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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

PUBLIC HEARING
SITE PLAN & ARB

Date: December 19, 2024
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: SARAH N. WILSON, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVES: NICHOLAS WARD-WILLIS
MATTHEW BERSCH

----- X

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

1 Newburgh Chicken

2 CHAIRMAN EWASUTYN: Good evening,
3 ladies and gentlemen. The Planning Board
4 would like to welcome you to their
5 meeting of December 19, 2024. This
6 evening we have eleven agenda items.
7 The first two items are public hearings.
8 Ken Mennerich will read the notices for
9 the hearings.

10 At this time I'll call the meeting
11 to order with a roll call vote.

12 MR. DOMINICK: Present.

13 MS. DeLUCA: Present.

14 MR. MENNERICH: Present.

15 CHAIRMAN EWASUTYN: Present.

16 MR. BROWNE: Present.

17 MS. CARVER: Present.

18 MR. WARD: Present.

19 MR. HINES: Pat Hines with MHE
20 Engineers.

21 MS. CONERO: Michelle Conero,
22 Stenographer.

23 MS. WILSON: Sarah Wilson, Drake
24 Loeb, Attorney to the Planning Board.

25 MR. WERSTED: Ken Wersted,

1 Newburgh Chicken

2 Creighton Manning Engineering, Traffic
3 Consultant.

4 CHAIRMAN EWASUTYN: At this point
5 we'll turn the meeting over to Pat Hines.

6 MR. HINES: Please rise to salute
7 the flag.

8 (Pledge of Allegiance.)

9 MR. HINES: We ask you to turn your
10 cellphones on silent or on vibrate.

11 CHAIRMAN EWASUTYN: The attorney
12 representing the applicant will be coming
13 in shortly.

14 The first agenda item this evening
15 is Newburgh Chicken, Project number
16 23-17. It's a public hearing on a site
17 plan and ARB. It's located on South
18 Plank Road in a B Zone. It's being
19 represented by Keane & Beane.

20 At this point we'll turn the
21 meeting over to Ken Mennerich who will
22 read the notice of hearing.

23 MR. MENNERICH: "Notice of hearing.
24 Town of Newburgh Planning Board. Please
25 take notice that the Planning Board of

1 Newburgh Chicken

2 the Town of Newburgh, Orange County,
3 New York will hold a public hearing
4 pursuant to Section 274-A of the
5 New York State Town Law and Chapter
6 185-48.9 of the Town of Newburgh Code
7 on the application of Newburgh Chicken,
8 LLC - Popeyes, project 2023-17. The
9 project proposes the removal of an
10 existing 2,691 square foot Dairy Queen
11 facility with drive-up located at the
12 northwest quadrant intersection of
13 Route 52 and Route 300. A new fast
14 food restaurant with drive-through is
15 proposed. The proposed structure is a
16 2,537 square foot fast food restaurant
17 - Popeyes. New access points are
18 proposed at New York State Route 52
19 right in and right out and New York
20 State 300 full turning movement. The
21 project proposes 23 parking spaces.
22 The project site is an existing .97
23 plus or minus acre parcel. The project
24 proposes to connect to the Town of
25 Newburgh's municipal water and sewer

1 Newburgh Chicken

2 systems. A stormwater management
3 plan has been developed. The project
4 is known on the Town tax maps as
5 Section 60; Block 3; Lot 6.1. The
6 project is located in the B Zoning
7 District. A public hearing will be
8 held on the 19th day of December 2024
9 at the Town Hall Meeting Room, 1496
10 Route 300, Newburgh, New York at 7 p.m.
11 or as soon thereafter as it can be
12 heard, at which time all interested
13 persons will be given an opportunity to
14 be heard. By order of the Town of
15 Newburgh Planning Board. John P.
16 Ewasutyn, Chairman, Planning Board Town
17 of Newburgh. Dated 22 November 2024."

18 I'd just like to explain how the
19 Planning Board manages public hearings so
20 as to have an orderly and productive
21 hearing.

22 The project applicant or
23 representative of the project will give
24 an overview of the project. The Planning
25 Board Chairman will then open the hearing

1 Newburgh Chicken

2 for questions or comments on the project.
3 At this point you can raise your hand and
4 be recognized by the Chairman. Please
5 give just your first name before asking a
6 question or commenting. The applicant or
7 the Planning Board's technical
8 representatives may respond to your
9 questions. Once you have finished, you
10 need to wait until all persons that want
11 to speak have had a chance. Once
12 everyone has had the opportunity to
13 speak, the Chairman will recognize people
14 that want to speak again. The Planning
15 Board welcomes your comments and input on
16 the issues pertaining to the project.

17 Thank you.

18 CHAIRMAN EWASUTYN: Mr. Willis.

19 MR. WARD-WILLIS: Thank you, Mr.
20 Chairman, Members of the Board. Nicholas
21 Ward-Willis with Keane & Beane on behalf
22 of the applicant, Newburgh Chicken. I'm
23 joined by our engineers from Dynamic
24 Engineering. Mr. Bersch will provide an
25 overview of the site plan in a moment to

1 Newburgh Chicken

2 build upon the explanation given by
3 Mr. Mennerich in his reading of the
4 notice of public hearing.

5 I just wanted to provide a little
6 background on the procedural history of
7 the project because we have received
8 approvals from other boards that I
9 think the public would like to hear
10 about as well.

11 We submitted our application in
12 August of '23. We've had a number of
13 meetings before this Board where you
14 provided us with feedback, including at
15 your December '23 meeting where you
16 provided us with comments on the
17 architectural review with respect to
18 the signage and the facade of the
19 building. You declared at that time
20 that this was a Type 2 action and we
21 went to the ZBA and appeared before the
22 ZBA on a number of occasions where they
23 issued a special permit granting us the
24 ability to continue a nonconforming use
25 in the district, a fast food restaurant.

1 Newburgh Chicken

2 Also, because the use is not permitted
3 in that district, they approved the
4 site plan. They also approved some
5 dimensional variances.

6 Currently the property is the
7 existing Dairy Queen. We are proposing
8 to demolish that and construct a
9 Popeyes Chicken.

10 The special permit was granted,
11 as I indicated, by the ZBA previously
12 in March and then again in August, and
13 also some dimensional regulations were
14 approved for minimum lot area, minimum
15 lot width, minimum lot depth, minimum
16 front yard setback, minimum front yard
17 setback along Union Avenue, minimum
18 rear yard setback, minimum side yard
19 setback, maximum building height,
20 maximum lot surface coverage and
21 maximum building coverage. Those were
22 not variances. Those were dimensional
23 regulations that were granted by the
24 ZBA. Because the use is not permitted,
25 it didn't have those set forth in your

1 Newburgh Chicken

2 code and the ZBA had to approve those
3 dimensional setbacks. A variance was
4 granted for the waiver of the need for
5 a loading space. As Mr. Bersch will
6 explain, the loading space is provided,
7 we're using the existing parking area.
8 The loading space and also the distance
9 from the corner of the property to
10 access on South Plank Road, the
11 central line on Union Avenue, the front
12 yard abutting Union Avenue and the
13 freestanding sign height, as well as
14 total allowable sign height variances
15 were all granted.

16 We have also received, since we
17 last appeared before this Board, a
18 concept approval letter from the New
19 York State Department of Transportation
20 confirming that the restricted turn
21 movements on Union Avenue and the full
22 movement on Route 300 -- Route 52 and
23 Route 300 are permitted subject to our
24 submitting a highway work permit. They
25 have conceptually reviewed everything

1 Newburgh Chicken

2 and approved the proposed concept plan
3 as presented on the site plan before
4 you tonight.

5 At this point I'm going to ask
6 Mr. Bersch to walk us through the site
7 plan.

8 MR. BERSCH: Good evening. My name
9 is Matthew Bersch, B-E-R-S-C-H, with
10 Dynamic Engineering. I was the project
11 engineer on this project.

12 The first exhibit I'd like to
13 present is an aerial map exhibit. We've
14 been before the Board and previously
15 presented this, but I'd like to give the
16 public just a quick overview. This
17 aerial map exhibit was prepared by my
18 office dated 12/19/2024. It is exactly
19 what it says it is, it's an aerial map of
20 the subject property.

21 For orientation purposes, north is
22 to the right side of the page, Union
23 Avenue runs across the page in a
24 north/south direction, and there's South
25 Plank Road which runs in an east/west

1 Newburgh Chicken

2 direction, top to bottom.

3 The subject property is located
4 directly in the center, it is the
5 existing Dairy Queen, at the southwest
6 corner of the intersection of those two
7 roads.

8 Just to touch a little more on
9 existing conditions, the existing
10 building is very close to the road
11 frontage. It's approximately 14 feet
12 from the South Plank Road property line.
13 There are portions of the existing
14 property, the existing parking area, that
15 encroach over the property line.

16 For those of you that are familiar,
17 the drive-through queue for the existing
18 building is very short and backs up into
19 the driveway along South Plank Road on
20 those warm summer months when it's busy.

21 Some other unique characteristics.
22 There's approximately 27 feet of grade
23 change across this property. That's from
24 the southwest corner to the northeast
25 corner. It is a unique site. It is

1 Newburgh Chicken

2 rectangular in shape. It's just under 1
3 acre.

4 Next I'd like to introduce the site
5 plan rendering. This exhibit was also
6 prepared by my office dated 12/19/2024.
7 This is a colorized version of the site
8 plan and landscape plan from our site
9 plan set. It has the same orientation as
10 the aerial exhibit with north pointing to
11 the right side of the page. As you can
12 see, directly in the center of the
13 property is the proposed Popeyes
14 restaurant. It's just over 2,500 square
15 feet. It contains twenty-four seats.

16 Some additional site improvements
17 include parking areas, trash enclosures,
18 landscaping, lighting, utilities, as well
19 as new access drives.

20 The building's orientation, it's
21 oriented so the front of it faces north
22 towards South Plank Road. Just because
23 of the orientation and kind of the nature
24 of the site and the topography, it is
25 slightly skewed towards the intersection.

1 Newburgh Chicken

2 Access to the property is provided
3 via two driveways. One of those is on
4 Union Avenue along the eastern frontage
5 of the site towards the southern portion
6 of that frontage. This driveway is a
7 full movement driveway. The other access
8 point is along South Plank Road. This is
9 a right in/right out driveway. This
10 driveway was a topic of discussion with
11 both the Board, the Town Engineer and the
12 DOT as it kind of goes hand in hand with
13 some of the DOT requested improvements,
14 which include widening this road frontage
15 to provide both a through lane in the
16 eastbound direction and a new right-turn
17 lane. What exists today is just a single
18 lane in each direction. Now in the
19 eastbound direction you will have two
20 dedicated lanes. That also includes a
21 shoulder.

22 Once you enter the site from either
23 of those driveways, circulation around
24 the building is in a counterclockwise
25 manner. It's all one-way circulation.

1 Newburgh Chicken

2 The minimum drive aisle is 18 feet wide.
3 It does expand to 24 and 26 feet wide in
4 the front and back of the store in order
5 to accommodate WB-50 truck circulation.

6 We're proposing 22 parking stalls
7 onsite including one ADA stall. All of
8 the standard stalls are 9 by 18 which
9 meets the Township's code.

10 The drive-through lane wraps the
11 building also in a counterclockwise
12 fashion. It starts on the west side or
13 the top side where you can fit 14 cars in
14 the queue. It starts as a single lane,
15 opens up to a double lane. There are two
16 ordering points in the southern portion
17 of the building, then it combines into a
18 single lane as you wrap onto the east
19 side of the property and ultimately to
20 the pick-up window.

21 Some additional site improvements
22 include new utility services to the
23 restaurant. We will be proposing new
24 water, sewer, electric and gas services.
25 All of those services are available from

1 Newburgh Chicken

2 the adjacent right-of-ways.

3 As I mentioned, the site is unique
4 as there is 27 feet of grade change. As
5 such, we are proposing a retaining wall
6 on the west and south sides of the
7 developed area. The wall reaches a
8 height of 12 feet at its highest point
9 and then tapers down to either side.
10 That's important. Because of our grading
11 design, ultimately you need to keep the
12 restaurant pad relatively flat. We did
13 need those walls to account for that
14 grade change. We also wanted to maintain
15 drainage patterns, the existing drainage
16 patterns, so we can design an onsite
17 stormwater system to account for those
18 same points of analysis, those same
19 tributary areas.

20 With that said, we are proposing a
21 series of inlets and pipes that route to
22 an underground infiltration system. It
23 is a perforated pipe system with an
24 outlet control structure as well as a 50
25 percent NTD unit to meet both the

1 Newburgh Chicken

2 quantity and water quality requirements.

3 There is an outstanding comment in
4 the Board Engineer's review letter
5 regarding soils testing. We will agree
6 to provide that information.

7 We're also proposing lighting, new
8 lighting throughout the site.

9 There are eight freestanding, full-
10 mounted lights all at 18 feet. These are
11 LED structures, low profile, downward
12 facing to prevent glare off the property.
13 There are string LED lights under the
14 canopies that are attached to the
15 building. There are some decorative
16 wall-mounted fixtures around the
17 different facades of the building as
18 well.

19 We're proposing 347 new plantings
20 onsite. That includes ornamental, shade
21 and evergreen trees, as well as various
22 shrubs, grasses and perennials to provide
23 four-season screening. The landscape
24 design was prepared by a landscape
25 architect. We did receive a letter from

1 Newburgh Chicken

2 the Township's Landscape Architect, and
3 there were no further comments. We
4 satisfied all of their concerns with this
5 design.

6 Next I'd like to introduce the
7 architectural elevations. These were
8 previously presented to the Board, but
9 we'd like to run through the overall
10 design as well as discuss signage.

11 This is a rendering of the
12 elevations prepared by G141 Architecture.
13 I'd like to note that this is a previous
14 version of the architecture. The only
15 difference from what's being proposed
16 today is the elimination of this sign on
17 the one facade. I do have a black and
18 white version of the updated
19 architecture. I think the colorized
20 version paints a pretty good picture.

21 The front facade is facing north.
22 That's in the middle, on the left side
23 here. You have a white brick wall along
24 the upper half. There are vertical
25 simulated wood slats on the left side

1 Newburgh Chicken

2 with a cutout chicken symbol in the
3 middle. There's a teal canopy over the
4 floor to ceiling windows. There's also
5 an entry door along that facade.

6 On the bottom side here, this is
7 the side that faces west towards the CVS.
8 In the front you've got that same white
9 brick finish, that same teal canopy over
10 the floor to ceiling windows and an entry
11 door. In the middle you have a brick
12 veneer finish that breaks up that white
13 brick from the white EIFS that's in the
14 rear third of that facade. You have the
15 same color teal, you have decorative
16 shutters. It's a decorative feature to
17 break up the white EIFS finish.

18 This elevation is on the right
19 side. In the middle here is the rear.
20 You have a white EIFS finish with an
21 emergency exit door. This is the side
22 that faces away from South Plank Road.
23 Really there's just the drive-through
24 ordering that happens on that side of the
25 building.

1 Newburgh Chicken

2 mentioned before, this famous Louisiana
3 chicken graphic is no longer proposed.
4 As you can see on the black and white
5 version, there are no signs on the rear
6 facade.

7 I'd just like to bring up one more
8 exhibit to show the freestanding sign.
9 This is an exhibit called Popeyes signage
10 exhibit, again prepared by my office
11 dated 12/19/2024. It has all of the
12 signs we're proposing onsite, most of
13 which I just talked about.

14 I'd like to bring your attention to
15 the top left corner. This is the
16 freestanding sign that's situated along
17 South Plank Road, just setback 20 feet
18 from that frontage. The sign is 20 feet
19 in height. It contains the Louisiana
20 Kitchen chicken seal up top. Just under
21 that is the Popeyes channel letters,
22 white letters with an orange background.
23 Under that is a reader board, a
24 changeable reader board.

25 In the middle there are the

1 Newburgh Chicken

2 directional signs. These are located
3 along the Union Ave driveway. They just
4 say enter and exit.

5 On the bottom here there are two
6 details. This is for the Popeyes menu
7 board as well as a preview board. Each
8 of the ordering stations has a small
9 preview board and a board as you approach
10 the actual ordering station.

11 That generally concludes my direct
12 presentation.

13 We did receive an updated letter
14 from the Board's Engineering Consultant.
15 We can agree to address all of the
16 comments in that letter.

17 There is one item that I did want
18 to just touch on. It had to do with the
19 color of the retaining wall. It is a
20 gravity block wall. We did respond to
21 the letter saying it would be an earth
22 tone type color. I just kind of wanted
23 to present a few images of what we're
24 really talking about when we say earth
25 tone. This is taken from Recon, a

1 Newburgh Chicken

2 standard manufacturer's website. It's
3 really just kind of large brown block to
4 blend in with the surrounding features.
5 We can agree to work with the Township
6 and the Township's Engineer if there's a
7 different preference in color.

8 That's all I have.

9 CHAIRMAN EWASUTYN: Thank you,
10 Matthew.

11 Questions or comments from the
12 Board. Dave Dominick.

13 MR. DOMINICK: Do you want to give
14 the public the first shot?

15 CHAIRMAN EWASUTYN: I want to hear
16 your comments first and then we'll go to
17 the public.

18 MR. DOMINICK: Nicholas and
19 Matthew, thank you for that presentation.
20 I know this has been a lengthy process
21 back and forth. I think we've gotten
22 across the finish line. It's a very nice
23 project. Thank you for taking our
24 comments, --

25 MR. WARD-WILLIS: Thank you.

1 Newburgh Chicken

2 MR. DOMINICK: -- especially the 52
3 part. That's going to relieve some of
4 that stress and that choke hold and
5 provide a nice right turn. Thank you.

6 CHAIRMAN EWASUTYN: Stephanie
7 DeLuca.

8 MS. DeLUCA: I'd also like to
9 compliment the work you've done as well.
10 It has been an enormous task and you
11 pulled through. It's been good. The
12 coloring looks great.

13 MR. WARD-WILLIS: We appreciate
14 that. We appreciate the Board's input.
15 We know it's an important intersection
16 and we appreciate the recognition of the
17 value we're bringing and the changes.
18 Thank you for the comments.

19 MR. MENNERICH: I think the public
20 should be made aware that there are going
21 to be sidewalks along 300 and 52.

22 MR. BERSCH: That's a great point.

23 MR. MENNERICH: As far as the
24 Planning Board, it's fine.

25 CHAIRMAN EWASUTYN: I agree with

1 Newburgh Chicken

2 Ken Mennerich as far as the sidewalks,
3 making that mention.

4 No other comments.

5 MR. BROWNE: Obviously I echo all
6 the rest. We've been through a lot of
7 back and forth in the months prior. It's
8 been challenging, to put it mildly.

