Fire District.

22 You mentioned the pay kiosk.  
23 It also looked like a cubical of some  
24 sort.

25 MR. CANALE: It's a booth just

2 for the employee that mans the kiosk  
3 to have some coverage.

4 MR. CAMPBELL: You mentioned  
5 it's within the setback, so that  
6 would require a variance.

7 MR. CANALE: Yes.

8 MR. CAMPBELL: Also, note for  
9 signage that you're allowed one  
10 square foot per lineal foot of the  
11 building that fronts 300.

12 Also, on your directional  
13 signage you have logos. That counts  
14 for signage if you have the logos on  
15 there instead of just the direction.

16 MR. YOUNG: That counts for the  
17 overall total?

18 MR. CAMPBELL: Yes.

19 Also, the signage on the canopy  
20 of that pay kiosk.

21 When you brought up about that  
22 tower, I don't know if you've had  
23 past experience with the towers as  
24 far as being 33 feet, if that needed  
25 aerial access. I don't know what the



2 construction of that thing is.

3 MR. YOUNG: We'll double check.

4 MR. CAMPBELL: Maybe lowering  
5 it to 30.

6 That's all I have.

7 CHAIRMAN EWASUTYN: Okay. Ken  
8 Wersted with Creighton Manning  
9 Engineers. He'll also give a  
10 presentation on McGoey, Hauser &  
11 Edsall's consultant's comments.

12 MR. WERSTED: Starting with  
13 traffic, are you guys familiar with  
14 the ADS project recently through the  
15 Town? That's another car wash with a  
16 very similar layout. They just  
17 received approval. It was on the  
18 agenda, I think the last meeting we  
19 had. You can reach out. I can  
20 provide you with some easy access to  
21 some plans on that.

22 We talked about the sidewalk.

23 The property line of this looks  
24 like it's right on the edge of the  
25 curb, or perhaps the curb of Route

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300 is over the property line onto your property. Through your negotiation or process with DOT, they may look to have a dedication provided so that they can get all of their facility within their property.

On the vacuum area, is there any gate system? Could somebody who didn't pay for a car wash drive up to the vacuums?

MR. CANALE: There's no gate. Technically somebody could. One of the jobs of the employees is to monitor the Spark Park at all times. It would be something that we would engage -- what we do is we use it as a moment or an opportunity to engage with a customer.

MR. WERSTED: Thank you. I do believe I saw a sign out on the front. There may be some setback requirements of that. We also need to make sure it doesn't infringe on the driver's line of sight as they

2 pull out.

3 We recommend providing a traffic  
4 study in coordination with DOT  
5 regarding the entrance.

6 Going back to the previous project  
7 that we reviewed, I'll let you know  
8 that it took DOT about a year and a  
9 half or so to work through the process  
10 of submitting it and getting to,  
11 essentially, approval with DOT. Figure  
12 that into your overall project timelines.

13 MR. CANALE: Thank you.

14 MR. WERSTED: It did require a  
15 southbound right-turn lane into that  
16 project. I think this speaks to a  
17 couple of the members' comments where  
18 there's a third lane coming southbound  
19 on Route 300. The challenge of the  
20 site is that that lane is merging  
21 into two lanes in the location.  
22 Through that process we'll have to  
23 review and address those.

24 I think you mentioned the lanes  
25 are flexible so if you're not a member --

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if you are a member and the shorter line is open, you can use either of the kiosks to go through.

MR. CANALE: That is correct.

MR. WERSTED: Thank you. That's all that I had for traffic comments.

I'll look over McGoey, Hauser & Edsall's memo. They had noted and the project narrative made some references to West Nyack and Route 94. If that could be updated.

MR. CANALE: That was my error. Sorry about that.

MR. WERSTED: The project is in the Washington Lake watershed which is a City of Newburgh water reservoir. It's the Town of Newburgh's policy to require a 110 percent treatment of the water quality volume for this location.

The site contains potential habitat to threatened or endangered species, so you have to coordinate with DEC.

2           Parking in front of the structure  
3           doesn't comply with the Town's  
4           guidelines, so mitigation for parking  
5           in front of the structure should be  
6           proposed.

7           There are some comments about  
8           the bulk table, identifying different  
9           control points.

10           The rear yard setback comment.  
11           As Jim mentioned, the actual building  
12           height, there are different requirements.  
13           If it's 30 or 33 it could bring you over  
14           to a different requirement.

15           We talked about DOT approval for  
16           utilities and access.

17           A City of Newburgh flow acceptance  
18           letter will be required.

19           An Orange County Planning Department  
20           referral will be required once the  
21           complete application has been submitted.

22           Given this is your initial  
23           appearance, an adjoiners' notice must  
24           be sent out subsequent to this appearance.

25           The EAF identifies the stream as a

2 class C stream, but happily the  
3 stream is a DEC classified A stream  
4 based on the diversion to Washington  
5 Lake.

6 In accordance with Town of  
7 Newburgh code, the proposed structure  
8 should have a fire suppression system.

9 Additional comments will come  
10 out with more detailed plans.

11 I'd like to note that when you  
12 are submitting plans, the Board will  
13 require hard copies, but we'd also  
14 like to have an electronic copy of  
15 the materials. It's easier to  
16 distribute to the various consultants  
17 that way. Thank you.

18 CHAIRMAN EWASUTYN: Can we go  
19 through what the variances might be  
20 for the subject property, Jim  
21 Campbell, Dominic Cordisco?

22 MR. CORDISCO: My understanding  
23 is that there are two identified so  
24 far, one for the rear yard setback,  
25 pardon me for not knowing the number,

2 and also for the front yard setback  
3 which is 60 feet, not 50 feet but 60  
4 feet, from Route 300 for both the  
5 location at the kiosk and the canopy  
6 within that area.

7 CHAIRMAN EWASUTYN: Jim, do you  
8 know what the rear yard setback is?

9 MR. CAMPBELL: The rear yard  
10 setback I believe is 32.5 feet where  
11 they require 60.

12 CHAIRMAN EWASUTYN: Requires what?

13 MR. CAMPBELL: 60.

14 CHAIRMAN EWASUTYN: 60. So then  
15 I think the action before us this  
16 evening is you'll work with Pat Hines'  
17 office as far as the adjoiners' notice.  
18 We'll give you the list.

19 There will be a future need for  
20 a traffic study.

21 You'll discuss with Pat the  
22 classification of the stream.

23 Anything else, Dominic?

24 MR. CORDISCO: Any other plan  
25 changes that they may wish to make

2 based on the discussion so far.

3 CHAIRMAN EWASUTYN: All right.

4 MS. PORTER: Great.

5 MR. CANALE: Thank you.

6 CHAIRMAN EWASUTYN: Where is  
7 your nearest site to Newburgh?

8 MR. CANALE: Built currently,  
9 the nearest one would be Woodlawn  
10 Park, New Jersey. West Nyack, as I  
11 mistakenly put on the plan, will be  
12 opening within the next six months.  
13 That will be closest from here.

14 CHAIRMAN EWASUTYN: Thank you.

15 (Time noted: 8:15 p.m.)

16 (Time resumed: 8:30 p.m.)

17 CHAIRMAN EWASUTYN: I erred on  
18 the Spark Car Wash. They also will  
19 need a ZBA referral.

20 I'm going to ask Dominic Cordisco  
21 to review that. Why don't we go through  
22 that now, and then I'll ask Pat Hines  
23 -- or do you want to get a hold of  
24 Jennifer Porter? How do you want to  
25 do that?



2           Anyway, we have to notify them.  
3           Let's go through the required variances  
4           for Spark Car Wash.

5           MR. CORDISCO: Yes. There's a  
6           required rear yard setback of 60 feet  
7           where 32.5 feet is being provided.  
8           Once again we have a kiosk and a  
9           canopy within the front yard setback,  
10          60 feet is required, but I don't have  
11          the calculation.