9 I also think the comments as far as
10 the sidewalk, also with the right-turn
11 lane being added to the road, that's
12 significant on 52.

13 I don't know if the public is aware
14 of that. The applicant is doing that as
15 part of the mitigation for the congestion
16 on that corner. Even though it's a very,
17 very congested corner, it hopefully will
18 alleviate some of the congestion.

19 Thank you.

20 MR. WARD-WILLIS: Thank you.

21 MS. CARVER: Thank you. The
22 presentation was very good. It was very
23 clear so everyone could understand.

24 I have one question. Will you have
25 markings on the ground on the property

1 Newburgh Chicken

2 for the flow of traffic? Is that a plan?

3 MR. BERSCH: Yes. There are
4 painted arrows that show the direction of
5 traffic.

6 MS. CARVER: The direction that the
7 traffic should go. Thank you.

8 Nothing else.

9 CHAIRMAN EWASUTYN: John Ward.

10 MR. WARD: You've come a long way.
11 At the same time, thank you for working
12 with the Town with everything. Both of
13 us understand both ways. Thank you.

14 CHAIRMAN EWASUTYN: At this point
15 we'll turn the meeting over to the
16 public. As Ken Mennerich said earlier,
17 if you have any questions or comments,
18 please raise your hand and give your
19 name.

20 (No response.)

21 CHAIRMAN EWASUTYN: Let the record
22 show that there is no public comment for
23 Newburgh Chicken.

24 At this point we'll turn the
25 meeting over to Ken Wersted of Creighton

1 Newburgh Chicken

2 that's proposed only on the Route 300
3 driveway. Do you propose any on the
4 Route 52 right in/right out or to leave
5 that off?

6 MR. BERSCH: Typically when we have
7 a larger freestanding sign we don't also
8 provide the directional signage. Because
9 we don't have a sign that faces north to
10 south on Union Ave, we do provide the
11 directional signs there. If it's the
12 preference of the Board or you to provide
13 directional signs at that driveway, we
14 have no issues with doing it.

15 MR. WERSTED: I don't think it's
16 necessary. As you come around from CVS,
17 the big tall freestanding sign is there.
18 You can see the building, you can see the
19 driveway. It's all self-evident.

20 My other question would be just to
21 verify the corner radius as you come
22 around from that right turn, that a truck
23 pulling through there -- it looks like
24 the radius is getting a little smaller on
25 that corner. I can certainly point it

1 Newburgh Chicken

2 out to you as a sidebar.

3 MR. BERSCH: At the intersection?

4 MR. WERSTED: Correct. Just with
5 the truck using that right-turn lane, its
6 trailer just off tracking, I wouldn't
7 want to see it jump the curb every time
8 that happens.

9 MR. BERSCH: Understood.

10 MR. WERSTED: Outside of that, that
11 was all of our comments.

12 CHAIRMAN EWASUTYN: Pat Hines with
13 MH&E.

14 MR. HINES: The applicant has
15 addressed the majority of our previous
16 comments. We have some minor technical
17 comments on the stormwater pollution
18 prevention plan, which I know they've
19 identified they can address.

20 The project received a review
21 letter from the County back in January of
22 '23 with advisory comments. I'm skipping
23 over the technical stormwater ones.

24 A stormwater facilities maintenance
25 agreement will be required.

1 Newburgh Chicken

2 Security for landscaping and
3 stormwater as well as inspection fees for
4 those.

5 A DOT work permit will be required
6 prior to building permit. Any change --
7 any substantive change that comes out of
8 that process, I don't anticipate any,
9 it's been reviewed and reviewed, would
10 have to come back here. Hopefully there
11 will be no changes.

12 Response to consultants' comments
13 are required.

14 They have documented compliance
15 with the Tree Preservation law. There
16 are very few trees to be removed on the
17 site, some of those which were previous
18 landscape trees.

19 There are some technical comments
20 on the water supply line that has been
21 addressed.

22 With the exception of those
23 stormwater comments, the majority have
24 been addressed. Those other ones can be
25 conditions of approval, as was mentioned.

1 Newburgh Chicken

2 CHAIRMAN EWASUTYN: One further
3 question. The mechanical units will be
4 on the ground?

5 MR. BERSCH: They'll be on the
6 roof.

7 CHAIRMAN EWASUTYN: They won't be
8 visible?

9 MR. BERSCH: Correct.

10 MR. DOMINICK: I have a question.

11 CHAIRMAN EWASUTYN: Okay.

12 MR. DOMINICK: Matt, one further
13 question. Just to clarify what Ken said,
14 on the 52 exit sign you will have a no
15 left turn or right turn only sign? I
16 don't see it here.

17 MR. BERSCH: If we don't show one
18 already, we would be more than happy to
19 add it. I think it clarifies it.

20 MR. DOMINICK: Even though you have
21 that pork chop, I think you need some
22 type of signage.

23 MR. WERSTED: As part of the
24 detailed DOT review and approval process,
25 that sign will be put in there as part of

1 Newburgh Chicken

2 that. We don't want people coming up
3 Route 52 and trying to turn left,
4 stopping two or three car spaces away
5 from the light.

6 MR. DOMINICK: Thank you.

7 CHAIRMAN EWASUTYN: If there are no
8 further questions or comments from the
9 public, would someone move for a motion
10 to close the public hearing on the site
11 plan and ARB for Newburgh Chicken,
12 project number 23-17.

13 MR. WARD: So moved.

14 MS. DeLUCA: Second.

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

19 MR. DOMINICK: Aye.

20 MS. DeLUCA: Aye.

21 MR. MENNERICH: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MR. BROWNE: Aye.

24 MS. CARVER: Aye.

25 MR. WARD: Aye.

1 Newburgh Chicken

2 CHAIRMAN EWASUTYN: Sarah from
3 Drake Loeb and Pat Hines, can you give us
4 the conditions of approval.

5 MR. HINES: Sure. I'll touch on
6 those initially. The project is a Type 2
7 action, as was mentioned and previously
8 declared. No SEQRA review is needed.
9 That closes out upon that. It's a less
10 than 4,000 square foot commercial
11 structure.

12 The first comment typically is
13 compliance with all outstanding
14 consultant comments.

15 The stormwater facilities
16 maintenance agreement will be required.

17 Security for landscaping and
18 stormwater as well as inspection fees for
19 each.

20 A DOT highway work permit prior to
21 building permit.

22 Any substantive change would have
23 to come back.

24 Your ARB standard approval language
25 should be included.

1 Newburgh Chicken

2 That's all we have.

3 CHAIRMAN EWASUTYN: Sarah Wilson
4 from Drake Loeb.

5 MS. WILSON: Thank you, Chair. I
6 think Pat covered the majority of
7 everything as far as specific conditions.

8 The only additions would be general
9 conditions, including submitting all
10 necessary copies of plans to be signed
11 which will not be done until the Engineer
12 has reported to the Chair that all
13 conditions have been satisfied, along
14 with proof that all fees in regards to
15 the project have been fully paid, and
16 proof of same with regard to compliance
17 as to any public improvement, erosion
18 control, landscaping inspection fees,
19 et cetera.

20 Approval of the site plan shall
21 be valid for two years. If no permit
22 has been issued, the plan must be
23 resubmitted. Of course the Board can
24 consider an extension.

25 Those are just general conditions.

1 Newburgh Chicken

2 CHAIRMAN EWASUTYN: Thank you.

3 MR. HINES: There was one more I
4 missed. The DEC construction stormwater
5 permit has to be issued prior to stamping
6 the plans. That's kind of a procedural
7 matter.

8 CHAIRMAN EWASUTYN: Any additional
9 questions or comments from Planning Board
10 Members?

11 MR. DOMINICK: No.

12 MS. DeLUCA: No.

13 MR. MENNERICH: No.

14 MS. CARVER: No.

15 MR. WARD: No.

16 MR. BROWNE: Just a comment. It's
17 personal, but I figured I'd throw it out
18 there. I'm sorry to see the Dairy Queen
19 go, only because when my wife was
20 pregnant with our oldest daughter fifty
21 some years ago, I had to go for a
22 craving. Just so you know. Thank you.

23 CHAIRMAN EWASUTYN: Thank you for
24 that insight.

25 Having heard the conditions of

1 Newburgh Chicken

2 approval for the site plan, and this will
3 also include ARB, having heard from Sarah
4 Wilson from Drake Loeb, Pat Hines of MH&E
5 for those conditions, we've established
6 that approval, would someone move for a
7 motion.

8 MR. WARD: So moved.

9 MR. DOMINICK: Second.

10 CHAIRMAN EWASUTYN: I have a motion
11 by John Ward. I have a second by Dave
12 Dominick. May I please have a roll call
13 vote starting with John Ward.

14 MR. WARD: Aye.

15 MS. CARVER: Aye.

16 MR. BROWNE: Aye.

17 CHAIRMAN EWASUTYN: Aye.

18 MR. MENNERICH: Aye.

19 MS. DeLUCA: Aye.

20 MR. DOMINICK: Aye.

21 CHAIRMAN EWASUTYN: Very good.

22 Thank you.

23 MR. WARD-WILLIS: Thank you, Mr.

24 Chairman, Members of the Board and

25 Consultants. Thank you very much. We

1 Newburgh Chicken

2 appreciate your attention.

3 If there's a craving in the future
4 for a chicken sandwich, you know where to
5 go.

6 (Time noted: 7:32 p.m.)

7

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

9

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

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

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

19 IN WITNESS WHEREOF, I have hereunto set
20 my hand this 7th day of January 2025.

21

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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

CORTLAND COMMONS CANNABIS RETAIL
(2024-27)

5440 Route 9W
Section 9; Block 1; Lot 60
B Zone

----- X

PUBLIC HEARING
SITE PLAN & SPECIAL USE PERMIT

Date: December 19, 2024
Time: 7:32 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: SARAH N. WILSON, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVES: BRANDON PETRELLA
RAMAN SINGH

----- X

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

1 Cortland Commons Cannabis Retail

2 CHAIRMAN EWASUTYN: The second item
3 of business this evening is Cortland
4 Commons Cannabis Retail. It's project
5 number 24-27. It's a public hearing on a
6 site plan and a special use permit. The
7 project is located on Route 9W in a B
8 Zone. It's being represented by Mauri
9 Architects.

10 Mr. Mennerich will read the notice
11 of hearing.

12 MR. MENNERICH: "Notice of Hearing.
13 Town of Newburgh Planning Board. Please
14 take notice that the Planning Board of
15 the Town of Newburgh, Orange County,
16 New York will hold a public hearing
17 pursuant to Section 274-A of the
18 New York State Town Law and Chapter
19 185-48.9 of the Town of Newburgh Code
20 on the application of Cortland Commons
21 Retail Cannabis Dispensary site plan/
22 special use permit, project 2024-27.
23 The project proposes a retail cannabis
24 dispensary as a special use under the
25 Town Code. The project proposes to

1 C o r t l a n d C o m m o n s C a n n a b i s R e t a i l

2 occupy the 2,305 square foot existing
3 structure at the Cortland Commons
4 project site. The former drive-up
5 window will not be utilized for the
6 project. Staff parking will be
7 provided within the drive-up window
8 aisles. The project site is an
9 existing mixed use site with no new
10 construction proposed. Cannabis
11 dispensary is a special use in the B
12 Zoning District. The project requires
13 licensing by New York State for the use
14 to be permitted. The project site is
15 connected to Town water and served by
16 an existing subsurface sanitary sewer
17 disposal system. Access to the site is
18 from New York State Route 9W and
19 Cortland Drive. The site is known on
20 Town tax maps as Section 9; Block 1;
21 Lot 60. A public hearing will be held
22 on the 19th day of December 2024 at the
23 Town Hall Meeting Room, 1496 Route 300,
24 Newburgh, New York at 7 p.m. or as soon
25 thereafter as can be heard, at which

1 C o r t l a n d C o m m o n s C a n n a b i s R e t a i l

2 time all interested persons will be
3 given an opportunity to be heard. By
4 order of the Town of Newburgh Planning
5 Board. John P. Ewasutyn, Chairman,
6 Planning Board Town of Newburgh. Dated
7 22 November 2024."

8 CHAIRMAN EWASUTYN: Thank you,
9 Mr. Mennerich.

10 MR. PETRELLA: My name is Brandon
11 Petrella with Mauri Architects. I'm here
12 representing the ownership group for
13 Stellar Dispensaries. They'll be the
14 tenant in what we call building B which
15 is the smaller building of an existing
16 retail plaza.

17 Everything is pretty new construction.
18 Most people that are here are probably
19 familiar with it. There are a lot of
20 vacant tenancies. A liquor store
21 recently moved in.

22 It's located at 5440 U.S. Route
23 9W which is here at the top of the
24 page. The building that we're talking
25 about is here. As was mentioned by a

1 C o r t l a n d C o m m o n s C a n n a b i s R e t a i l

2 Board Member, it is the existing drive-
3 through building which was originally
4 proposed to be a food service building.
5 It is no longer going to be a food
6 service building. It is now proposed
7 to be a cannabis dispensary. The
8 drive-through, as noted, will not be
9 used.

10 There are no substantial --
11 there are no changes to the building
12 itself besides signage. There are no
13 changes to the site plan itself besides
14 the fact that the drive-through will
15 not be utilized. In fact, the drive-
16 through lanes will be utilized for
17 employee parking only.

18 The exterior of the building, as
19 I mentioned, will not change.

20 There are some signs that are
21 going to be added. That would be it.
22 Stellar Cannabis signs will occur.
23 There will be signs on the U.S. Route
24 9W side. Here is the front of the
25 building. There will be a small sign

1 C o r t l a n d C o m m o n s C a n n a b i s R e t a i l

2 located on the gable end. On the
3 Cortland side there's a sign across the
4 building and a small symbol up in the
5 gable end. All of these signs are in
6 compliance with the Town's sign
7 regulations.

8 As far as the actual operation of
9 the dispensary, one thing that's
10 imperative to note is there's no use
11 permitted on the site. Absolutely
12 none. This is retail. You come in,
13 you purchase, you leave. It has a
14 secured entrance. It's a vestibule.
15 You come in, your ID is checked, you're
16 walked to an area with displays only.
17 The actual merchandise is not within
18 that display that a person can view.
19 Retail merchandise is actually stored
20 in the back. You go to a POS station,
21 you tell the person what you want to
22 purchase after you've been pre-approved
23 as a person who is of age and can
24 legally purchase. You then buy your
25 product, they go to the back, they

1 Cortland Commons Cannabis Retail

2 that you pointed out?

3 MR. PETRELLA: This is an S for
4 Stellar. There's a small star.

5 MR. MENNERICH: Thank you.

6 CHAIRMAN EWASUTYN: No comment.

7 Cliff Browne.

8 MR. BROWNE: Just for the record,
9 to put it out there, all the waste is
10 controlled on these sites by governmental
11 agencies. That all strictly has to be
12 adhered to. It's monitored by the
13 agencies involved.

14 MR. PETRELLA: Thank you for that
15 comment. Actually, there's one thing I
16 would like to point out. As was said,
17 New York State strictly licenses
18 dispensaries. The dispensary doesn't
19 grow its own product. There's a whole
20 separate licensing distribution through
21 New York State that can only distribute
22 in bulk to this location. That's a
23 separate license that this owner does not
24 get himself involved in. There's a
25 production license which is a third

1 C o r t l a n d C o m m o n s C a n n a b i s R e t a i l

2 license. The ownership group leasing
3 this facility already has in hand their
4 New York State license.

5 As was mentioned, the transaction
6 and how product moves is all tightly
7 secured from the facility all the way
8 down to the actual sale point.

9 MR. BROWNE: Another point with the
10 licensing. If the store stops using
11 whatever, the license is taken away?

12 MR. PETRELLA: If you stop, I'm
13 sorry, using --

14 MR. BROWNE: If the facility closes
15 down, the license automatically --

16 MR. PETRELLA: Yeah. This license
17 is specifically for them in this
18 location. Another person can't come in
19 and use their license. The license is
20 combined for both of those two things.

21 MR. BROWNE: I just wanted that for
22 the public, to make sure they understood
23 that.

24 MR. PETRELLA: Great point.

25 MS. CARVER: No comment.

1 Cortland Commons Cannabis Retail

2 MR. WARD: Were there any changes
3 to the lighting?

4 MR. PETRELLA: There are absolutely
5 no changes in the lighting. The side
6 lighting will remain exactly the same.

7 MR. WARD: Thank you.

8 MR. DOMINICK: Brandon, can you
9 just explain to the public what happens
10 to damaged product in that process, the
11 secured dumpster?

12 MR. PETRELLA: I will let the owner
13 describe that, because I don't know the
14 exact process of how that occurs.

15 Is that something maybe you can
16 real quick, Raman, just explain what
17 happens?

18 MR. SINGH: I'm Raman Singh.

19 CHAIRMAN EWASUTYN: Can you spell
20 it for the Stenographer.

21 MR. SINGH: R-A-M-A-N S-I-N-G-H.

22 So New York State has their own way
23 of keeping a locked facility -- a locked
24 box in the vault of the facility for any
25 damaged products. It's called a

1 Cortland Commons Cannabis Retail

2 quarantine box. An OCM agent, cannabis
3 agent of New York comes in and makes sure
4 it's disposed of properly. Everything is
5 super regulated. Everything is fully
6 regulated to the New York State level.
7 If you mess up, New York State will take
8 the license away. Every damaged product
9 is accounted for, it's taken, it's
10 tracked, all that.

11 MS. DeLUCA: I have a question.
12 I'm just curious. Are your employees
13 also trained specifically for this?

14 MR. SINGH: Yes. Each employee has
15 their own card access for each point of
16 the facility. Even the vault access is
17 only allowed by certain inventory
18 managers.

19 MS. DeLUCA: Do they go through a
20 process of training?

21 MR. SINGH: Yeah. We have our own
22 online one. New York State provides
23 training, too, that we have to provide.
24 You have to teach. They're not allowed
25 to touch product. It takes about a

1 Cortland Commons Cannabis Retail

2 two-week process for them to get cleared
3 and everything.

4 CHAIRMAN EWASUTYN: Any additional
5 questions or comments from the Board?

6 MR. WARD: Are there background
7 checks?

8 MR. SINGH: Yes. They get
9 fingerprinted.

10 MR. WARD: Thank you.

11 CHAIRMAN EWASUTYN: At this point
12 we'll open the meeting up to the public.
13 Like Mr. Mennerich said earlier, if you
14 have any questions or comments, please
15 raise your hand and give your name.

16 (No response.)

17 CHAIRMAN EWASUTYN: Let the record
18 show that there has been no public
19 comment on Cortland Commons Cannabis
20 Retail Dispensary.

21 At this point we'll turn the
22 meeting over to Ken Wersted. Do you have
23 anything to add to this?

24 MR. WERSTED: When the wine and
25 liquor store went in, they put up some

1 C o r t l a n d C o m m o n s C a n n a b i s R e t a i l

2 pretty bright red and yellow signs out in
3 front of the site in pretty stark
4 contrast to the existing architecture
5 there. Is there any plan for this
6 facility to have any signage out near the
7 road or is it all contained on the
8 building?

9 MR. SINGH: It will be the hours.
10 We were planning to put a wooden sign
11 with the hours in the front just so
12 people could see clearly when we're open
13 and closed. Other than that, an open now
14 store sign for a few weeks. Once it's
15 done we'll take it down. Just that.

16 MR. PETRELLA: We'll look at that
17 with the Town and the Town's Code before
18 we post anything. I know they have
19 regulations for temporary signs, the open
20 sign. If there is something that we're
21 proposing that we want outside of the
22 building, we'll look at the Town Code and
23 make sure that that's approved before
24 anything is put up.

25 CHAIRMAN EWASUTYN: Pat Hines with

1 Cortland Commons Cannabis Retail

2 MH&E.

3 MR. HINES: This is a special use
4 under the Town Code, which is why it's
5 here for a public hearing, which is
6 required.

7 Our previous comments have been
8 addressed.

9 The five items in the Cannabis Use
10 Code have been addressed on the plan by
11 notes, including lighting, security, the
12 disposal of product, no outdoor signs and
13 no signage that reflects the product to
14 be sold on the site.

15 Otherwise it's here for ARB
16 approval. The Board is looking at that
17 signage. The structure is existing, so
18 you know what that looks like.

19 Is that the purple color that's
20 going to be proposed?

21 MR. PETRELLA: That's what they're
22 proposing.

23 MR. HINES: It is here for ARB as
24 well as special use site plan.

25 CHAIRMAN EWASUTYN: Any additional

1 C o r t l a n d C o m m o n s C a n n a b i s R e t a i l

2 questions or comments from Board Members?

3 (No response.)

4 CHAIRMAN EWASUTYN: Would someone
5 move for a motion to close the public
6 hearing on Cortland Commons Cannabis
7 Retail, project number 24-27.

8 MR. MENNERICH: So moved.

9 MS. CARVER: Second.

10 CHAIRMAN EWASUTYN: I have a motion
11 by Ken Mennerich. I have a second by
12 Lisa Carver. Can I have a roll call vote
13 starting with Dave Dominick.

14 MR. DOMINICK: Aye.

15 MS. DeLUCA: Aye.

16 MR. MENNERICH: Aye.

17 CHAIRMAN EWASUTYN: Aye.

18 MR. BROWNE: Aye.

19 MS. CARVER: Aye.

20 MR. WARD: Aye.

21 CHAIRMAN EWASUTYN: Sarah Wilson
22 with Drake Loeb, Planning Board Attorney,
23 can you give us conditions of approval
24 for the site plan, special use permit and
25 ARB approval.

1 Cortland Commons Cannabis Retail

2 MS. WILSON: I can, Chair. Before
3 I give the conditions, and this may be
4 included in one of them, but to touch on
5 Member Browne's inquiry about the
6 license, just for clarification, if the
7 license lapses, the permit does, too.
8 I'm sure the Board is familiar. I'm new
9 to you, so just to make sure that that is
10 known.

11 With regard to conditions of
12 approval, it would be the standard
13 conditions as required by the Engineer,
14 anything that is outstanding with regard
15 to Pat Hines' comments to the applicant.

16 With regard to the ARB approval,
17 again the sign is subject to review.
18 There are no changes to the architecture.

19 Then the limit of the use. It's
20 approval for a cannabis retail dispensary
21 allowing for the commercial sale of
22 cannabis products at the existing
23 commercial building identified herein.

24 For clarification, all sections and
25 subsections of Town Code 185-48.9 must be

1 Cortland Commons Cannabis Retail

2 adhered to and would be included as
3 conditions of the approval.

4 CHAIRMAN EWASUTYN: Pat Hines with
5 MH&E, do you have anything to add?

6 MR. HINES: Nothing additional.

7 CHAIRMAN EWASUTYN: Having heard
8 the conditions of approval by Sarah
9 Wilson, Drake Loeb, Attorney for the
10 Planning Board, would someone move for a
11 motion to grant conditional approval for
12 Cortland Commons Cannabis Retail
13 Dispensary for the site plan, special use
14 permit and ARB approval subject to the
15 presentation by Sarah Wilson.

16 MR. MENNERICH: So moved.

17 CHAIRMAN EWASUTYN: I have a motion
18 by Ken Mennerich.

19 MS. CARVER: Second.

20 CHAIRMAN EWASUTYN: I have a second
21 by Lisa Carver. Can I have a roll call
22 vote starting with Dave Dominick.

23 MR. DOMINICK: Aye.

24 MS. DeLUCA: Aye.

25 MR. MENNERICH: Aye.

1 Cortland Commons Cannabis Retail

2 CHAIRMAN EWASUTYN: Aye.

3 MR. BROWNE: Aye.

4 MS. CARVER: Aye.

5 MR. WARD: Aye.

6 CHAIRMAN EWASUTYN: Thank you.

7 MR. PETRELLA: Thank you very much.

8 Have a wonderful holiday.

9

10 (Time noted: 7:46 p.m.)

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1 Cortland Commons Cannabis Retail

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

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 7th day of January 2025.

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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

DRURY HEIGHTS (a/k/a AERIE PRESERVE)
(1994-91)

Drury Lane
Section 89; Block 1; Lots 6 & 4.1
R-3 Zone

----- X

TRAFFIC STUDY
AMENDED APPROVAL

Date: December 19, 2024
Time: 7:46 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: SARAH N. WILSON, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: BRIAN BROOKER

----- X

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

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 CHAIRMAN EWASUTYN: Our third
3 item this evening is Drury Heights
4 a/k/a Aerie Preserve, project number
5 94-91, located on Drury Lane in an
6 R-3 Zone. It's being represented by
7 Brooker Engineering. It's here for a
8 traffic study - amended approval

9 MR. BROOKER: Yes.

10 CHAIRMAN EWASUTYN: It's being
11 represented by Brian Brooker.

12 MR. BROOKER: I'm Brian Brooker
13 from Brooker Engineering, a Weston &
14 Sampson Company.

15 Just a little history. I know that
16 this request was put in a few months ago.
17 It was explained that as part of the
18 approval of this 100-lot subdivision,
19 there was a point at which something like
20 50 lots, that we'd come back to the Board
21 to discuss whether there's a need for a
22 traffic left-turn lanes at the corner of
23 South Drury Lane and North Drury Lane and
24 17K. We're about to reach that mark. I
25 think we're at 39 lots right now.

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 We're here to process this
3 condition of the approval that we had and
4 to determine whether or not these
5 improvements would be required. We did
6 commission a new traffic study.

7 By the way, the project started in
8 2004. Route 747 was not built at the
9 time, which is why everything was
10 projected as to what could happen on
11 Route 17K. Nobody really knew for sure.
12 Nobody knew we were going to take until
13 2024 to actually build it. It has to do
14 with economics. Here we are.

15 We commissioned a study from Harry
16 Baker, submitted it to this Board and
17 presented it maybe two or three months
18 ago. It was then referred to Creighton
19 Manning, to Ken Wersted for comments. I
20 received his letter which seems to be
21 agreeing with the traffic study, that
22 it's not recommended to make the
23 left-turn lanes at this time.

24 We also have a letter from McGoey
25 Hauser, from Patrick Hines, with regard

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 to we do have an obligation to do a fair
3 share contribution to the Rock Cut Road
4 intersection. That is not under this
5 request. That's still in effect. We are
6 looking for a determination.

7 CHAIRMAN EWASUTYN: Ken Wersted
8 with Creighton Manning, Traffic
9 Consultant.

10 MR. WERSTED: Thank you. We
11 reviewed the report submitted by Harry
12 Baker. In that report he updated the
13 traffic volumes through that intersection
14 and analyzed the intersection, projecting
15 out the build out of the project. He
16 identified the east and westbound
17 left-turn movements on 17K going into
18 Drury Lane South and North would operate
19 at level of service A during the a.m. and
20 p.m. peak hours. He also compared those
21 traffic volumes to kind of industry
22 standard warrants. It is quite easy to
23 meet those warrants.

24 For this meeting in itself, it
25 would have warranted a left-turn lane out

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 in front of Town Hall because of how many
3 people showed up and drove in here.

4 The concern I have at this
5 particular location is that Drury Lane
6 South and Drury Lane North are slightly
7 offset from each other. If a left-turn
8 lane were developed through there, lefts
9 going in opposite directions would
10 compete with each other in the same
11 space. Normally if the side streets are
12 aligned opposite each other, two people
13 can turn left without encroaching on each
14 other. The way these roads are
15 configured, those vehicles would have to
16 yield to one or the other through there.

17 Based on that, I was in general
18 agreement that the left-turn lane
19 wouldn't be necessary under these
20 conditions and under the overall smaller
21 development that the applicant is
22 proposing from what was originally
23 proposed probably fifteen, twenty years
24 ago.

25 MR. BROOKER: In 2004 when this was

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 originally reviewed for traffic, there
3 were 140 lots. There's currently only
4 100. 40 lots were removed from the
5 project.

6 CHAIRMAN EWASUTYN: Thank you.

7 Pat Hines with MH&E.

8 MR. HINES: I wanted to clarify
9 something that Mr. Brooker said. It
10 wasn't the return back here. The actual
11 resolution said the developer will be
12 responsible for 17K. I think the change
13 in circumstances is that 747 has been
14 constructed. There's now a full
15 signalized intersection there that
16 provides additional gaps as well as Ken's
17 review. I think they are here looking
18 for relief from that requirement rather
19 than to discuss whether or not it's
20 needed.

21 We did have a conversation during
22 the work session. As you mentioned, Mr.
23 Brooker, there is a fair share
24 contribution towards the Rock Cut
25 Road/17K interchange. Some of the Board

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 Members suggested that maybe the work
3 that was going to be required at Drury
4 Lane and 17K possibly could be
5 reallocated towards actually doing that
6 right-turn lane at Rock Cut and 17K.
7 That was discussed as well. I'll throw
8 that out there for the Board. I don't
9 know if you want to discuss that as well.

10 MR. BROOKER: It's up to the Town
11 to determine the fair share amount.
12 That's what my understanding is.

13 MR. HINES: Right. So that
14 remains, but I think the Board discussed
15 what's the difference in whether or not
16 the left-turn lanes are required and
17 could that requirement and the expenses
18 for that be reallocated to actually
19 complete the right-turn lane at Rock Cut
20 Road rather than having fair share
21 contributions that probably never reach
22 the limit where the work would get done.
23 We collect fair share contributions, and
24 as those contributions go in, the cost
25 escalates and we end up having money in a

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 bank that doesn't get the project done.
3 There was some discussion at work session
4 with the Board that maybe they can get
5 that project done by giving you relief on
6 the 17K widening and taking that cost
7 towards the right-turn lane rather than
8 coming up with a fair share. I know that
9 was the discussion of the Board.

10 MR. BROOKER: I'm not sure what
11 that would involve. We can discuss that.
12 We've been working along with the Town
13 the whole time. We can continue to work
14 along with the Town on that.

15 CHAIRMAN EWASUTYN: Comments from
16 Board Members. Dave Dominick.

17 MR. DOMINICK: As you see, Mr.
18 Brooker, a lot has changed since 2004 in
19 your area, that project.

20 I agree with Pat's comments that
21 giving you relief on the initial proposal
22 of those two lanes and seeing your
23 efforts focused on Rock Cut Road and the
24 right turn would be the ideal solution
25 for this.

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 MR. BROOKER: Okay.

3 CHAIRMAN EWASUTYN: Stephanie
4 DeLuca.

5 MS. DeLUCA: No further comment.

6 MR. MENNERICH: I agree.

7 CHAIRMAN EWASUTYN: I'm in
8 agreement.

9 MR. BROWNE: I am also. I raised
10 the question we're discussing about from
11 a cost estimate, just a ballpark. It was
12 kind of thought that doing this other
13 thing would be one heck of a lot less
14 cost than if we left the other project in
15 place there. We're kind of discussing
16 it.

17 MR. BROOKER: Okay.

18 MR. BROWNE: Consideration.

19 CHAIRMAN EWASUTYN: Lisa Carver.

20 MS. CARVER: I agree. It would
21 make sense to just get that done.

22 MR. BROOKER: I don't know how
23 close it is to getting it done. I know
24 it's been collected over quite a number
25 of years now. I don't know where the

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 budget is on that.

3 MR. HINES: I don't know that we've
4 ever collected from a developer on that
5 one. We have other intersections that
6 have some commitments. That's where that
7 thought came from, that we're never going
8 to collect enough money to finish that
9 improvement. I don't know that we have
10 any other projects that have funded or
11 made a contribution to Rock Cut Road.
12 Certainly there are some in the wings.
13 There's a QuickChek proposed down the
14 road that hasn't been before the Board in
15 a while. It came up at the work session,
16 so I think it warrants the discussion.

17 MR. BROOKER: Since then there was
18 the Dunkin Donuts that was built and --

19 MR. HINES: That's in Montgomery.
20 I don't know what Montgomery did.

21 MR. BROOKER: The gas station and
22 Dunkin Donuts were new since then.

23 MR. HINES: Both of which are in
24 the Town of Montgomery.

25 MR. BROOKER: I realize that.

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 on the corner. It may have been up there
3 for ten years and maybe another ten
4 before someone comes forward.

5 MR. BROOKER: Are you talking about
6 the one at Rock Cut Road?

7 MR. WERSTED: I believe so.

8 CHAIRMAN EWASUTYN: John Ward.

9 MR. WARD: I basically think it's a
10 win-win situation on your end because
11 you're building, you're meeting your
12 quota, and at the same time it warrants a
13 right-turn lane there. Now is the time
14 to really do it. It will save money in
15 the long run on your end. Thank you.

16 CHAIRMAN EWASUTYN: I'm not quite
17 clear what we're saying. What is the
18 trigger for this improvement, so we're
19 clear on that? When do they start? Once
20 there's an agreement, when will they
21 start the improvement on Rock Cut Road?

22 Rock Cut Road is a County road, so
23 the County is involved with this, I'm
24 assuming, along with the DOT, or is the
25 agency just the County? I'm not quite

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 sure.

3 MR. HINES: It would be both.

4 CHAIRMAN EWASUTYN: Both agencies.

5 So we have two agencies that are
6 involved, which we just discussed.

7 What will then be the trigger
8 mechanism to begin construction of this?

9 MR. HINES: It would be open for
10 discussion, but currently the left-turn
11 lanes at what was South Drury Lane and
12 North Drury Lane is the fifty-percent
13 occupancy of the site.

14 CHAIRMAN EWASUTYN: Ken Wersted,
15 your input on this? I think we have to
16 define this in the amended resolution
17 that we're going to be doing.

18 Sarah Wilson, what is it called?

19 MS. WILSON: The amended
20 subdivision approval is what the Board is
21 here to consider with regard to the
22 traffic study. There would be a lot of
23 changes. I mean, we discussed
24 modifications. I think the applicant is
25 here specifically to seek relief from one

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 requirement given that the fifty percent
3 is on the horizon and you don't want to
4 be out of compliance with the agreement.
5 Now we're considering if you don't comply
6 with this, how about if you do the other
7 thing that you have to do. It would be a
8 substantial change to the amended
9 subdivision approval. I just don't know
10 that the Board would be well positioned
11 to do that this evening. He's going to
12 have to speak to his client. Right? I'm
13 just making sure we're all on the same
14 page.

15 CHAIRMAN EWASUTYN: I agree. So
16 the action tonight would be to offer the
17 relief on the original approval at South
18 Drury Lane and North Drury Lane, I'm
19 thinking out loud, and then also to
20 schedule a public hearing on the amended
21 subdivision. Is that --

22 MR. HINES: I think Mr. Brooker
23 needs some time to take in what was just
24 presented to him.

25 MR. BROOKER: Yeah, I do.

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 MR. HINES: Understood.

3 MR. BROOKER: There's going to be a
4 public hearing for that?

5 MR. HINES: We're looking at an
6 amended subdivision resolution. I'll
7 defer to Counsel on that. It may be
8 required. I don't know that we're in a
9 position to do that tonight, having
10 presented the work session discussion to
11 you.

12 MR. BROOKER: I need to figure out
13 a little bit about it, it seems to me,
14 with that being something I haven't
15 really considered. We were going to give
16 a fair share, which we can do with money,
17 but to actually build something, that
18 could take some time. We need to
19 consider when that would happen and how
20 that would -- where we'd be in the
21 project at the time. Sometimes DOT
22 doesn't approve things, like, instantly
23 when you present them, so --

24 MR. HINES: Sure. Oftentimes those
25 improvements are secured in that process.

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 MR. BROOKER: Yeah. We have to do
3 a design just to figure out what we have
4 to do. That's another issue.

5 MR. WERSTED: I think that would
6 also be part of the amended resolution,
7 obviously the change in conditions, but
8 also right now it's required at fifty
9 percent. The Board would have to
10 consider some relief to say maybe sixty
11 percent or seventy-five percent.

12 MR. BROOKER: That I think would be
13 a fair thing to say because that would
14 make the time necessary and the funds
15 necessary to do it, to get that in place,
16 and the planning. I think the planning
17 is going to be longer than you think.

18 MR. WERSTED: Does the Board feel
19 comfortable receiving a proposal back
20 from Mr. Brooker relative to --

21 CHAIRMAN EWASUTYN: Without a
22 doubt. He's a licensed PE. I know what
23 you're saying. That conversation and
24 those drawings would be something that
25 you would be looking at along with Pat

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 Hines and Mr. Brooker and then advising
3 the Planning Board. Correct?