12          MR. CAMPBELL: I don't have the  
13          number either.

14          MR. CORDISCO: They can coordinate  
15          with their consultants and get those  
16          numbers.

17          CHAIRMAN EWASUTYN: All right.  
18          Can we have a motion to have Dominic  
19          Cordisco prepare a referral letter to  
20          the Zoning Board of Appeals for Spark  
21          Car Wash.

22          MR. WARD: So moved.

23          MS. DeLUCA: Second.

24          CHAIRMAN EWASUTYN: I have a  
25          motion by John Ward. I have a second

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by Stephanie DeLuca. Can I have a  
roll call vote starting with  
Stephanie DeLuca.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Who wants  
to coordinate with the representatives  
of Spark Car Wash to let them know  
that procedurally that's their next  
step?

MR. CORDISCO: I will take care  
of that.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 8:33 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do  
hereby certify:

That hereinbefore set forth is a true  
record of the proceedings.

I further certify that I am not  
related to any of the parties to this  
proceeding by blood or by marriage and that  
I am in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 18th day of December 2023.

*Michelle Conero*  
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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD

----- X  
In the Matter of

NEWBURGH COMMONS  
(2023-24)

5430 & 5450 Route 9W  
Section 9; Block 1; Lot 53.1.13  
R-3/B Zone

----- X

SITE PLAN

Date: December 7, 2023  
Time: 8:15 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
JAMES CAMPBELL  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVES: ANTHONY GUCCIONE  
and STANLEY SCHUTZMAN

----- X

MICHELLE L. CONERO  
Court Reporter  
michelleconero@hotmail.com  
(845) 541-4163

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CHAIRMAN EWASUTYN: The fourth item of business is Newburgh Commons, project number 23-24. It's an initial appearance for a site plan. It's being represented by JMC Planning & Engineering.

MR. GUCCIONE: Good evening, Mr. Chairman, Members of the Board. Good to see you again. My name is Anthony Guccione. I'm with JMC. I'm here tonight for the Newburgh Commons project on behalf of the applicant, 5450 Route 9W, LLC.

I would like to take you through the preliminary site plan. We submitted a set of plans to your Board. This is a rendering of the layout plan, the site plan. The property is located on the east side of Route 9W. 9W is kind of down the middle of the sheet. This is the site here, outlined in red. It's between Oak Street to the south and Cortland Drive to the north. It's

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directly across the street from  
Overlook Farms. You probably  
remember Overlook Farms. We were  
before your Board for quite awhile.  
This is a version of the Overlook  
Farms' plan, just so you can see the  
relationship of our site to the  
Overlook Farms' project.

The overall property is 3.7  
acres in size. It consists of two  
existing lots. The applicant is  
proposing to merge those two lots  
into one single lot. The property  
lies within the B, Business, District  
where the proposed uses are permitted.

The proposed project proposes a  
14,600 square foot retail building,  
it's the building you see here at the  
more southern portion of the site,  
and a 4,600 square foot convenience  
store and gas station with six gas  
pumps. That's the convenience store  
here. The gas canopy is here. The  
pumps are under a canopy on top of a

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concrete pad.

Access to the site is proposed by two driveways off of Route 9W. The one here is a right in/right out driveway that's proposed. The second driveway off 9W is more central to the site. There's a driveway proposed to connect to Oak Street at the south end of the site. You'll see that the central driveway aligns with the driveway that goes to the proposed Overlook Farms' project. It's our hope that with the two projects -- we've been speaking to DOT about this. Having a signal here didn't meet the warrants for New York State Department of Transportation with just the Overlook Farms. They said to come back when we have the additional project here. Should that be approved, it may be warrant for a traffic signal there. It's designed to work together with this four-legged intersection with the idea of

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potentially having a traffic signal there at that location.

The trash enclosure. We have a couple of trash enclosures. We have one at the rear of the convenience store, one at the rear of the larger retail store.

There are some shorter walls here on the back of the property to make the grade change, three to five feet. There's a larger wall in the back of the retail store. The tallest wall, we're looking at potentially doing a soil type of wall. We're working with the geo-technical engineers to find the most cost effective and best way to handle that. The site does slope up to the rear. It's relatively flat along the front. Going up into this triangle, it slopes up considerably. We would need to flatten out this area for the retail and loading area.