4 MR. WERSTED: Yes.

5 CHAIRMAN EWASUTYN: I'm still not
6 clear as to any direction that we're
7 taking this evening.

8 MR. HINES: I don't think we're
9 taking any direction tonight. I think
10 we're --

11 CHAIRMAN EWASUTYN: Sarah Wilson,
12 are you in agreement?

13 MS. WILSON: I would agree, Chair,
14 if the applicant is receptive to
15 continuing the discussion of pursuing a
16 solution and a resolution that would
17 address all the aspects of that
18 particular paragraph. If they're going
19 to be relieved from performing one
20 action, but that's going to modify the
21 second part of the paragraph, I think the
22 conversation can continue. He can revise
23 the proposal, he can speak to Pat and
24 Ken, and then it can be addressed all
25 together, or you may reject it and say

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 I'm only interested in dealing with the
3 left-turn lane. If that's what you come
4 back with, then I would say you proceed
5 with trying to amend the resolution for
6 that one very specific issue and then
7 schedule the public hearing.

8 CHAIRMAN EWASUTYN: Would it be
9 appropriate to schedule this for a
10 consultants' work session, the first work
11 session meeting in January, to give you
12 an idea, Brian, to sort of digest all of
13 this?

14 MR. BROOKER: Yeah, I think that
15 would be appropriate. We're going to
16 approach the 50-lot count fast.

17 The thing that interests me is
18 what's going on with the right-of-way?
19 We could build things, but we have to
20 have the property to do it. That might
21 need assistance. We don't have the right
22 of eminent domain. You guys have the
23 right of eminent domain.

24 MR. HINES: I don't know on a State
25 or County road, but I understand.

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 MR. BROOKER: All I'm saying is
3 that's -- I don't know the answer to
4 that.

5 MR. HINES: Understanding that
6 you're here before us working with us, I
7 don't know -- that fifty percent, we can
8 work with you on that in this process.

9 The work session would be January
10 28th, which is the fourth Tuesday.

11 MR. BROOKER: Okay.

12 CHAIRMAN EWASUTYN: You'll be in
13 town, or someone will?

14 MR. BROOKER: Yes.

15 CHAIRMAN EWASUTYN: Okay.

16 MR. BROOKER: Very good.

17 CHAIRMAN EWASUTYN: Any additional
18 questions or comments from the Board?

19 MR. DOMINICK: I'm glad we went
20 this route, because I don't feel
21 comfortable tonight relieving them of the
22 obligation without an alternative. I
23 think this is the proper way to go right
24 now. It gives the applicant time to
25 think about their course of action and

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 options and come back to us at the work
3 session.

4 CHAIRMAN EWASUTYN: Any other input
5 from Board Members?

6 (No response.)

7 CHAIRMAN EWASUTYN: Would someone
8 move for a motion to set Drury Heights
9 a/k/a Aerie Preserve, project number
10 94-91, for a consultants' work session --
11 is that the 28th?

12 MR. HINES: Yes.

13 CHAIRMAN EWASUTYN: On the 28th of
14 January 2025.

15 MS. CARVER: So moved.

16 MR. MENNERICH: Second.

17 CHAIRMAN EWASUTYN: I have a motion
18 by Lisa Carver. I have a second by Ken
19 Mennerich. Can I have a roll call vote
20 starting with Dave Dominick.

21 MR. DOMINICK: Aye.

22 MS. DeLUCA: Aye.

23 MR. MENNERICH: Aye.

24 CHAIRMAN EWASUTYN: Aye.

25 MR. BROWNE: Aye.

1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

2 M S . C A R V E R : A y e .

3 M R . W A R D : A y e .

4 M R . H I N E S : T h a t ' s a t 1 p . m . i n
5 t h i s r o o m .

6 M R . B R O O K E R : O n t h e 2 8 t h ?

7 M R . H I N E S : T h e 2 8 t h a t 1 p . m .

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9 (T i m e n o t e d : 8 : 0 5 p . m .)

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1 D r u r y H e i g h t s (A e r i e P r e s e r v e)

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

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5

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 7th day of January 2025.

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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 ELITE STORAGE
(2024-12)

7 Paffendorf Drive
Section 34; Block 2; Lot 34
IB Zone

----- X

SITE PLAN

Date: December 19, 2024
Time: 8:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: SARAH N. WILSON, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVES: JOHN QUEENAN
CHARLES BAZYDLO

----- X

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

1 Newburgh Elite Storage

2 CHAIRMAN EWASUTYN: The fourth item
3 of business this evening is Newburgh
4 Elite Storage, project number 24-12.
5 It's a site plan located on Paffendorf
6 Drive. It's in an IB Zone. It's being
7 represented by Lanc & Tully.

8 MR. QUEENAN: John Queenan with
9 Lanc & Tully, engineer for the applicant,
10 along with Charlie Bazydlo, the
11 applicant's counsel.

12 We're back before you for the
13 proposal for the Newburgh Elite Self-
14 Storage site located along Paffendorf
15 Drive. It's approximately a 9-acre
16 parcel of land.

17 We were last before the Board on
18 November 7th. We went over some details
19 with Pat, reviewed the project. The
20 Board at that time authorized submission
21 for the GML once Pat Hines' office
22 received the SWPPP. I can say the SWPPP
23 was completed. We did receive our GML, I
24 think several hours ago. We made it in
25 time.

1 Newburgh Elite Storage

2 Also since that time we've
3 addressed Pat's previous design comments,
4 we completed our wetland mitigation
5 plans. We've done a submission to the
6 Army Corp of Engineers for that. That
7 was submitted earlier this week as well.

8 We completed the tree survey for
9 the property. We identified the trees in
10 the developed area.

11 We basically just made some
12 technical design changes to the plan
13 regarding the bypass access to the
14 property to the rear, as well as placing
15 the easement for that access to the rear
16 also.

17 The stormwater management design
18 has been finalized. There are two
19 locations now to service the site as well
20 as some underground detention facilities.

21 The rest of the layout generally
22 has remained the same.

23 We did adjust the lighting levels
24 that we talked about at the last meeting
25 also. We reduced the lighting levels in

1 Newburgh Elite Storage

2 the area of the entrance. We basically
3 are supplying one pole light there to
4 keep the luminar levels a little bit
5 lower up here by the road. We're
6 handling the rest of it pretty much
7 throughout the site with building wall-
8 mounted lighting. As you get to the rear
9 of the site, we pick up some additional
10 poles. We kind of reduced that overall,
11 tried to eliminate that commercial
12 parking lot throughout the site.

13 Essentially that's where we are
14 today. We're hoping to discuss any
15 further comments from the Board and
16 proceed with the application.

17 CHAIRMAN EWASUTYN: Thank you.

18 Dave Dominick, questions.

19 MR. DOMINICK: Nothing at this
20 time.

21 CHAIRMAN EWASUTYN: Stephanie
22 DeLuca.

23 MS. DeLUCA: I have a question.
24 How close to Cronomer Park are you?

25 MR. QUEENAN: How close to the

1 Newburgh Elite Storage

2 park?

3 MS. DeLUCA: Yes.

4 MR. QUEENAN: The closest point
5 would be I guess this location here.
6 That's approximately -- it's about 170
7 feet to the property line.

8 MS. DeLUCA: Okay. Nothing
9 further.

10 MR. MENNERICH: No questions.

11 CHAIRMAN EWASUTYN: The height of
12 the poles?

13 MR. QUEENAN: Yes. They were
14 proposing 17. They've been reduced down
15 to 12.

16 CHAIRMAN EWASUTYN: Thank you.
17 That's considering the residential
18 properties in the area. That's my only
19 question.

20 MR. BROWNE: No questions.

21 MS. CARVER: No questions.

22 MR. WARD: No questions.

23 CHAIRMAN EWASUTYN: Ken Wersted
24 with Creighton Manning, Traffic
25 Consultant, do you see an impact from

1 Newburgh Elite Storage

2 this project?

3 MR. WERSTED: No, I don't. It's a
4 self-storage. It stores a lot of goods.
5 There's not a lot of people coming and
6 going from a project like this. It's
7 what we call a low-traffic generator.

8 John, will there be any signage out
9 at the intersection of Route 32?

10 MR. QUEENAN: We would propose one
11 sign out at the entrance.

12 MR. WERSTED: Okay. Thank you. I
13 don't have anything further.

14 CHAIRMAN EWASUTYN: Pat Hines with
15 MH&E.

16 MR. HINES: As was mentioned, hot
17 off the press we received the County
18 Planning referral which was required due
19 to the proximity to the County park as
20 well as the State highway. It was a
21 Local determination with some of their
22 standard recommendations.

23 An access easement has been
24 depicted. We'll need approval from
25 Dominic Cordisco's office.

1 Newburgh Elite Storage

2 Information pertaining to the
3 wetlands should be submitted for the
4 Town's file.

5 What is the status of -- did you do
6 a pre-construction notice?

7 MR. QUEENAN: We did a full
8 application to the Army Corp.

9 MR. HINES: A full application.
10 That permit will be required.

11 The standard stormwater and
12 landscaping inspection fees and security.

13 The Tree Preservation Ordinance, I
14 think we talked about needing the
15 calculation on the actual amount of
16 material to be removed. That's a minor
17 technical comment.

18 We have some comments, technical
19 comments on the stormwater pollution
20 prevention plan which can be addressed.

21 After receiving the County Planning
22 Comments, the Board would be in a
23 position to consider a SEQRA
24 determination.

25 Again, we just heard that there's

1 Newburgh Elite Storage

2 not a significant traffic impact.

3 The stormwater on the site has been
4 addressed through the stormwater
5 pollution prevention plan for both water
6 quality and quantity.

7 The site lighting has been
8 adjusted.

9 The wetland impacts are proposed to
10 be mitigated with the construction of a
11 half acre plus or minus new wetland area.

12 I think that the environmental
13 concerns regarding a potential SEQRA
14 determination are in order and the Board
15 could consider a negative declaration.

16 CHAIRMAN EWASUTYN: Sarah Wilson
17 with Drake Loeb, do you have any
18 additional questions or comments?

19 MS. WILSON: I do not, Chair.

20 I would echo Pat's comment about
21 the Board is well positioned to consider
22 a negative declaration and then whether
23 to proceed with scheduling the public
24 hearing.

25 CHAIRMAN EWASUTYN: Thank you.

1 Newburgh Elite Storage

2 Would someone move for the
3 motion --

4 MR. BROWNE: Excuse me. Were the
5 Code Compliance comments addressed?

6 CHAIRMAN EWASUTYN: No, they
7 weren't.

8 MR. BROWNE: We have a couple of
9 comments from Code Compliance. Are
10 building-mounted signs proposed?

11 MR. QUEENAN: There will be one
12 freestanding at the entrance.

13 MR. BROWNE: Apparently Code
14 Compliance needs some additional
15 information about that to be submitted to
16 them.

17 MR. QUEENAN: We'll give them
18 whatever they need.

19 MR. HINES: Signage is part of the
20 ARB process.

21 MR. BROWNE: He had another comment
22 that the retaining walls will be required
23 to obtain building permits, third-party
24 inspections. The engineers need to sign
25 off on that.

1 Newburgh Elite Storage

2 MR. QUEENAN: No problem.

3 MR. BROWNE: Thank you.

4 CHAIRMAN EWASUTYN: Thank you.

5 Would someone move for a motion to
6 declare a negative declaration on
7 Newburgh Elite Self-Storage, project
8 number 24-12.

9 MS. CARVER: So moved.

10 MR. WARD: Second.

11 CHAIRMAN EWASUTYN: I have a motion
12 by Lisa Carver. I have a second by John
13 Ward. Can I have a roll call vote
14 starting with Dave Dominick.

15 MR. DOMINICK: Aye.

16 MS. DeLUCA: Aye.

17 MR. MENNERICH: Aye.

18 CHAIRMAN EWASUTYN: Aye.

19 MR. BROWNE: Aye.

20 MS. CARVER: Aye.

21 MR. WARD: Aye.

22 CHAIRMAN EWASUTYN: Okay. With
23 site plans it's discretionary as far as
24 holding a public hearing. I'll poll the
25 Board Members to see what Members are in

1 Newburgh Elite Storage

2 favor of holding a public hearing for
3 Newburgh Elite Storage, project number
4 24-12.

5 Dave Dominick?

6 MR. DOMINICK: Yes. It's
7 surrounded by residents. I would like to
8 hear if they have any comments or concerns.

9 MS. DeLUCA: Agreed.

10 MR. MENNERICH: Agreed.

11 CHAIRMAN EWASUTYN: Agreed.

12 MR. BROWNE: Agreed.

13 MS. CARVER: Yes.

14 MR. WARD: Agreed.

15 CHAIRMAN EWASUTYN: Okay. Would
16 someone move for a motion to schedule a
17 public hearing for Newburgh Elite
18 Storage, project number 23-12. The next
19 available date for that would be the 6th
20 of February 2025.

21 MR. DOMINICK: So moved.

22 MS. DeLUCA: Second.

23 CHAIRMAN EWASUTYN: I have a motion
24 by Dave Dominick and a second by
25 Stephanie DeLuca. Can I have a roll call

1 Newburgh Elite Storage

2 vote starting with Dave Dominick.

3 MR. DOMINICK: Aye.

4 MS. DeLUCA: Aye.

5 MR. MENNERICH: Aye.

6 CHAIRMAN EWASUTYN: Aye.

7 MR. BROWNE: Aye.

8 MS. CARVER: Aye.

9 MR. WARD: Aye.

10 CHAIRMAN EWASUTYN: Motion carried.

11 John, you're familiar with working
12 with Pat Hines as far as the mailing for
13 the public hearing?

14 MR. QUEENAN: Yes.

15 Thank you very much. Happy
16 holidays. Happy new year.

17

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

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1 Newburgh Elite Storage

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

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 7th day of January 2025.

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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

FARRELL INDUSTRIAL PARK
(2023-09)

New York Route 300
Section 34; Block 2; Lot 45
IB Zone

----- X

SITE PLAN
CLEARING & GRADING

Date: December 19, 2024
Time: 8:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: SARAH N. WILSON, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVES: JOSEPH MODAFFERI
ABRAHAM POMERANTZ

----- X

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

1 F a r r e l l I n d u s t r i a l P a r k

2 CHAIRMAN EWASUTYN: Our fifth item
3 of business is Farrell Industrial Park,
4 project number 23-9. It's here before us
5 this evening as a site plan and clearing
6 and grading application. It's located on
7 Route 300 in an IB Zone. It's being
8 represented by JMC Planning.

9 MR. MODAFFERI: Good evening,
10 Chairman, Members of the Board. Joe
11 Modafferi, project manager for the
12 project with JMC. I'm here tonight with
13 Abraham Pomerantz, the representative for
14 the applicant.

15 If you recall, the last time we
16 were here we had some comments from MHE
17 Engineering related to the phasing of the
18 project and the wastewater treatment
19 plant that is now proposed in place of
20 the previously proposed septic system.

21 We made a submission to your Board
22 prior to this meeting that included some
23 fairly detailed phasing plans which
24 Mr. Hines reviewed.

25 I'm happy to report that tonight

1 F a r r e l l I n d u s t r i a l P a r k

2 there was a submission made to the DEC
3 responding to their comments related to
4 the wastewater treatment plant.

5 Tonight we're here to continue
6 the discussion related to the project
7 and, if it pleases the Board, make a
8 SEQRA determination and schedule a
9 public hearing for the project for both
10 the site plan and the clearing and
11 grading permit. We're asking for both
12 of those on this project.

13 CHAIRMAN EWASUTYN: Ken Wersted
14 with Creighton Manning who studied the
15 traffic report.

16 MR. WERSTED: We have no
17 outstanding items.

18 The project originally came in as
19 two separate buildings.

20 SEQRA was completed.

21 Every turn is a single consolidated
22 building. It gets slightly smaller, so
23 any traffic impacts from the newer
24 proposal have already been studied
25 relative to that. The applicant has been

1 F a r r e l l I n d u s t r i a l P a r k

2 working through the DOT permitting
3 process throughout the last dozen months.

4 MR. MODAFFERI: We're very close,
5 as we discussed at the last meeting, to
6 completing the stage 2 as well --

7 MR. WERSTED: Thank you.

8 MR. MODAFFERI: -- with the DOT.

9 CHAIRMAN EWASUTYN: Pat Hines with
10 MH&E Engineering.

11 MR. HINES: As was mentioned, a
12 work session was held on November 25th.
13 We went over outstanding comments as well
14 as the additional detail for the clearing
15 and grading permit.

16 Additional erosion and sediment
17 control was added.

18 A detailed phasing plan was
19 provided.

20 We discussed the timing of
21 construction of stormwater improvements
22 which have been addressed.

23 The clearing and grading permit
24 does require a public hearing under
25 Chapter 83 of the Town Code.

1 F a r r e l l I n d u s t r i a l P a r k

2 As was mentioned, this is here for
3 an amended site plan to add the sewage
4 treatment plant in lieu of the septic
5 system.

6 Additional stormwater improvements
7 in the frontage were provided.

8 I think there was one other item,
9 the clearing and grading permit. Those
10 are the three reasons why it's here.
11 Those would be incorporated into a public
12 hearing.

13 Orange County Planning submitted
14 their comments in September, so we have
15 that.

16 The surface discharge and the
17 sewage treatment plant require DEC
18 approval. I did see draft comments from
19 the DEC, which Mr. Modafferi advised a
20 submission was sent back. We would like
21 copies of that submission to keep the
22 Town's files complete as that moves
23 forward.

24 MR. MODAFFERI: Absolutely. I'll
25 forward them.

1 F a r r e l l I n d u s t r i a l P a r k

2 MR. HINES: Town Code Section
3 185-20 B requires performance security
4 for the operation and maintenance of
5 private wastewater treatment plants.
6 That will be addressed in the future.

7 Health Department for water main
8 extension is required. We discussed at
9 work session that we have no problem with
10 that being submitted to the Health
11 Department at this time as they've
12 already reviewed it once. It's an
13 amended site plan. I think there were
14 minor changes to the layout of the water
15 system in between --

16 MR. MODAFFERI: I believe so.

17 MR. HINES: -- last time and this
18 time.

19 The important part of the clearing
20 and grading here is the applicants are
21 requesting to construct the retaining
22 walls as part of the clearing and
23 grading. It would be difficult to
24 perform the clearing and grading as the
25 retaining walls are an integral part of

1 F a r r e l l I n d u s t r i a l P a r k

2 the grading plan. The Board has allowed
3 this in the past for sites that were
4 proposed to be cleared and graded that
5 required retaining walls. This site has
6 some extensive retaining walls. These
7 type of structures need large, flat areas
8 for them to be constructed on, so there
9 are retaining walls throughout the site.
10 If the Board is going to address the
11 clearing and grading, the applicant is
12 also requesting permission for those
13 retaining walls. It's important because
14 typically your clearing and grading says
15 no building permit shall issue because
16 they don't have site plan. You would
17 have to incorporate that into your
18 approval.