CHAIRMAN EWASUTYN: Can you explain



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that wall a little bit more?

MR. GUCCIONE: What we're proposing to do -- it's soil now. You drive anchors into the soil and it stabilizes it. You put plates in front of there and that holds the soil in place. You basically Shotcrete, it's like a Gunitite type of product. It looks like concrete. You can stain it different colors, you can put different effects on it to make it look a little more natural. That's what we're proposing to do there.

That wall, at the highest point, is probably about 32 feet. It quickly comes down to nothing, maybe ten feet here, maybe ten feet around the trash enclosure, coming down to four or five feet. That's the proposal. The rest of the walls would either be segmental or gravity block walls.

CHAIRMAN EWASUTYN: Thank you.

MR. GUCCIONE: As far as parking,

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there are 133 parking spaces required and 134 parking spaces proposed. We meet the parking requirement for the project.

Two loading spaces are required, one for each building. We have a loading space proposed at the rear of the retail building and a loading space in the striped area for the convenience store. We meet the requirement for loading.

There is an existing watercourse that comes through the south end of the property. You probably remember the watercourse at Overlook. It's a continuation of that. There is a portion of it that we're looking to reroute a little bit to make it work with the retail. A portion of this watercourse is already piped. We're going to redo the pipe with a larger culvert that goes under the edge of the parking lot here and daylights under Route 9W into the other

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watercourse that's part of the Overlook project.

We are are looking for a couple variances in connection with the project. The first is a rear yard variance. 30 feet is required at the rear of buildings. We're proposing 18 feet for the larger building right here to the property line and 19.5 for the smaller building here where 30 feet is required. That is a variance request that we would like to make to the Zoning Board.

Based on Mr. Hines' memorandum, we just saw that, apparently there is a front yard variance required for the gas canopy. In our reading of the definition of a building, we didn't think the gas canopy met the definition. According to his memo, apparently it does. That being the case, we would certainly apply for the variance while we're before the Zoning Board.

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The other thing Mr. Hines' memo pointed out was Oak Street may need a variance, this driveway here. Because of the relationship of the driveway to Route 9W and the distance it's setback, that may require a variance as well. We would like to further coordinate that with him and his office, and Ken Wersted's office as well.

In terms of stormwater, we're proposing four subsurface stormwater facilities. They would infiltrate the water into the ground. They would be under different portions of the parking lot.

Sanitary sewer, we're proposing a subsurface septic system for the property to dispose of the sanitary sewage.

As I mentioned, we are in receipt of comment memos from the Board's consultants. We'd love the opportunity to review them in more

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depth and respond in writing to those memos. We would be happy to answer any questions.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No, I don't have any other comment right now.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Anthony, we talked in work session about the area in the corner of 9W and Cortland. If you can take and go across the frontage of the complex with the sidewalk.

MR. GUCCIONE: I don't see it. There is a sidewalk that comes down Cortland to here. We are proposing a sidewalk. As you may recall, we have a sidewalk along the Overlook Farms' frontage. The only place we do have an issue is with a sidewalk in the center piece. Where this watercourse comes across, right across the front edge of the property here there's a high pressure gas transmission line.

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We originally tried to do more work here and reorient this. Central Hudson forbid us from touching it. They don't want us anywhere near that. We can certainly bring a sidewalk along the frontage here and potentially come into the property and bring a sidewalk that connects here. We do have a crosswalk connecting to here. We have crosswalks across at both ends to get to the Overlook Farms' sidewalk. If that would please the Board, I think we can look into doing that.

MR. DOMINICK: That's what we talked about, yes.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing at this time.

CHAIRMAN EWASUTYN: I think Jim Campbell will cover a comment that will need to be addressed.

John Ward?

MR. WARD: I agree with what you

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proposed for the sidewalk going around.

My other question was with the residential in the back, like the buffer zone, I think that's an issue for Jim to cover.

Thank you.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance?

MR. CAMPBELL: What he just mentioned was that between the B and the R-3 requires a 75-foot buffer.

MR. GUCCIONE: Okay.

MR. CAMPBELL: That might be another variance.

MR. GUCCIONE: Another variance.

MR. CAMPBELL: As far as the canopy, that would be two front yard variances. You have 60 foot to the 9W side and then 40 foot to the Orchard side. You have two front yards. You're a corner lot right there. That would be a 40.

MR. GUCCIONE: Just a clarification.

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Our reading of the code, it was saying a building has walls. That's why we originally --

MR. CAMPBELL: Building or structure.

MR. GUCCIONE: Okay.

MR. CAMPBELL: If you're at the Zoning Board, you could always ask for an interpretation on that.

We will need a comprehensive sign plan for the site.

Also, just any cannabis-related uses must conform to Town Code 185-48.9.

MR. GUCCIONE: Okay.

CHAIRMAN EWASUTYN: There's also a fee for a special use permit.

MR. CAMPBELL: That would require a special use permit, yes. We would need an application, too.

Everything else is on Pat's comments.

CHAIRMAN EWASUTYN: Ken Wersted with Creighton Manning Engineers.

MR. WERSTED: To continue with



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Pat Hines' comments, the project would be considered a Type 1 action as it's proposed to disturb more than 2.5 acres.

The EAF identified potential habitat for threatened or endangered species, so coordination with DEC will be required.

Approval for the subsurface sanitary sewer disposal system is required from DEC and Orange County Department of Health.

A stormwater pollution prevention plan will need to be developed.

A floodplain development permit will be required.

We talked about sidewalks.

Code enforcement and the jurisdictional fire department should weigh in on the placement of the hydrant within the facility.

Compliance with the tree preservation ordinance should be documented.

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Note 27 on the plans noted a clubhouse and water service as well as a pool. That should just be cleaned up.

MR. GUCCIONE: That came from across the street. I apologize for that.

MR. WERSTED: Calculations for the 125-foot long aluminum box culvert should be provided, identifying any potential impacts to the floodplain.

A floodplain development report should be prepared as far as the SWPPP.

That's the extent of Pat's comments.

Relative to traffic, you should --

CHAIRMAN EWASUTYN: One other comment he had. There was a question of whether this was in an Ag District. I remember him saying something like that.

MR. GUCCIONE: On the EAF Mapper it seemed to come up in -- it's one of those things that automatically fills out. We looked at the GIS and it's

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not. The property to the rear is in an Ag District and the upper portions of Overlook Farm. The front portion where the farm was and this property did not come up in an Ag District. I guess we need to look into that a little more.

CHAIRMAN EWASUTYN: He just had a comment on that.

MR. GUCCIONE: Thank you.

MR. WERSTED: Relative to traffic, the truck access should be demonstrated. Obviously getting in and out of the site, but also getting to the loading dock area.

I believe the gas station has an underground fuel storage area. Circulation to that should be demonstrated.

A traffic study should be provided.

We know that highway improvement plans for Overlook Farms has been submitted to DOT. Now with this project

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coming forward, we need to understand what will happen with those plans. Will those proceed as is and this project will come in and supplement that or change that? The timing of the two projects is going to be important here as to whether DOT will say put the traffic signal in now or let's wait and see how both of these come online and then make a determination later.

MR. GUCCIONE: The improvements we showed here built upon the Overlook improvements. You're right, the chicken and egg thing.

MR. WERSTED: That was the extent of our comments.

Relative to the sidewalks, as we talked about, there's the potential you can wrap it down to your right-in and right-out driveway and maybe bring it into the site to continue through. There may also be an opportunity at the northern end of

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the convenience store coming north and maybe angling it towards the Cortland Street sidewalk. I don't know the grade elevation there.

MR. GUCCIONE: There is a grade change.

MR. WERSTED: I can envision people coming down from the apartments and the condos up there and just beating a path right to the convenience store. Eventually you'll see a dirt strip there. It may not be ADA compliant, but it's going to be the shortest path for people coming to the store.