19 Again, we reviewed additional soil
20 erosion and sediment control. A 5-acre
21 waiver will be required prior to clearing
22 and grading. That's issued by the Town
23 Board.

24 DOT is completing its review. They
25 are revising the culvert. They have

1 F a r r e l l I n d u s t r i a l P a r k

2 provided a revised culvert crossing under
3 DOT.

4 Joe, you were going to evaluate
5 that culvert crossing north of the site.

6 MR. MODAFFERI: I drove by after we
7 had the work session and tried to find
8 it. I'm a little bit sketchy on that one
9 spot. I was dressed like this, so I
10 didn't walk across the road and look in
11 the woods or anything. It appears that
12 it is at that, I think it was a doctor's
13 office or something. I put it in the
14 e-mail.

15 MR. HINES: We'll follow up.

16 MR. MODAFFERI: As far as I can
17 tell, that's the location where it would
18 cross the road. I didn't see anything
19 specifically like a pipe crossing the
20 road. We can look into that a little
21 closer.

22 MR. HINES: They'll need additional
23 geotechnical work on the front
24 infiltration trenches.

25 Any clearing and grading permit

1 F a r r e l l I n d u s t r i a l P a r k

2 requires security and also an escrow for
3 the required MS4 inspections.

4 The project has been reviewed by
5 the Board in the past. A negative
6 declaration was issued in the past. The
7 Board would be in a position to reaffirm
8 that negative declaration if it found
9 that the addition of the surface
10 discharge, sewage treatment plant and the
11 modifications to the grading plan would
12 not have an additional significant
13 environmental impact that hasn't been
14 reviewed before. The original approval
15 had a large subsurface sanitary disposal
16 system towards the front, between the
17 building and Route 300. Removing that
18 has allowed additional vegetation to
19 remain on the site. Actually, to provide
20 some additional screening.

21 It would be appropriate for the
22 Board to reaffirm that previously issued
23 negative declaration and schedule a
24 public hearing, if it's appropriate.

25 CHAIRMAN EWASUTYN: Pat, there's

1 F a r r e l l I n d u s t r i a l P a r k

2 one other comment that you mentioned
3 during the work session as far as getting
4 a letter from the Town Board for the 5-
5 acre waiver.

6 MR. HINES: Yes. I mentioned that.
7 That can flow after the public hearing
8 and prior to -- they would need that in
9 order to get their DEC construction
10 stormwater SPDES permit. That's my
11 comment 9.

12 CHAIRMAN EWASUTYN: Can I have a
13 motion from the Planning Board to
14 reaffirm the negative declaration for
15 Farrell Industrial Park, project number
16 23-29, on the amended site plan.

17 MR. MENNERICH: So moved.

18 MR. DOMINICK: Second.

19 CHAIRMAN EWASUTYN: I have a motion
20 by Ken Mennerich. I have a second by
21 Dave Dominick. Can I have a roll call
22 vote starting with Dave Dominick.

23 MR. DOMINICK: Aye.

24 MS. DeLUCA: Aye.

25 MR. MENNERICH: Aye.

1 F a r r e l l I n d u s t r i a l P a r k

2 hearing solely for the clearing and
3 grading permit.

4 MR. MODAFFERI: That works for me,
5 if it works for the Board of course.

6 CHAIRMAN EWASUTYN: Let's walk
7 through the language.

8 Pat, are you on board with this?

9 MR. HINES: It's just difficult
10 when we have a public hearing for
11 clearing and grading, to have the public
12 not comment -- if they come, to have them
13 not comment on the site plan.

14 CHAIRMAN EWASUTYN: I don't think
15 at this point it would be a great loss
16 with this project.

17 MR. HINES: We've had several
18 public hearings on this already.

19 MR. MODAFFERI: I don't recall the
20 last time having anybody come.

21 MR. HINES: I don't think there
22 was.

23 MR. MODAFFERI: The public hearings
24 that we had, we had a public hearing with
25 the Zoning Board of Appeals when we first

1 F a r r e l l I n d u s t r i a l P a r k

2 came in with the two buildings and we
3 needed a variance because the buildings
4 were back to back with the back building
5 that was completely hidden. We needed a
6 height variance because of the loading
7 docks. That's what threw us there. At
8 that meeting we had a lot of the public
9 come out. They expressed some concerns.
10 We came back to your Board after that and
11 they didn't show up at the public hearing
12 for you.

13 MR. HINES: I recall those concerns
14 were regarding the Berry Lane access. I
15 believe the public didn't know that that
16 was a gated emergency access for
17 emergency vehicles only.

18 MR. MODAFFERI: It was intended.
19 It was explained that way. We said to
20 the Zoning Board, if it pleases the
21 Board, we'll remove it. The code
22 enforcement officer said no, you need to
23 have it. We were willing to remove it,
24 but it's required by code, so we left it
25 in.

1 F a r r e l l I n d u s t r i a l P a r k

2 MR. HINES: It is required.

3 MR. MODAFFERI: It is a gated
4 emergency access only.

5 CHAIRMAN EWASUTYN: Questions or
6 comments from Board Members as a
7 consideration that we're thinking of now
8 for Farrell Industrial Park to grant
9 conditional final approval for the site
10 plan.

11 ARB would be included in that?

12 MR. HINES: You had previously
13 issued an ARB approval.

14 MR. MODAFFERI: That was last
15 month.

16 CHAIRMAN EWASUTYN: Questions or
17 comments from Board Members?

18 MR. DOMINICK: Yes. Did the public
19 have any other concerns besides Berry
20 Lane? You said there were a few.

21 MR. MODAFFERI: Not that I recall.
22 It was Berry Lane and the fact that we
23 were asking for a variance I guess. Even
24 though it made sense because it was
25 behind the other building and you

1 F a r r e l l I n d u s t r i a l P a r k

2 couldn't see it, because it was that
3 close to a residential zone, the Chair
4 and the Board did not want to set a
5 precedent that would be read wrong or
6 whatever. That's when we came back with
7 a single building with the loading docks
8 facing to the back.

9 MS. DeLUCA: I have a question, not
10 so much regarding that. I want to
11 backtrack for a minute. For the record,
12 your sewer, is that strictly just for
13 your building?

14 MR. MODAFFERI: Correct.

15 MS. DeLUCA: Okay. All right.

16 MR. MODAFFERI: Yes.

17 MS. DeLUCA: Thank you.

18 MR. MODAFFERI: There's a treatment
19 plant on the back here that will serve
20 our building and discharge to the
21 wetland.

22 MS. DeLUCA: Okay. Thank you.

23 CHAIRMAN EWASUTYN: Any questions
24 or comments from Board Members as far as
25 granting conditional final approval for

1 F a r r e l l I n d u s t r i a l P a r k

2 the amended site plan for Farrell
3 Industrial Park?

4 MR. DOMINICK: Nothing further.

5 MS. DeLUCA: Nothing.

6 CHAIRMAN EWASUTYN: At this point
7 we'll start with Planning Board Attorney
8 Sarah Wilson and then have Pat Hines work
9 in conjunction.

10 MS. WILSON: With regard to?

11 CHAIRMAN EWASUTYN: The resolution
12 for granting conditional final approval
13 for the amended site plan for Farrell
14 Industrial Park.

15 MS. WILSON: Thank you, Chair.

16 The substance and the majority of
17 the initial approval would remain the
18 same, the only variation being the
19 modification with conditions regarding
20 the septic system changes as discussed in
21 the application and in the comments by
22 Pat Hines.

23 CHAIRMAN EWASUTYN: Pat Hines,
24 comments.

25 MR. HINES: Just to reiterate, that

1 F a r r e l l I n d u s t r i a l P a r k

2 is the change, the approval conditioned
3 on DEC's approval of the sewage treatment
4 plant and surface discharge.

5 MR. MODAFFERI: Yup.

6 MR. HINES: The 5-acre waiver, if
7 it was not mentioned previously, would be
8 required.

9 A clearing and grading permit will
10 handle the security for the clearing and
11 grading, so that will be a separate
12 approval at that point.

13 Otherwise, the conditions would be
14 the same.

15 Noting that Health Department
16 approval would also be required, but I
17 think that's in the original.

18 MR. MODAFFERI: And the Town Board
19 approval for the wastewater treatment
20 plant.

21 MR. HINES: Town Board approval for
22 security which I cited in -- 185-20 B,
23 performance security and operation and
24 maintenance.

25 CHAIRMAN EWASUTYN: Having heard

1 F a r r e l l I n d u s t r i a l P a r k

2 the conditions of approval for the
3 amended site plan for Farrell Industrial
4 Park presented by Sarah Wilson, Planning
5 Board Attorney, and Pat Hines with MH&E,
6 would someone move for that motion.

7 MR. DOMINICK: I'll make the
8 motion.

9 MS. CARVER: Second.

10 CHAIRMAN EWASUTYN: I have a motion
11 by Dave Dominick. I have a second by
12 Lisa Carver. Can I have a roll call vote
13 starting with Dave Dominick.

14 MR. DOMINICK: Aye.

15 MS. DeLUCA: Aye.

16 MR. MENNERICH: Aye.

17 CHAIRMAN EWASUTYN: Aye.

18 MR. BROWNE: Aye.

19 MS. CARVER: Aye.

20 MR. WARD: Aye.

21 CHAIRMAN EWASUTYN: Can I have a
22 motion from the Board to schedule Farrell
23 Industrial Park, project number 23-9, for
24 a clearing and grading public hearing on
25 the 16th of January.

1 F a r r e l l I n d u s t r i a l P a r k

2 MR. MENNERICH: So moved.

3 CHAIRMAN EWASUTYN: Do I have a
4 second?

5 MR. BROWNE: Second.

6 CHAIRMAN EWASUTYN: I have a second
7 by -- I have a motion by Ken Mennerich.
8 I have a second by Cliff Browne. Can I
9 have a roll call vote starting with Dave
10 Dominick.

11 MR. DOMINICK: Aye.

12 MS. DeLUCA: Aye.

13 MR. MENNERICH: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. BROWNE: Aye.

16 MS. CARVER: Aye.

17 MR. WARD: Aye.

18 CHAIRMAN EWASUTYN: There's one
19 other thing, Pat Hines, that we're going
20 to discuss. That's your re-submittal of
21 the clearing and grading plans. What is
22 important to the Planning Board is to
23 avoid having voluminous papers submitted
24 that wouldn't be appropriate for that
25 meeting. Pat.

1 F a r r e l l I n d u s t r i a l P a r k

2 MR. HINES: I think we can limit
3 the submission to the revised grading
4 plan, the stormwater management plan and
5 the erosion and sediment control sheets
6 rather than --

7 MR. MODAFFERI: I don't think we're
8 making any changes at this point. I
9 think we've addressed your technical
10 comments. I think we'll stick with what
11 we have. I didn't see anything in your
12 comments that would require a revision.

13 MR. HINES: Yup. The Board was
14 just looking to save -- you guys love
15 using those big sheets.

16 MR. MODAFFERI: Sorry. So at this
17 point, if there are any comments from the
18 public hearing and we have to resubmit to
19 you, we will limit it to those documents.

20 CHAIRMAN EWASUTYN: Thank you.

21 Any further comment?

22 MR. DOMINICK: No.

23 MS. DeLUCA: No.

24 MR. MENNERICH: No.

25 MR. BROWNE: No.

1 F a r r e l l I n d u s t r i a l P a r k

2 M S . C A R V E R : N o .

3 M R . W A R D : N o .

4 M R . M O D A F F E R I : T h a n k y o u v e r y
5 m u c h . H a p p y h o l i d a y s t o y o u a n d y o u r
6 f a m i l i e s .

7

8 (T i m e n o t e d : 8 : 3 1 p . m .)

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1 F a r r e l l I n d u s t r i a l P a r k

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

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5

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 7th day of January 2025.

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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

TILLSON CORP.
(2024-39)

North Plank Road
Section 42; Block 1; Lot 2.222
R-3 Zone

----- X

INITIAL APPEARANCE
SITE PLAN

Date: December 19, 2024
Time: 8:32 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: SARAH N. WILSON, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: NICHOLAS RUGNETTA

----- X

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

1 T i l l s o n C o r p .

2 CHAIRMAN EWASUTYN: The sixth item
3 of business is Tillson Corp., project
4 number 24-39. It's an initial appearance
5 for a site plan. It's located on North
6 Plank Road in an R-3 Zone. It's being
7 represented by Pietrzak & Pfau
8 Engineering.

9 MR. RUGNETTA: Good evening. Nick
10 Rugnetta from Pietrzak & Pfau Engineering.

11 This is the Tillson Corp site plan.
12 The property here, the project site, is
13 located on the west side of North Plank
14 Road/New York State Route 32.

15 In the rear of the site you'll see
16 there's Gidneytown Creek which runs
17 pretty much along the property line here.

18 The applicant is proposing -- let
19 me touch base on the floodplain. Due to
20 Gidneytown Creek, the floodplain does
21 come up and around here. It's a little
22 bit odd, but there is an arched culvert
23 back here which we think is what's
24 creating that floodplain boundary.

25 As far as what the applicant is

1 T i l l s o n C o r p .

2 proposing, it's a 7,200 square foot mixed
3 use building. There's storage/warehouse
4 in the rear and then retail in the front.

5 We provided parking for the retail
6 mostly.

7 The back will have various overhead
8 garage bays for the storage aspect.

9 The utility connections. There's
10 water and sewer running along Route 32
11 here, so we'll connect there.

12 The project will require a DOT
13 entrance for the driveway.

14 Really tonight we're here for a
15 referral to the Zoning Board because this
16 type of use isn't allowed in the R-3
17 Zone.

18 CHAIRMAN EWASUTYN: Comments or
19 questions from Board Members. Dave
20 Dominick.

21 MR. DOMINICK: Nick, you mentioned
22 that culvert as part of the water issue.
23 Is that culvert on your property that you
24 could remedy the situation?

25 MR. RUGNETTA: It's actually back

1 T i l l s o n C o r p .

2 here. It's slightly off the property.
3 That's owned by the County now.

4 MR. DOMINICK: Okay. Thank you.

5 MS. DeLUCA: My only concern is the
6 location of the floodplain. I'm just
7 leery about that.

8 MR. RUGNETTA: I know MHE had a
9 comment with regard to the floodplain
10 development permit which we would pursue.
11 It is odd the way this kind of carries
12 along the front of the road. We don't
13 believe this road ever floods. It does
14 run downhill. We would pursue the
15 floodplain permit with the Town.

16 CHAIRMAN EWASUTYN: Stephanie, are
17 you clear when he says apply to the Town,
18 who in the Town would be reviewing this
19 permit? Are you familiar with that,
20 Stephanie?

21 MS. DeLUCA: Not completely.

22 CHAIRMAN EWASUTYN: Ask the
23 question.

24 MS. DeLUCA: I don't know -- no, I
25 guess not.

1 T i l l s o n C o r p .

2 CHAIRMAN EWASUTYN: That's how we
3 learn, by asking questions.

4 Who issues this permit? Who do you
5 apply to for this permit?

6 MR. RUGNETTA: Pat, is that with
7 the Town?

8 MR. HINES: The Code Enforcement
9 Office is the floodplain regulator.
10 There is a permit system. The Town
11 adopted the 2009 version of the FEMA
12 floodplain model ordinance. There's a
13 process that you have to go through to
14 document that you don't cause any rise --
15 any activities don't cause a rise in the
16 flood elevation. Oftentimes Code
17 Enforcement will submit those to our
18 office to assist them with the review.
19 There's a process that goes through the
20 Code office initially. Ultimately
21 they're the regulators of the floodplain
22 through the FEMA regulations and the
23 Town's floodplain ordinance.

24 MS. DeLUCA: Thank you.

25 CHAIRMAN EWASUTYN: Is there a

1 T i l l s o n C o r p .

2 difference in elevation to the building
3 when you're in a floodplain?

4 MR. RUGNETTA: Just to be clear,
5 the floodplain is actually this area.
6 This is going to be up a little bit.
7 Really the only -- it's really just going
8 to be the access here. The floodplain
9 comes up and around. Like I said, I
10 think this area is generated because of
11 this arched culvert. If this creek ever
12 elevates over the culvert, this area will
13 flood. FEMA doesn't say this downhill
14 will.

15 CHAIRMAN EWASUTYN: Ken Mennerich,
16 any questions?

17 MR. MENNERICH: No.

18 CHAIRMAN EWASUTYN: What's the
19 benefit -- again, it's not our action.
20 What's the benefit to granting a use
21 permit?

22 MR. RUGNETTA: Well, the applicant
23 is looking to do the storage/warehouse/
24 mixed use building. He's not able to do
25 it on this property with the R-3 Zoning.

1 T i l l s o n C o r p .

2 CHAIRMAN EWASUTYN: Cliff Browne.

3 MR. BROWNE: No comment at this
4 point.

5 MS. CARVER: Nothing further.

6 CHAIRMAN EWASUTYN: John Ward.

7 MR. WARD: When you go to the ZBA,
8 you should have some type of
9 identification of what you're using it
10 for, not that you're saying I'm going to
11 have a warehouse, and then I'm going to
12 have a garage, and then I'm going to have
13 retail. They want to see exactly what
14 you're talking about. You could have
15 mechanics working in the garage in one
16 bay and then have a pizza place in the
17 front. It doesn't work that way in the
18 Town of Newburgh. Just try to get
19 straight with that.

20 MR. RUGNETTA: We will work with
21 the applicant and have a little bit
22 further direction on what he's going to
23 do for uses.

24 MR. WARD: Thank you.

25 CHAIRMAN EWASUTYN: Pat, what's the

1 T i l l s o n C o r p .

2 action before us? To have Sarah Wilson
3 prepare a referral letter to the Zoning
4 Board of Appeals?

5 MR. HINES: The Board could
6 authorize the Planning Board Attorney to
7 write a letter to the ZBA referring it
8 for a use variance.

9 There are a couple other items
10 initial. Adjoiners' notices must be sent
11 out through this Board.

12 As Mr. Ward just stated, you have a
13 couple of places where your parking
14 calculations are utilizing retail,
15 shopping center and personal service
16 while your water use identifies office/
17 warehouse. We need to clarify what that
18 use is. The ZBA will be interested in
19 that.

20 There are no bulk tables for this
21 use, so the ZBA would be setting any bulk
22 table or setbacks for the use when they
23 do that review.

24 Just a heads up. The design
25 guidelines for the Town do not allow

1 T i l l s o n C o r p .

2 parking in the front. There are often
3 ways to mitigate that through some
4 screening or landscaping. Take a look at
5 the design guidelines as you move through
6 the process regarding parking in front
7 yards.