MR. GUCCIONE: That is a private road. They weren't really interested in a driveway connection, so it may be a little difficult to get something from them. We might be able to connect more out towards the right-of-way. We need to work with DOT.

Part of what's causing that setback issue is this strange property line configuration. DOT had a taking there

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years ago. We need to work that out.

MR. WERSTED: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick, you had an additional question.

MR. DOMINICK: Anthony, do you have a tenant for the retail, the large retail?

MR. GUCCIONE: No. It's a little early. It's kind of hard to get tenants signed on this early in the process. Once we get a little further down the road, we'll have a little more opportunity to try to pull in some tenants.

MR. DOMINICK: With 15,000 square foot, approximately, and 134 spaces, could we also add EV charging down the road? Looking ahead down the road, can you add EV charging?

MR. GUCCIONE: Right. On the site plan now or make it so it could be added later on?

MR. DOMINICK: For now.

MR. GUCCIONE: I'll take that

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to the applicant for sure.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney?

MR. CORDISCO: At this point the adjoiners' notices should be coordinated with Mr. Hines.

As far as the fact that it's a Type 1 action, it will require circulation for lead agency.

The difficulty is that there are a number of variances that are identified. The Board may wish to set circulation aside so that the applicant can proceed with an application before the Zoning Board of Appeals and do a coordinated review at a later time.

CHAIRMAN EWASUTYN: So can we review the deficiencies in the bulk schedule that require this to go to the Zoning Board of Appeals?

MR. CORDISCO: Yes. There are a number. In regards to the canopy, the setback from Route 9W is 24 feet

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where 60 feet is required. As Mr. Campbell pointed out, the canopy is also on a corner lot, and so that, I believe, requires 50 feet.

MR. CAMPBELL: It requires 40, but I don't think we have a dimension to the property line. Do we?

MR. GUCCIONE: We have about 32 feet. 32.

MR. CORDISCO: 32 feet is provided where 40 is required.

You also have the issue regarding Oak Street. The Oak Street entrance doesn't comply with the code as well at that location.

You also have the issue regarding the lack of a buffer onto the R-3 Zoning District. It appears that 18 feet is provided and 75 feet is required.

There's also a rear yard setback -- two of them. Once again, it's 18 feet for the larger building and 19.5 feet for the smaller building. 30 feet



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is required in both instances.

In connection with the landscaping that's required in the buffer, there's also a percentage of landscaping that's required between the R-3 Zone and the Business Zone. You'll want to take a look at what you can do for landscaping there or how you need to apply for a variance for the percentage of landscaping that's required.

CHAIRMAN EWASUTYN: Can I have a motion from the Board to authorize Dominic Cordisco, Planning Board Attorney, to prepare a letter to the Zoning Board of Appeals listing the variances that are required.

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Dave Dominick. Roll call vote starting with Stephanie DeLuca.

MS. DeLUCA: Aye.

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MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: You'll work with Pat Hines on the adjoiners' notice.

MR. GUCCIONE: If we're going to go to the Zoning Board, would we do the adjoiners' notice?

MR. CORDISCO: Yes. That's the first step here. The only thing that we're not taking action on tonight would be the circulation for lead agency.

CHAIRMAN EWASUTYN: Or listening to Stan Schutzman.

MR. SCHUTZMAN: I thought we were going to get approved tonight.

(Time noted: 8:30 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do  
hereby certify:

That hereinbefore set forth is a true  
record of the proceedings.

I further certify that I am not  
related to any of the parties to this  
proceeding by blood or by marriage and that  
I am in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 18th day of December 2023.