8 We noted the floodplain and a
9 floodplain development permit.

10 You did state there's sewer. I
11 want to confirm this lot is in the sewer
12 district.

13 MR. RUGNETTA: That was included in
14 the long form. It's in the Gidney Creek
15 sewer district.

16 MR. HINES: The Town has a more
17 stringent Fire Sprinkler Code than the
18 New York State Building Code. This
19 building would be required to have
20 sprinklers as well.

21 The only action the Board could
22 take tonight would be a ZBA referral.

23 We would not recommend any SEQRA
24 action until it comes back from the ZBA.

25 CHAIRMAN EWASUTYN: And the

1 T i l l s o n C o r p .

2 adjoiners' notice.

3 MR. HINES: The adjoiners' notice.

4 CHAIRMAN EWASUTYN: Sarah Wilson,
5 Planning Board Attorney, are you clear on
6 the letter that you'll be preparing for
7 the Zoning Board of Appeals?

8 MS. WILSON: Yes, Chair.

9 CHAIRMAN EWASUTYN: Would someone
10 move for a motion to have Sarah Wilson
11 prepare a referral letter to the Zoning
12 Board of Appeals for Tillson Corp,
13 project number 24-39, for a use variance
14 and other matters.

15 MR. MENNERICH: So moved.

16 MS. CARVER: Second.

17 CHAIRMAN EWASUTYN: I have a motion
18 by Ken Mennerich. I have a second by
19 Lisa Carver. Can I have a roll call vote
20 starting with Dave Dominick.

21 MR. DOMINICK: Aye.

22 MS. DeLUCA: Aye.

23 MR. MENNERICH: Aye.

24 CHAIRMAN EWASUTYN: Aye.

25 MR. BROWNE: Aye.

1 T i l l s o n C o r p .

2 MS. CARVER: Aye.

3 MR. WARD: Aye.

4 CHAIRMAN EWASUTYN: Comments.

5 MR. DOMINICK: Even though we just
6 covered it, I wanted for the record to
7 note Jim Campbell, Code Compliance,
8 wanted to echo Pat's comments about the
9 referral to the ZBA. I just wanted to
10 submit that into the record.

11 MR. WARD: What's the height of the
12 building?

13 MR. RUGNETTA: It would be less
14 than 35 feet. He's done a similar
15 building in other towns. When we get to
16 that point, we can provide a better
17 visual.

18 MR. WARD: Thank you.

19 MR. RUGNETTA: Thank you, everyone.
20 Have a nice holiday.

21

22 (Time noted: 8:40 p.m.)

23

24

25

1 T i l l s o n C o r p .

2

3

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

4

5

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 7th day of January 2025.

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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, LLC - NEWBURGH
(2023-23)

1227-1229 Route 300
Section 96; Block 1; Lots 4 & 5
IB Zone

----- X

SITE PLAN

Date: December 19, 2024
Time: 8:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: SARAH N. WILSON, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVES: JENNIFER PORTER
JEFFREY MARTELL
NICHOLAS TORTORELLA
OLIVER YOUNG

----- X

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

1 Spark Car Wash, LLC - Newburgh

2 CHAIRMAN EWASUTYN: The seventh
3 item of business this evening is Spark
4 Car Wash, LLC - Newburgh, project number
5 23-23. It's here tonight for a site plan
6 review. It's located on Route 300 in an
7 AC Zone.

8 MR. HINES: It's in the IB Zone.

9 CHAIRMAN EWASUTYN: IB Zone. Thank
10 you. It's being represented by gk+a
11 Architects.

12 MS. PORTER: Good evening. I'm
13 Jennifer Porter and I'm with JG Law. I'm
14 counsel for the applicant, Spark Car
15 Wash, LLC.

16 We are here tonight in connection
17 with our application for a car wash
18 facility to be located at 1227-1229 New
19 York Route 300.

20 We did appear in front of this
21 Board about a year ago, literally almost
22 to the day, seeking informal review from
23 the Board to kind of commence the process
24 so that we could fully engineer our plans
25 and develop our architectural plan. Now

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 we are back before this Board with those
3 plans to really formally commence the
4 review process. We do have our team with
5 us tonight.

6 We did give an overview, at least
7 conceptually, at the meeting a year ago.
8 Due to the course of time, it has been a
9 while, we're happy to give you a brief
10 overview, kind of our proposal now that
11 we have fully engineered the site.

12 We also have our architect present.
13 We do have a team representative. We
14 also do have our traffic engineer,
15 because we did note that there were a
16 number of comments and, I guess,
17 questions from the Board as to whether a
18 traffic study was warranted, to discuss
19 sidewalks.

20 We did review the comment letters.
21 We can certainly comply with all of the
22 items within them as part of our next
23 submission.

24 We're happy to do as the Board
25 desires this evening in terms of

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 additional feedback and testimony you'd
3 like to hear.

4 CHAIRMAN EWASUTYN: Jennifer, how
5 would you like to present the project
6 this evening now that you're fully
7 staffed?

8 MS. PORTER: Now that we're fully
9 staffed, I would love to have our civil
10 engineer give you really a condensed,
11 concise overview of the site plan,
12 because I think it would be beneficial
13 for the Board to have a refresher.

14 CHAIRMAN EWASUTYN: Can you please
15 give your name.

16 MR. MARTELL: Sure. Jeffrey
17 Martell, engineer from Stonefield
18 Engineering & Design.

19 Good evening. As Ms. Porter said,
20 obviously we're here for Spark Car Wash
21 with what we believe is a state-of-the-
22 art facility using the latest technology
23 as well as what they consider a people
24 first mentality in terms of how it's
25 physically operated.

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 In terms of the site plan, starting
3 with the driveway and just kind of
4 working counterclockwise as to how this
5 facility would operate, there's a 25-foot
6 wide driveway with radii that's gone
7 through stage 1 and stage 2 DOT approval
8 to set that geometry. Essentially what
9 you have is a counterclockwise
10 circulation throughout the site.

11 The first major components are the
12 pay stations. There are three stations
13 of three lanes. Each has the ability to
14 select what type of car wash you'd like.
15 If you're a member, which I think sixty
16 percent plus are typically members, you
17 would present your membership access.
18 Beyond that pay station there's a gate at
19 each of those lanes. All of those gates
20 are controlled by a single system.
21 Essentially it would only allow one car
22 to go through. If two people were to
23 purchase at the same time and look to
24 gain access past the pay station, it
25 essentially has a wait period where it

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 would let one vehicle go through and then
3 the second vehicle. This is the first
4 point where there's an employee of the
5 facility. That would be the first touch
6 point in terms of the customer to
7 employee. There's three total. The
8 first is at this portion of the site
9 where there is one permanent employee at
10 a kiosk, similar to what you'd see at a
11 gas station. Traditionally the kiosks
12 are small buildings. It's a small
13 building where that employee would be for
14 the entire time that the facility is
15 operated, which is 8 a.m. to 8 p.m. For
16 that full twelve hours there's an
17 employee at that spot. If you have a
18 question, if you have a problem, if you
19 need to correspond with somebody, there
20 is an initial touch point.

21 Beyond that point, you can continue
22 down to the tunnel and wash.

23 I will note that there is an area
24 with a break in the curb which is
25 commonly called a bailout area seen in a

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 lot of drive-through facilities and
3 things of that nature. If for some
4 reason you decide you don't have time or
5 what have you, or there was an issue at
6 the pay station and the employee let you
7 by but you're essentially exiting the
8 site, you have the ability to exit before
9 you enter the tunnel wash.

10 The building itself is 4,481 square
11 feet. Most notably it's a 135-foot
12 tunnel. The entrance point to the tunnel
13 is the second touch point with the
14 customer. Now it's the second employee
15 onsite where they are manned, so to
16 speak, to that specific location. Most
17 notably, they're helping you enter the
18 facility and just kind of keeping the
19 flow of the site. Depending on the type
20 of wash you purchase, you may also get a
21 presoak of your tires or bumpers which
22 they would apply. You then stay in your
23 vehicle, but you have the 135-foot
24 tunnel. Then at that point you have the
25 exit.

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 When we talk about technology, one
3 of the more prominent components in terms
4 of just impact to the site and the
5 neighboring community is the drying
6 technology has gotten a lot better. It's
7 a lot more efficient and removes a lot
8 more of the water from the vehicle before
9 they exit. Obviously there's a ton of
10 other technology within the tunnel as
11 well.

12 From that exit point, the most
13 notable point about the exit is there is
14 an area of heated concrete in that area.
15 In the colder months as you leave, there
16 is some water that's going to remain on
17 your car. Pickup trucks are probably the
18 biggest offenders. They take some water
19 out. Essentially most of that gets
20 discharged as they exit the site. To
21 prevent icing and things of that nature,
22 there is a heated concrete area as well,
23 because that area does take a little bit
24 more of that water than anywhere else.

25 At that point a customer has the

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 option to exit the site, it's a pretty
3 clean exit back out to Route 300, or they
4 have the option to use the vacuum park.

5 The vacuum park has twenty total
6 stations, one of which is ADA accessible.
7 Each station has a hose that can get to
8 both sides of your car, has its own
9 garbage can at each station. It's a
10 decorative metal can essentially attached
11 to the same as the vacuum structure
12 itself. There's no additional
13 transaction for that. That's essentially
14 part of the price of the car wash.
15 There's no additional transaction that
16 occurs or machines or anything like that.
17 In terms of the customer first approach,
18 there are some amenities or supplies that
19 are provided there. There are towels,
20 there are some additional kind of
21 household-level cleaning products that
22 are available as well. There are some
23 additional products available, what they
24 call the park station. It also has two
25 machines, I'll call them, to essentially

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 wash your interior carpeted type
3 coverings within the car.

4 From the vac park you would
5 essentially exit the site.

6 The third employee roams the vacuum
7 area. They empty garbage cans, they help
8 somebody if they're having a problem with
9 the equipment, if somebody is doing
10 something that they shouldn't be.
11 They're essentially a de facto policing
12 agent on the site itself.

13 In terms of other components,
14 there's an underground reclaim system.
15 Approximately eighty to ninety percent of
16 the water that is collected within the
17 car wash building is used for reclaim.
18 In terms of how each new car goes, this
19 math is a little deceiving, but each new
20 car, about fifty percent of the water
21 used actually comes from that reclaim
22 system. In terms of water usage, there's
23 essentially a fifty-percent use from the
24 reclaim and about fifty percent comes
25 from the public water.

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 Other components to be aware of on
3 site, there is a freestanding ID sign out
4 by the roadway. There's a monument-style
5 sign, I think it's only about eight feet
6 -- eight, nine feet and change. It's
7 relatively modest in height.

8 There are two mechanical areas that
9 are essentially the powering of the
10 vacuum area. Those are both within a
11 fenced area, essentially to the south
12 side or the left side of the plan of each
13 of those rows of ten vac stations.

14 Lastly, there's a trash enclosure
15 onsite. That is typically serviced
16 before the facility opens at 8 a.m.

17 Not much in the way of deliveries,
18 plus or minus once a month for soaps and
19 things like that, typically in a Sprinter
20 van type vehicle. That delivers before
21 8 a.m. as well.

22 Employees start to be employed at
23 7 a.m. Essentially the employees are
24 getting the facility ready. The one
25 day a month, plus or minus, that the

1 Spark Car Wash, LLC - Newburgh

2 deliveries do come, that would be taken
3 care of prior to the 8 a.m. opening for
4 customer use.

5 That's the application in a
6 nutshell.

7 We did get three variances
8 approved. We're happy to be back
9 before the Board.

10 Lighting. It's down-lit
11 lighting.

12 It's pretty well landscaped in
13 our opinion. I think we have 21 trees
14 being proposed and plus or minus 130
15 shrubs. Certainly Spark is aware of
16 their imaging and certainly wants to
17 put in a state-of-the-art facility
18 technology wise, but also an aesthetic
19 product in the community as well.

20 CHAIRMAN EWASUTYN: Jennifer, do
21 you have someone else you would like to
22 speak?

23 MS. PORTER: I do, Mr. Chairman. I
24 would also like to have our traffic
25 engineer give a brief overview of our

1 Spark Car Wash, LLC - Newburgh

2 Fairacre Farm developments, and just
3 north of the Shoppes at Union Square
4 driveway located to the north.

5 Our site access is proposed as one
6 unsignalized full movement driveway along
7 Route 300 at the south end of the site.
8 I do want to note, as Mr. Martell said,
9 the New York State DOT did approve this
10 proposed site access design as part of
11 our highway work permit application.

12 As part of that same highway work
13 permit process, we conducted a trip
14 generation analysis for the proposed
15 Spark Car Wash which indicates that the
16 proposed development is expected to
17 generate approximately eighty new vehicle
18 trips during the weekday evening peak
19 hour and approximately forty total
20 vehicle trips during the Saturday peak
21 hour. These are the sum of both entering
22 and exiting trips.

23 Considering the volume of
24 background traffic traversing Route 300
25 past our site, the proposed Spark Car

1 Spark Car Wash, LLC - Newburgh

2 Wash is expected to constitute no more
3 than three percent of the total traffic
4 volumes on that roadway during the
5 critical weekday evening peak hour, which
6 I would say is a relatively nominal
7 amount.

8 I also want to note that Spark
9 utilizes a membership subscription model
10 that's critical to their business
11 operations, and that often results in
12 vehicles quickly diverting into the site
13 to the car wash during a preexisting trip
14 to a different destination along Route
15 300. These are typically referred to as
16 pass-by trips. I would like to note that
17 the trip estimates that I just
18 referenced, eighty total vehicle trips
19 during the weekday peak hour, they do not
20 account for pass-by trips at all. In
21 reality, the proposed development would
22 likely constitute an even lower
23 percentage of background traffic on Route
24 300 as compared to that eighty total
25 during the weekday evening.

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 ITE, or the Institute of
3 Transportation Engineers, also
4 establishes that any proposed development
5 which generates fifty or fewer peak hour
6 vehicle trips at any single intersection
7 approach or roadway segment is unlikely
8 to affect the traffic operations on that
9 intersection approach for the roadway
10 segment. Considering again during the
11 weekday evening peak hour with eighty
12 total vehicle trips both inbound and
13 outbound split directionally on Route 300
14 via this full movement, unsignalized
15 driveway, no single intersection approach
16 or roadway segment would be projected to
17 experience more than fifty peak hour
18 trips. As such, our proposed project is
19 not expected to negatively impact traffic
20 operations on the adjacent roadway
21 network.

22 Again, New York State DOT did
23 review these trip estimates as part of
24 our highway work permit process and
25 agreed with our conclusion that the

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 project would not negatively impact
3 traffic operations on Route 300. They
4 stated definitively that no further
5 traffic analysis would be required. They
6 approved again our full movement,
7 unsignalized access along Route 300.

8 Moving into a little bit of the
9 site layout and parking. As you can see,
10 this is the unsignalized, full movement
11 access at the south end with the design
12 approved by DOT as part of our highway
13 work permit.

14 We do want to note that that
15 evaluation by the Department did include
16 an assessment of the available sight
17 distance looking both to the left and
18 right, north and south, on Route 300. I
19 would like to confirm that adequate sight
20 distance will be provided looking in both
21 directions.

22 In response to the comment received
23 from Mr. Wersted, I'd like to confirm
24 that the proposed monument sign that Mr.
25 Martell testified to earlier would not

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 block the looking left sight distance for
3 vehicles exiting our site looking north
4 along Route 300.

5 Also in terms of exiting movements
6 onto the public roadway, considering that
7 both the Union Square driveway to the
8 south and the Home Depot driveway across
9 the street permit only exiting right
10 turns, it is our professional opinion
11 that there is sufficient space provided
12 between these driveways to allow for full
13 movement egress from our site. New York
14 State DOT confirmed that they agree with
15 that conclusion when they approved the
16 design as part of the highway work
17 permit.

18 I would like to note that we
19 received approval from the Zoning Board
20 before coming back in front of your Board
21 for our proposed site driveway location
22 in terms of its offset from the adjacent
23 Union Square driveway to the south.

24 New York State DOT also did sign
25 off on our proposed site layout which

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 notably did not include a sidewalk along
3 our Route 300 frontage. I'd like to note
4 that the nearest sidewalk along the
5 corridor is approximately 700 feet to the
6 south and actually on the opposite side
7 of the road, fronting the Britain Plaza
8 site with the Dunkin Donuts and Ulster
9 County Savings Bank. Additionally, the
10 closest crosswalk across Route 300 is
11 approximately 1,500 feet to the south.
12 Generally speaking, a new sidewalk along
13 our frontage would be relatively
14 isolated. Our position, which the DOT
15 agreed with, was to not propose a
16 sidewalk along our frontage, however we
17 are open to discussing that item with the
18 Board again in response to a comment that
19 we received from Mr. Wersted.

20 Lastly, I just want to quickly wrap
21 up with two items that often come up on
22 car wash applications. The first is
23 vehicle queueing space upstream of the
24 pay station gates and will that space be
25 enough such to accommodate the peak

1 Spark Car Wash, LLC - Newburgh

2 demand without cars extending back into
3 the drive aisle or further back onto the
4 adjacent roadway.

5 The second would be the supply of
6 vacuum spaces in the Spark park area and
7 would that be enough to accommodate our
8 projected demand.

9 For the inbound vehicle queueing,
10 as Mr. Martell testified to earlier,
11 there would be sixteen total vehicle
12 stacking spaces upstream of the pay
13 station gates. One of those lanes would
14 be reserved for members only and one
15 would be reserved for nonmembers. There
16 would be a central lane open or available
17 to all users I should say. Again to
18 reiterate, a majority, over sixty
19 percent, of Spark's customers are
20 expected to use the members only lane.
21 These member vehicles are actually
22 processed automatically through the pay
23 station gates using a license plate
24 recognition software which functions
25 similar to an EZ Pass gate. Those

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 transactions through the gate for members
3 take no more than ten to fifteen seconds.
4 For nonmember transactions that would use
5 the third remaining gate, those vehicles
6 purchase a single car wash with the help
7 of the dedicated customer service
8 attendant. Even without that license
9 plate recognition, those transactions
10 take between thirty-five and fifty
11 seconds. Really all that is just to say
12 that the sixteen total stacking spaces
13 are more than sufficient to accommodate
14 our peak demand without that queue
15 extending back into the drive aisle or
16 Route 300.

17 Again, not just to take my word for
18 it. We did conduct observations at an
19 existing Spark facility in Sicklerville,
20 New Jersey that also uses the membership
21 subscription model. At any one time
22 during the peak Friday and Saturday
23 periods, the busiest periods for the car
24 wash, the maximum queue that we observed
25 in any single lane was five total

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 vehicles in a nonmember lane. I do want
3 to note that maximum queue reduced to
4 only two vehicles in three minutes.
5 Generally speaking, throughout those two
6 periods the maximum queues we observed
7 were three vehicles in a nonmember lane
8 and two vehicles in the member only lane.

9 Again, we really feel that the
10 proposed sixteen stacking spaces here are
11 more than sufficient to accommodate our
12 demand without impacting onsite
13 circulation or the operations of Route
14 300.

15 Then lastly, with respect to
16 parking, as Mr. Martell testified to
17 earlier, we have twenty total spaces,
18 seventeen vacuum equipped spaces and
19 three spaces designated for employees.
20 We did conduct those same observations at
21 the Sicklerville facility and observed a
22 maximum total parking demand, inclusive
23 of vacuum spaces and employee spaces, of
24 fifteen occupied spaces at any one given
25 time. As we're proposing twenty, we are

1 Spark Car Wash, LLC - Newburgh

2 expecting to accommodate that maximum
3 parking demand with a small excess of
4 available spaces available at all times.

5 That's all that I have.

6 Jen, I'll give it back to you.

7 MS. PORTER: Mr. Chairman, if the
8 Board would allow, we do have one final
9 witness, our architect, to simply show
10 you what the elevations of the building
11 will look like.

12 CHAIRMAN EWASUTYN: Most certainly.
13 Thank you.

14 MR. YOUNG: Thank you, Mr. Chairman,
15 Members of the Board. I will be brief.
16 My name is Oliver Young, I'm a
17 principal at gk+a Architects out of
18 Rutherford, New Jersey. We are the
19 architects.

20 I'm going to briefly go over the
21 changes we made since we originally
22 appeared almost a year ago, in December
23 of 2023. This is still the standard
24 Spark building design. As Mr. Martell
25 testified to, the building has been

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 lengthened from 118 feet to 135 feet.
3 The width of the building has not
4 changed. It remains at 35 feet. The
5 updated square footage is now
6 approximately 4,556 square feet.

7 The other major change we made is
8 we flipped the building along the
9 north/south access. Last year when we
10 appeared with the conceptual site plan,
11 the tunnel was at the rear of the
12 property, the west facing the woods.
13 We've mirrored that so the tunnel now
14 faces the vacuum spaces and east
15 looking forwards Route 300.

16 All the support for the building,
17 the back of house, the offices and the
18 equipment room, is now in the west
19 elevation, the rear facing the woods.

20 The massing of the building,
21 meaning the height, has not changed.
22 We still maintain a height of 18 foot
23 -- 18.8 to the parapets. There is one
24 section that bumps up to 22.2. We
25 previously had a wedge element on the

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 building which was triangular in shape.
3 It topped off at 33 feet and sloped
4 down to a height of 30 feet. We
5 simplified that. It's now 3 feet wide
6 consistently, 12.5 feet long. It
7 tops off at 33 feet still. That has
8 not changed. That is present on the
9 east elevation looking towards Route 300.

10 In terms of colors, there have
11 been no changes to the colors on the
12 design, however some of the materials
13 have changed. When we visited the
14 Board last year, we were looking at
15 metal panels in both a blue and white
16 finish. These metal panels have been
17 replaced with a high-end insulation and
18 finish system in the same blue and
19 white colors. We were exploring a
20 corrugated metal design along the
21 tunnel elevation and other areas. That
22 also now is an exterior insulation
23 design and finish in the same profile
24 and color as the corrugated metal. We
25 still maintain the same white exterior

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 porcelain tile along parts of the
3 building. We've now supplemented that
4 with a light gray porcelain tile at the
5 base of the building on some of the
6 sides.

7 One of the main things the tunnel
8 flip allowed us to do is the majority
9 of glazing for the building is in the
10 tunnel. With the tunnel facing the
11 rear of the property and the woods, it
12 wasn't doing us much good. What it now
13 allows us to do is put glazing on the
14 main elevation facing the road so
15 people onsite and offsite drive by and
16 they see activity, they see the cars
17 going through the car wash and a very
18 busy site. I don't have a representation
19 here with the updates to the building
20 design.

21 We've also updated the pay
22 station kiosks. There are three of
23 them, as Mr. Martell testified to.
24 That was previously one large
25 uni-structure going over all three

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 aisles. We've broken that up into
3 three individual kiosks with individual
4 uni-structure elements detecting the
5 cars.

6 That covers everything I would
7 like to touch upon, Jen.

8 MS. PORTER: That's all we have
9 in terms of our presentation. We're
10 happy to address questions with respect
11 to the consultants' comments and
12 reports.

13 CHAIRMAN EWASUTYN: Ken Wersted,
14 Creighton Manning Engineers. There
15 sounds as if there's been a lot of
16 coordination with the Department of
17 Transportation. Can you elaborate on
18 that?

19 MR. WERSTED: I can't quite
20 elaborate on that because we haven't been
21 copied on any of that correspondence. I
22 think the Board has been unaware of the
23 work they have completed. I appreciate
24 the presentation on the traffic, but we
25 haven't received any of that material.

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 We're coming into it as if this was
3 December of 2023. For the most part I
4 think that's what the Board is --

5 MS. PORTER: Absolutely. That's
6 something that the applicant is more than
7 happy to provide, all of the
8 correspondence in connection with its
9 application, for the Board's ongoing
10 review.

11 CHAIRMAN EWASUTYN: Thank you.

12 MR. WERSTED: I would note that the
13 ITE information is based on some pretty
14 limited studies. There's only one on
15 Saturday relative to trip generation. On
16 the weekday it's based on three studies.
17 If the applicant has additional car
18 washes that they can pull data from, that
19 certainly helps support some of the
20 findings that I believe you came up with,
21 particularly about queueing, obviously
22 the number of transactions. I think the
23 Board is quite familiar with the number
24 of the car washes around Town here. That
25 nice, beautiful February day where

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 everyone is rushing to the car wash to
3 get all that salt off can be quite busy.
4 I think that's largely -- I won't speak
5 for them, but that's largely the concern
6 there.

7 We do have an application I think
8 under construction just north of here.
9 DOT did have them put in a right-turn
10 lane. I was anticipating something like
11 that here. I know it appears that the
12 property line comes out into the road a
13 bit. I'm curious if there was any
14 donation or anything like that to get the
15 proper spacing between Route 300 and
16 where a typical setback would be.

17 MR. TORTORELLA: So we did speak
18 with the DOT about a southbound right-
19 turn lane. It was determined that the
20 available right-of-way was not available
21 north of our site. It required taper
22 lanes coming into -- the three-lane
23 section would be too great. It would
24 require take of adjacent private
25 properties that we nor the State control,

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 therefore they deemed it was not feasible
3 and it was not required to enter our
4 site. Again, we will forward all
5 correspondence with the DOT so you can
6 verify that for yourself.

7 MR. WERSTED: Thank you.

8 On the site there are vacuums. Is
9 there any gate control system? If you
10 purchase a car wash do you get a token?
11 Can anybody just drive in and say I don't
12 want to buy a car wash, I want to use the
13 vacuums?

14 MR. MARTELL: I'm going to put up
15 the site plan quickly. Due to the
16 circulation of the site, this is a one-
17 way eastbound. The southbound drive
18 aisle here is both an exit from the wash
19 tunnel and vacuum area. You are not able
20 to enter the vacuum area without first
21 proceeding through the pay station gate,
22 which means you cannot vacuum your car
23 without purchasing a car wash.

24 MR. WERSTED: I think that largely
25 covers my comments.

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 On the topic of the sidewalk, we
3 have a pretty extensive system of
4 sidewalks, or lack of sidewalks, in the
5 Town. I believe part of the goal is to
6 implement sidewalks, somewhat on a
7 piecemeal basis, however at some point
8 maybe my kids will be old enough and
9 there will be more connections that
10 extend through the Town. I know that has
11 been a goal of the Town throughout
12 different parcels as they've come up to
13 be developed.

14 That's largely my comments for now.

15 CHAIRMAN EWASUTYN: Comments from
16 Board Members. Dave Dominick.

17 MR. DOMINICK: First for the
18 record, Jim Campbell, Code Compliance,
19 who is not here, says the building needs
20 to be sprinklered.

21 Second, thank you, Nicholas, for
22 clarifying that third lane there. That's
23 something I asked about last year when
24 you were here because it's being done at
25 the competitor. Even though you can

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 accommodate up to sixteen in your queue,
3 like Ken said, you get that first
4 snowstorm, everyone is in that queue and
5 now you're back on the road, on a very
6 busy, dangerous road.

7 Not only that, you're also filling
8 up the vacuum area. Your site is filled
9 already without -- it's congested.

10 Second, I'm all for sidewalks. I
11 think you need sidewalks. It's something
12 that we have here. You ride throughout
13 300 any part of the day, people are
14 walking from WalMart to the Shoppes, to
15 the hotels, to the restaurants. That's
16 just going to start to alleviate the
17 problem. You might be the only one right
18 now today, but come the future, it will
19 be like a jigsaw puzzle and more
20 sidewalks will develop in that area. For
21 safety of the pedestrians, the sidewalks
22 are necessary.

23 The third was, I'd like to see a
24 right turn only leaving your property
25 onto 300. You can only come out right

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 and travel south. Home Depot has that
3 across the street. I believe the Shoppes
4 also has that as well. Right turn only.
5 Trying to go north out of your property
6 is completely dangerous. There's
7 accidents there two, three times a week
8 right in that location. A right turn
9 only is my suggestion.

10 That's all I have.

11 CHAIRMAN EWASUTYN: Stephanie
12 DeLuca.

13 MS. DeLUCA: Thank you for your
14 presentation.

15 I would just again have one
16 question regarding your water. You had
17 mentioned something about fifty percent
18 being reclaimed underground. Can you
19 speak to that a little bit more? It's
20 right next to the stream.

21 MR. MARTELL: So two numbers I
22 gave. I understand they almost sound
23 counterintuitive. Of the water that
24 enters the drains within the building,
25 the water that's used during the car wash

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 and isn't carried off by a car or
3 whatever, is collected by the drains.
4 Eighty to ninety percent of that gets
5 reused. That's the reclaim. The fifty
6 percent is every time a car goes for a
7 wash, about fifty percent is pulled from
8 the reclaim and about fifty percent is
9 public water use. Of that water that's
10 used, eighty percent is reused. The rest
11 is discharged into the public sanitary
12 sewer system.

13 MS. DeLUCA: Thank you.

14 MR. MENNERICH: I have no questions.

15 CHAIRMAN EWASUTYN: No questions.

16 MR. BROWNE: During your
17 presentation there were several comments
18 during the traffic portion that really
19 was, I want to say, different than the
20 car wash we just went through recently
21 down below. I was going to ask Ken
22 directly if he agrees with the comments,
23 because what I'm hearing is very
24 different from the previous customer. He
25 hasn't seen anything yet. It's like

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 okay, we have a problem here, because
3 what I'm hearing and what I've heard
4 doesn't line up with the last one we just
5 had down the road.

6 I'm very concerned with the
7 presentation of the traffic portion as to
8 what can really be expected to be
9 projected at this location. I don't see
10 it being much different than the other.
11 I'm having a bit of a problem with that
12 until Ken looks at it in detail.

13 MR. TORTORELLA: Without being a
14 part of that application, without knowing
15 exactly what is conflicting and what was
16 represented previously, it's obviously
17 difficult to --

18 MR. BROWNE: The main thing that
19 was conflicting was the backup of the
20 traffic out to the highway. With that
21 project, the State approved putting in a
22 right-turn lane into the property. The
23 State did approve that. What you're
24 projecting, there's no problem there.
25 I'm saying I have a problem with that

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 comment because of what we just went
3 through. Until Ken really has time to
4 detail through that and look at your
5 project, look at the whole thing, similar
6 projects that you have at other
7 locations, I'm basically holding off on
8 the whole thing as far as any further
9 comments.

10 MR. MARTELL: Understood. I think
11 the best thing is we're going to get Ken
12 all the correspondence, all the
13 documentation that we can. Ken will give
14 you his opinion.

15 MR. BROWNE: Ken mentioned it.
16 Typically these projects that we go
17 through, all the correspondence that you
18 went through with the State are copied
19 through us so our consultants have a
20 chance to look at stuff. When you come
21 in, we have some education about what's
22 going on.

23 MR. MARTELL: Apologies it didn't
24 happen. We'll try to play catch up.

25 MR. DOMINICK: That lane runs

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 directly in front of your entire
3 property. From Lowe's all the way to the
4 Shoppes it runs. It ends just after the
5 Shoppes entrance there. There's no
6 reason -- I don't see a reason why you
7 cannot utilize that, as Cliff mentioned,
8 to get people off the road or to keep
9 south traffic flowing.

10 MR. MARTELL: Again, the quick
11 version is it wasn't requested by DOT.
12 What we'll do is, again, get everything
13 to Ken.

14 MR. DOMINICK: I requested at the
15 first meeting for you to look at that
16 study and look at DOT and present that to
17 them, just like I requested it of the
18 prior applicant. They did and it was
19 approved.

20 MR. MARTELL: I mean, what you're
21 asking is maybe feasible. It's not --
22 it's something that DOT didn't
23 necessarily request. We'll look back and
24 see if we brought it up. I don't recall
25 if we asked them in response to you

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 asking us or whatever that request was.
3 At this point, where we stand, the best
4 thing is to get everything to Ken, let
5 him form an opinion to present to the
6 Board and we'll take our direction from
7 there.

8 CHAIRMAN EWASUTYN: Lisa Carver.

9 MS. CARVER: My only comment is I
10 agree with Dave with the turning. I
11 don't think there should be a left. I
12 think there should be no left turn. The
13 traffic does get really heavy. There are
14 times during the day you might have some
15 lulls, but the majority of the day it's
16 busy. It's going to be really hard to
17 get out of there making a left turn.

18 MR. MARTELL: Right. We understand
19 the comment. The applicant has a
20 representative here, too. We'll discuss
21 that in the days to come.

22 MS. CARVER: That's it.

23 MR. WARD: It should be a right
24 turn in and right turn out. I don't care
25 where the driveways are or anything.

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 It's busy no matter how you do it. It's
3 suicide if you make a left. All the way
4 down Route 300, you have no left turns
5 coming out of any -- most of the places
6 on 300.

7 Second, along 300 we have sidewalks
8 and stonewalls. Along 300, you go past
9 84, you can see them there. You can go
10 down further towards the border of New
11 Windsor, we have them. We're connecting
12 the dots. Pedestrian safety is our thing
13 with DOT.

14 With Dave, I remember Dave saying
15 it to you, and I agree. When you come
16 out of Lowe's, you've got that lane
17 there, you've got the right-turn lane. I
18 don't know how you didn't -- I don't feel
19 you presented it to DOT because it's a
20 win-win situation for everybody. Whether
21 it overflows or not, you have the lane
22 already established coming out of Lowe's.

23 MR. MARTELL: We'll revisit it.

24 MR. WARD: Thank you.

25 CHAIRMAN EWASUTYN: Pat Hines with

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 MH&E.

3 MR. HINES: Sure. Our first
4 comment just notes that they were here
5 last year at this time.

6 We did not declare our intent for
7 lead agency or circulate that due to the
8 fact that they were going to the ZBA for
9 area variances.

10 It would be appropriate at this
11 time to declare your intent for lead
12 agency and circulate for that, obviously
13 including DOT as an involved agency.

14 Your long form EAF identifies the
15 stream alongside the site as a class C.
16 We believe it's a class A stream. I
17 think there's a problem with DEC's
18 website. Across the street from your
19 site is the City of Newburgh's diversion
20 channel that diverts that stream to
21 Washington Lake or down to Quassaick
22 Creek. Anything above that diversion
23 channel is a class A stream. I ran the
24 EAF as well myself through the system and
25 it showed up as a class C. The

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 neighboring property just before us, the
3 Shoppes, had a class A/C designation. I
4 don't know what that means either. When
5 we circulate to DEC we are going to
6 request that they confirm the
7 classification of that stream. It
8 becomes important because this will need
9 a City of Newburgh flow acceptance
10 letter. The Town of Newburgh's sanitary
11 sewer is treated by the City of Newburgh
12 through an intermunicipal agreement.
13 They have authority to weigh in on that.
14 They're going to weigh in on that
15 typically when it's in their watershed.
16 We have an unwritten policy with the City
17 of Newburgh that any stormwater pollution
18 prevention plans will treat 110 percent
19 of the water quality volume. As a kind
20 of belts and suspenders, it has that
21 extra treatment capacity.

22 I did not have a record of sending
23 adjoiners' notices out during your 2023
24 submission, so I will accomplish that and
25 work with your office to get that done.

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 Who do I work with? Jen. Okay. I'll
3 get those to you. We have a process I'll
4 describe to you when we do that.

5 The Town has a Tree Preservation
6 Ordinance. Documented compliance with
7 that. I don't think there's a lot of
8 trees on the site. It's kind of a
9 redevelopment site of the former single-
10 family houses.

11 City of Newburgh flow.

12 Department of Transportation, we
13 discussed that at length.

14 ARB is required.

15 The Town Code has a more stringent
16 sprinkler system requirement, so you're
17 going to have to put sprinklers in your
18 car wash. It sounds strange, but the
19 other ones all have it.

20 Area disturbance should be
21 indicated on the plans.

22 I have some comments on the stone
23 basin.

24 The land use table, the zoning bulk
25 table should be updated. The required

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 front yard setback is 60 feet. You
3 comply with it. It's a special exemption
4 for State highways. The table just needs
5 to be updated.

6 We just have a comment on traffic
7 studies and sidewalks, which were
8 discussed at length.

9 CHAIRMAN EWASUTYN: Sarah Wilson
10 with Drake Loeb, any comments?

11 MS. WILSON: We would concur with
12 Pat that the Board could circulate for
13 lead agency.

14 The Board can also consider waiving
15 the public hearing if it thought that it
16 was appropriate.

17 Those would be the only two actions
18 we would bring to your attention this
19 evening.

20 CHAIRMAN EWASUTYN: Would someone
21 move for a motion to declare our intent
22 for lead agency for Spark Car Wash,
23 project number 23-23.

24 MR. MENNERICH: So moved.

25 MS. CARVER: Second.

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 CHAIRMAN EWASUTYN: I have a motion
3 by Ken Mennerich. I have a second by
4 Lisa Carver. Can I have a roll call vote
5 starting with Dave Dominick.