*Michelle Conero*  
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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD

----- X  
In the Matter of

DOLLAR GENERAL  
(2023-25)

242 South Plank Road  
Section 60; Block 2; Lot 65  
B & IB Zones

----- X

SITE PLAN

Date: December 7, 2023  
Time: 8:33 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
JAMES CAMPBELL  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ZACHARY PETERS

----- X

MICHELLE L. CONERO  
Court Reporter  
michelleconero@hotmail.com  
(845) 541-4163

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CHAIRMAN EWASUTYN: The fifth and last item of business this evening is Dollar General, project number 23-25. It's an initial appearance for a site plan. It's in a B and IB Zoning District. It's located on South Plank Road. It's being represented by --

MR. PETERS: Zachary Peters from Mercurio-Norton-Tarolli-Marshall. Good to see everyone again. It's been awhile since I've been here.

I can give a brief overview of what's being proposed here. It's a 10,904 square foot, one-story retail store for a proposed Dollar General. The building dimensions are approximately 140 feet by 76 feet. Our EAF notes the maximum building height at 30 feet. Based on the preliminary renderings, it's actually going to be closer to about 20 feet in height.

The site is situated on 52,

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just down from the Thruway.

It's got a shared access proposed. There's an existing access here for the Storage Stop, which is the parcel located to the back on the northerly side of our site, the opposite side of the Bushkill Creek that runs along our northerly property line. This was part of a prior subdivision where there's a note on the map that basically requires our site to have a shared access through this. We can't have our own curb cut. I think that's something that DOT would have wanted anyway. The access comes in through there.

We do have the parking laid out. We did a truck turn diagram. I can submit that. I know that was a comment from one of the consultants, to show there's maneuverability on here.

Based on the 60-foot front yard

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setback, the buildings are about 64.5 feet setback. Due to the narrow depth of the lot, there's not a lot of flexibility on adjusting where the parking is located, so we do have parking within the front yard. I expect there to be some landscaping and stonewall required along the frontage there.

The property line in this section does butt up pretty close, right along the edge of 52. That's consistent with the original subdivision map. Our office also just completed a survey that was just done, wrapped up a couple days ago, and it's consistent with that as well.

Water and sewer. There is a water line that runs on the south side of 52. There's a sewer line on the north side we're proposing to connect to. There's also a gas line that's on the north side, which is our frontage side.

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In terms of parking, we are proposing 35 parking spaces. The code requires, I believe it's 73. That is something that we would be seeking a variance for, if the Board is willing to refer that to the ZBA so we can proceed there.

Dollar General has thousands of stores nationwide. They've got studies done on the parking they need. They estimate they need around 30 parking spaces for their typical use. We have a few more than that. Obviously that's something we need to work out with the ZBA.

Site disturbance. We're approximating right around 1 acre of disturbance now. Obviously that will change as a detailed site plan is prepared. We can fine tune that a little bit, and any other comments regarding the parking layout or things that might change.

I think that's the project in a



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nutshell.

We did submit preliminary elevations. I do apologize, I don't have a large scale version to present from. The developer did have those prepared and submitted. If the Board has any feedback on that, we certainly welcome it.

This is our first presentation. The reason we're here is to get any questions or concerns you might have that we can take back and address.

CHAIRMAN EWASUTYN: Okay. Comments. Stephanie DeLuca?

MS. DeLUCA: Not really. I think you addressed most of the questions I had.

I was wondering about the access to your building.

MR. PETERS: It's a little hard to see.

MS. DeLUCA: Thank you.

MR. DOMINICK: Zachary, could you look at the store on 9W, the

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Dollar General, and kind of mimic that stonewall in the front for screening? I think that's kind of what Pat is leading to in comment 2 of his review.

MR. PETERS: Absolutely.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I concur with what Dave just said.

CHAIRMAN EWASUTYN: I have no comments at this time.

John Ward?

MR. WARD: No comments right now.

CHAIRMAN EWASUTYN: Okay. Jim Campbell with Code Compliance?

MR. CAMPBELL: Do you know if they are going to have a free-standing sign also?

MR. PETERS: I believe they will have one. We don't have a location or detail on that yet, but that's something --

MR. CAMPBELL: To note that it

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does require ARB and will need to be approved by this Board.

That's all I have on my comments.

CHAIRMAN EWASUTYN: Ken Wersted with Creighton Manning.

MR. WERSTED: On the sign topic, there's already a Storage Stop sign there. I would say if you're thinking about the sign, a combo or they're two separate signs next to each other.

Relative to traffic, I think you had mentioned that the property line is very close or right on the edge of the existing edge of pavement there. As you review this project through with DOT, they may look for some type of dedication to provide a little bit more buffer.

There are nine parking spaces out there in the front -- that kind of pinch towards the front near Route 52. It may be possible to move those to the side of the building to not

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lose them.

A sidewalk across the site frontage consistent with other commercial developments before the Board should be looked at.

I think you mentioned truck access being demonstrated.

We have compared this project to the previous Dollar General that came through a couple years ago. Relative to traffic, we would estimate this site to generate between 35 and 75 trips in the a.m. and p.m. peak hours.

More notably, Route 52 in this area has only about a third of the traffic that Route 9W has, however one of the critical intersections in this area is 52/300. If you were here for the Chicken, it's very tight, it doesn't operate well. We would ask that you do a traffic study of this site. You might be able to use their previous traffic study as a

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jumping off point as a basis for that.

That was the extent of the traffic comments. I'll get into Pat Hines' comments.

We talked about the project doesn't comply with the design guidelines by placing parking in the front yard. If you look at those design guidelines, there may be some ways to mitigate that.

The project is in a hundred year floodplain, so that floodplain should be delineated on the plans.

The project is identified as containing potential habitat for protected bat species.

Information pertaining to the easement for access should be provided for review.

The parking calculation should be shown on the plans. A variance will be required to provide less. I believe we went through the same

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process on the other Dollar General.

MR. PETERS: Okay.

MR. WERSTED: There's a front yard setback that needs to be adjusted in the bulk table.

The building requires a fire suppression system.

The utilities on the site need to be addressed.

The adjoiners' notice is required to be sent out.

The parcel does not contain any trees which are proposed to be disturbed. The parcel should be exempt from the tree clearance ordinance.

That was the extent of Pat's comments.

CHAIRMAN EWASUTYN: Okay.  
Dominic Cordisco, any comments?

MR. CORDISCO: In addition to coordinating the adjoiners' notices, the Board may want to consider making the referral for the Zoning Board of

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Appeals regarding the deficient amount of parking.

CHAIRMAN EWASUTYN: Can I have a motion from the Board to have Planning Board Attorney Dominic Cordisco prepare a referral letter to the Zoning Board of Appeals for Dollar General looking for relief on the required number of parking stalls to what Dollar General believes is the national average of what they will need.

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Dave Dominick. Can I have a roll call vote starting with Stephanie DeLuca.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

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MR. PETERS: Can I ask one question regarding the comments for the sidewalk? I looked at that briefly. Is that something that the Board requires as a whole in this area? I think the only sidewalks we saw in close proximity to this were right up at the intersection with Route 300, which -- I don't have the exact distance, but it's rather removed from this site. Is that something we should talk with Ken's office on or work more with the Board as it proceeds? The reason for asking is, just if we go to the ZBA and there are changes in layout, we want to make sure we accommodate enough room for the project. If that's definitively something that the Town or the Board wants, I want to make sure we accommodate that.

CHAIRMAN EWASUTYN: I think we're looking for pedestrian-friendly site plans as we go through the Town.



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Sidewalks are becoming a standard request from the Planning Board.

MR. PETERS: Okay.

MR. MENNERICH: There are quite a few pedestrians that walk on 52 on either side. The addition of some sidewalks would be helpful.

MR. PETERS: Okay. Very good. I appreciate the clarification. Thank you.

CHAIRMAN EWASUTYN: All right. That being said, can I have a motion from the Planning Board to close the December 7th meeting.

MS. DeLUCA: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Stephanie DeLuca. I have a second by Ken Mennerich. Can I have a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

(Time noted: 8:46 p.m.)

C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do  
hereby certify:

That hereinbefore set forth is a true  
record of the proceedings.

I further certify that I am not  
related to any of the parties to this  
proceeding by blood or by marriage and that  
I am in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 18th day of December 2023.

*Michelle Conero*

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MICHELLE CONERO