6 MR. DOMINICK: Aye.

7 MS. DeLUCA: Aye.

8 MR. MENNERICH: Aye.

9 CHAIRMAN EWASUTYN: Aye.

10 MR. BROWNE: Aye.

11 MS. CARVER: Aye.

12 MR. WARD: Aye.

13 CHAIRMAN EWASUTYN: Again you'll
14 work with Pat Hines as far as the
15 adjoiners' notice.

16 MS. PORTER: Yes, we will.

17 CHAIRMAN EWASUTYN: Any other
18 questions or comments?

19 MR. MARTELL: When is the next
20 meeting?

21 MS. PORTER: I guess when would we
22 reappear in front of the Board? I know
23 obviously you're going to do your
24 circulation under SEQRA, and that takes a
25 specific amount of time to respond. Will

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 we be looking at a resubmission and
3 potentially a new meeting date in
4 February?

5 CHAIRMAN EWASUTYN: February 6th,
6 providing you revise your plans, Ken
7 Wersted receives the correspondence with
8 your company and the DOT and we have
9 something within ten days plus or minus
10 of that date, it will be scheduled.

11 MS. PORTER: Then in the meantime
12 we can at least initially provide all the
13 prior documentation that was --

14 CHAIRMAN EWASUTYN: Most certainly.

15 MS. PORTER: I think that that
16 would be helpful in terms of ongoing
17 review.

18 CHAIRMAN EWASUTYN: Most certainly.

19 MS. PORTER: I just want to take
20 one second to explain that because we had
21 come initially for concept review, I
22 think we got ahead in the process in
23 terms of DOT. Usually we do an initial
24 submission to get feedback because it
25 obviously drives the layout of the site,

1 S p a r k C a r W a s h , L L C - N e w b u r g h

2 the turning movements. Our intention was
3 obviously we're here tonight and
4 commencing the SEQRA process, and of
5 course one of the involved agencies is
6 DOT. We fully expected to engage in that
7 process with this Board. Again, I
8 apologize that that information wasn't
9 previously shared. It will certainly be
10 made available. We anticipate that this
11 is the beginning of an ongoing dialogue
12 with the Board.

13 CHAIRMAN EWASUTYN: No need to
14 apologize. We understand that applicants
15 try and do their due diligence. We
16 understand that applicants have their own
17 agenda, their own timeframe. It's all
18 reasonable and understandable.

19 MS. PORTER: Thank you. Happy
20 holidays.

21

22 (Time noted: 9:20 p.m.)

23

24

25

1 Spark Car Wash, LLC - Newburgh

2

3

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

4

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

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

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

14 IN WITNESS WHEREOF, I have hereunto set
15 my hand this 7th day of January 2025.

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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

N&J NEW ROAD PROPERTIES
(2024-37)

New Road/North Plank Road Intersection
Section 34; Block 2; Lot 99.2
B Zone

----- X

SITE PLAN

Date: December 19, 2024
Time: 9:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: SARAH N. WILSON, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

1 N & J New Road Properties

2 CHAIRMAN EWASUTYN: The eighth item
3 is N&J New Road Properties, project
4 34-37. It's an initial appearance for a
5 site plan located on New Road and North
6 Plank Road intersection. It's in a B
7 Zone. It's being represented by Darren
8 Doce.

9 MR. DOCE: I'm Darren Doce. I
10 would like to mention first that this
11 project, this proposal was approved back
12 in 2008. We're back to reintroduce it.
13 A lot of Board Members are new and have
14 never seen this before.

15 What we're proposing is a 22,400
16 square foot commercial building with
17 5,600 square feet of office space and
18 16,800 square feet of accessory
19 warehouse/storage space to store products
20 and equipment used by the businesses on
21 -- the proposed businesses that will be
22 using the building.

23 DiLemme Concrete will be using
24 9,600 square feet of the building for
25 their concrete contracting business as

1 N & J New Road Properties

2 well as a 10,000 square foot outdoor
3 storage yard located to the south of the
4 building.

5 The remainder of the building will
6 be divided into four units of 3,200
7 square feet each.

8 The building is proposed to connect
9 to Town water.

10 A subsurface sewage disposal system
11 is proposed to treat the sanitary waste.

12 As I said, we're here to get the
13 process going again.

14 In the meantime we are updating the
15 SWPPP and stormwater so it complies to
16 the most current regulations.

17 We have done an updated tree survey
18 which we will submit with the next
19 submission.

20 That's basically the project. We
21 can answer any questions.

22 CHAIRMAN EWASUTYN: Ken Wersted, do
23 you want to comment on this at this
24 point?

25 MR. WERSTED: Darren, if you can

1 N & J New Road Properties

2 forward the plans, I can take more of a
3 look at it. I haven't to this point.

4 I think my initial comment would
5 be, looking at the amount of parking that
6 you've got proposed there, the access is
7 far enough away, I think, from Route 32,
8 is it, to the right-hand side or the
9 left-hand side.

10 MR. DOCE: It's 400 to 500 feet
11 from North Plank Road.

12 MR. WERSTED: We have seen another
13 application which had a driveway very
14 close to it where the driveway was then
15 -- instead of coming out immediately next
16 to it, it was tied into kind of a common
17 driveway coming out. I believe your
18 parcel to the right-hand side has a
19 driveway 10, 15 feet -- maybe even the
20 radiuses would overlap.

21 MR. DOCE: To the north?

22 MR. WERSTED: Yes.

23 MR. DOCE: There's a driveway north
24 of that utility pole going into the
25 apartments.

1 N & J New Road Properties

2 MR. WERSTED: It's not a DOT road,
3 so it would simply be a matter of the
4 Town's preference. Perhaps the highway
5 superintendent would consider in terms of
6 that location.

7 CHAIRMAN EWASUTYN: Pat Hines with
8 MH&E.

9 MR. HINES: Our first couple of
10 comments just describe the project as
11 Darren mentioned.

12 A stormwater plan will be required.

13 Ulster County referral will be
14 required in the future.

15 We noted the septic system design
16 must be submitted.

17 Compliance with the Tree
18 Preservation Ordinance.

19 We had a comment for Ken regarding
20 the warehouse parking spaces calculation.

21 We noted that outdoor storage is
22 proposed. That must comply with Chapter
23 185-30 of the Town Code.

24 There's a 22 foot right-of-way
25 associated with the apartments adjoining

1 N & J New Road Properties

2 that. We're just making sure that
3 information goes to Dominic's office for
4 review.

5 It will be required to be
6 sprinklered. The water system will need
7 to be designed for that.

8 We need to send out initial notices
9 for adjoiners.

10 We asked that the adjoining
11 structures be shown. I guess they were
12 apartments. They look like single-family
13 houses. If you can show those.

14 It's almost going to be a
15 continuous driveway across there. It
16 looks like your neighbor might even be
17 over a little bit to the left.

18 MR. DOCE: I believe his driveway
19 is north of the right-of-way.

20 MR. HINES: The other side. The
21 commercial property. It looks like
22 they're up to your property line and then
23 some. Just how that's going to function
24 and get us that easement. Some of that
25 is in an easement area I guess.

1 N & J New Road Properties

2 MR. DOCE: Right. Some of our
3 driveway is in the easement area.

4 MR. HINES: We want that to go to
5 Dominic's office as well.

6 That's all we have.

7 The action tonight would be
8 adjoiners' notices. We could probably do
9 lead agency as well.

10 CHAIRMAN EWASUTYN: Comments from
11 Board Members. Dave Dominick.

12 MR. DOMINICK: Nothing at this
13 time.

14 MS. DeLUCA: Nothing.

15 MR. MENNERICH: Nothing at this
16 time.

17 CHAIRMAN EWASUTYN: No comment.

18 MR. BROWNE: What sort of concrete
19 business is it?

20 MR. DOCE: This is Nick DiLemme.
21 He's the owner of DiLemme & Son.

22 CHAIRMAN EWASUTYN: Nick, how many
23 years have you been in business?

24 MR. DILEMME: Incorporated since
25 1987. Sole owner of the company for the

1 N & J New Road Properties

2 last nineteen years. It's a family
3 business. We're on to the third
4 generation now. We do mostly concrete
5 projects for commercial buildings. A lot
6 of projects in the Newburgh area through
7 the years. We do warehouses, a lot of
8 self-storage. All our lives in Orange
9 County, Town of Newburgh.

10 MR. BROWNE: Thank you.

11 MR. DILEMME: Some of the projects
12 in Newburgh, just to give you a little
13 idea, Key Bank, Walgreens in Newburgh,
14 Orange County Trust, Alexis Diner, John
15 J. Lease Real Estate building, Auto Spa
16 in Newburgh, Restaurant Depot, the
17 additions to Sunshine Ford, Auto Zone in
18 the City of Newburgh.

19 Right now the specialty is
20 self-storage, climate control. We're
21 doing a large U-Haul right now in Vails
22 Gate.

23 MR. BROWNE: Great.

24 CHAIRMAN EWASUTYN: Are you doing
25 the new car wash on Route 300?

1 N & J New Road Properties

2 MR. DILEMME: We're supposed to,
3 yes. It was interesting listening.

4 CHAIRMAN EWASUTYN: What's funny?

5 MR. FUCHECK: Just the car wash.

6 CHAIRMAN EWASUTYN: I don't follow
7 that. I'm just bringing along an
8 educational fact.

9 I think it's ADS Sheeley who you're
10 doing that car wash for.

11 MR. DILEMME: Yes.

12 CHAIRMAN EWASUTYN: As a Board
13 Member who is asking what experience you
14 have, he's mentioning all the projects in
15 the area. The gentleman has been in
16 business since 1987. We're just adding
17 to his multiple list of accomplishments.
18 I don't see anything funny about that.
19 He's an accomplished individual.

20 MR. FUCHECK: I thought you were
21 talking about the car wash.

22 CHAIRMAN EWASUTYN: I know what I'm
23 talking about. Thank you.

24 Anything else?

25 MR. DILEMME: No.

1 N & J New Road Properties

2 CHAIRMAN EWASUTYN: You're very
3 good at what you do.

4 MR. DILEMME: I think so.

5 CHAIRMAN EWASUTYN: Thank you.

6 MR. DILEMME: I feel so.

7 MR. BROWNE: All those years,
8 you've got to be good.

9 MR. DILEMME: Thank you.

10 CHAIRMAN EWASUTYN: I think the
11 motion before us this evening is to
12 prepare the adjoiners' notice.

13 MR. HINES: And lead agency.

14 CHAIRMAN EWASUTYN: And declare our
15 intent for lead agency. Would someone
16 move for that motion.

17 MS. DeLUCA: So moved.

18 MR. WARD: Second.

19 CHAIRMAN EWASUTYN: I have a motion
20 by Stephanie DeLuca. I have a second by
21 -- who was that -- John Ward. Can I have
22 a roll call vote starting with Dave
23 Dominick.

24 MR. DOMINICK: Aye.

25 MS. DeLUCA: Aye.

1 N & J N e w R o a d P r o p e r t i e s

2 MR. MENNERICH: Aye.

3 CHAIRMAN EWASUTYN: Aye.

4 MR. BROWNE: Aye.

5 MS. CARVER: Aye.

6 MR. WARD: Aye.

7 MR. DOCE: Thank you.

8

9 (Time noted: 9:32 p.m.)

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1 N & J New Road Properties

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

4

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

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

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

14 IN WITNESS WHEREOF, I have hereunto set
15 my hand this 7th day of January 2025.

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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

FUCHECK SUBDIVISION
(2021-31)

26 Tarben Way
Section 6; Block 1; Lots 11 & 12
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: December 19, 2024
Time: 9:32 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: SARAH N. WILSON, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: RAHUL VERMA

----- X

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

1 F u c h e c k S u b d i v i s i o n

2 CHAIRMAN EWASUTYN: The ninth item
3 is the Fucheck Subdivision, project
4 21-31. It's a two-lot subdivision.
5 It's located on Tarben Way in an AR
6 Zone. It's being represented by Verma
7 Engineering & Consulting.

8 MR. VERMA: Good evening,
9 everyone. It's been a long night.
10 I'll try to move through this quickly.

11 Just as a refresher, because it's
12 been a few months since -- oh, my name
13 is Rahul Verma. I'm representing the
14 owners.

15 This is an existing two-lot
16 parcel. The project area has an
17 existing house and a gravel drive
18 coming off of Tarben Way and an
19 undeveloped parcel just to the north.

20 The proposed improvements for the
21 proposed subdivision will in turn
22 divide the southern lot into two
23 parcels -- into two lots. One will be
24 the existing residence, the other
25 will be an undeveloped area, and then

1 F u c h e c k S u b d i v i s i o n

2 the smaller parcel to the north is
3 being subdivided into four lots.

4 The road, the gravel driveway
5 leading to the existing house, will be
6 improved to a Town road following the
7 Town standards, extended up this
8 existing right-of-way and then into the
9 project area with the cul-de-sac at the
10 end of that for fire truck access.

11 As we move along, this does get
12 very complicated on this sheet, but we
13 have a home, a home. All single-family
14 residences, three to four bedrooms in
15 size.

16 The exact construction type will
17 be determined. It will be either a
18 modular home or a stick built home
19 depending on the owner's preference at
20 that time. The existing residence will
21 not be modified.

22 Since you've seen this last,
23 there have been some changes to the
24 private road alignment and the
25 cul-de-sac.

1 F u c h e c k S u b d i v i s i o n

2 We've developed the stormwater
3 management system to include some
4 bio-retention and an attenuation basin
5 and then discharge into the existing
6 topography there.

7 We clarified some of the well
8 distances and septic system distances
9 from each other. Driving all that,
10 some changes to the grading and the
11 topography of the site.

12 We are in receipt of the comment
13 letter from MHE dated December 11th. I
14 do have a few questions on some of
15 those comments when that time is
16 appropriate.

17 CHAIRMAN EWASUTYN: Bring them up
18 now

19 MR. VERMA: Thank you. So first
20 off, this is a repeating comment
21 regarding the Highway Department review
22 and feedback on this. This is the, I
23 think, second or third time that we've
24 tried to get commentary back from them.
25 With this last submittal I did send the

1 F u c h e c k S u b d i v i s i o n

2 Highway Department a physical copy of
3 this application via FedEx. It was
4 received in their office on the 2nd.
5 Again, I have not received any comments
6 back from them. Phone calls remain
7 unanswered. I'm at a loss as to what to
8 do.

9 CHAIRMAN EWASUTYN: Pat Hines.

10 MR. HINES: I'll assist with that.

11 MR. VERMA: Thank you, Pat.

12 While it didn't show up in this
13 letter, it was a previous comment in the
14 same vein. That comment is comment from
15 the attorney's office should be received.
16 Again, they've been provided to Mr.
17 Cordisco a few times. Again with this
18 last submittal there was a physical copy
19 sent to the office and an e-mail copy
20 sent to his e-mail address a few days
21 later. I haven't seen anything, so I
22 don't know -- ma'am, I know you're new
23 here. I don't know if there's any
24 feedback.

25 CHAIRMAN EWASUTYN: Her name is

1 F u c h e c k S u b d i v i s i o n

2 Sarah Wilson. She's the attorney for the
3 Planning Board.

4 MR. VERMA: I understand that.

5 CHAIRMAN EWASUTYN: She's with
6 Drake Loeb.

7 MR. VERMA: Yup. Ms. Wilson, I
8 know you're new here. I don't know if
9 you have any input on this issue.

10 MS. WILSON: I went over the
11 application with Mr. Cordisco and he did
12 not make any comments about receiving
13 anything from you. I will double check
14 with him. Not to my knowledge.

15 MR. VERMA: Okay. Afterwards would
16 you mind if I give you the tracking
17 number?

18 MS. WILSON: Absolutely.

19 MR. VERMA: Thank you.

20 The SWPPP has been submitted to
21 Mr. Hines' office. Again I understand
22 it's under review. Would you have a
23 timeline of when we might see --

24 MR. HINES: It wasn't done for
25 tonight. It will be soon. We'll

1 F u c h e c k S u b d i v i s i o n

2 certainly get them to you. We have a
3 pile of those in my office.

4 MR. VERMA: I know you do, Pat.
5 That will drive our next submission here.

6 Comment number 3 regarding the
7 access and maintenance agreement, there
8 is one in place for the private road. I
9 know it needs to be modified for the
10 extension of it. It will also be
11 modified, I spoke with Ray about this
12 earlier, to include the stormwater
13 facilities.

14 MR. HINES: Is that the item you
15 were discussing that Mr. Cordisco has?

16 MR. VERMA: I don't know. I just
17 know a previous comment on these letters
18 was that comments need to be received
19 from the attorney's office.

20 MR. HINES: Was that just regarding
21 the easement?

22 MR. VERMA: It might be.

23 MR. HINES: Similar to that private
24 road maintenance agreement, we're
25 suggesting that since there are

1 F u c h e c k S u b d i v i s i o n

2 stormwater improvements, that those be
3 incorporated into that.

4 MR. VERMA: That will be done.

5 MR. HINES: That will go to Mr.
6 Cordisco's office.

7 MR. VERMA: I understand that the
8 subdivision map has to go to the Tax
9 Department. I wasn't sure of the second
10 sentence where it says currently lines
11 cross numbers/letters.

12 MR. HINES: It's a drafting thing.
13 On that plan you have there are numbers
14 that have topography going through them.

15 MR. VERMA: I understand. I'll
16 double check. My recollection is that
17 this is the map that gets sent to the Tax
18 Department.

19 MR. HINES: They all go. That
20 whole set will go.

21 MR. VERMA: Very good.

22 MR. HINES: I just wanted to give
23 you a heads up to not get too far along
24 and have to --

25 MR. VERMA: I appreciate that.

1 F u c h e c k S u b d i v i s i o n

2 Thank you.

3 Item 7, the septic tank size is
4 labeled in the legend. The plan is
5 getting very, very full.

6 Item 9, I'm not sure if this is a
7 technical issue to discuss with you and
8 your engineer elsewhere. With the lot in
9 question, is this septic system here
10 where it's sort of -- there's a natural
11 kind of valley --

12 MR. HINES: The end of the laterals
13 are getting six to eight feet deep.

14 MR. VERMA: The intention here was
15 to use some of the spoils from the
16 excavation on the site to essentially
17 level that area, that building area, then
18 test it after and then install the
19 septic, provided that the existing
20 soils --

21 MR. HINES: That would be
22 considered a fill system then. That
23 would need County Health Department
24 approval.

25 MR. VERMA: All right. We'll

1 F u c h e c k S u b d i v i s i o n

2 modify the alignment of that to follow
3 the existing contours. Very good.

4 Item number 13 regarding any
5 approvals granted, the requirement of the
6 private road and stormwater be
7 constructed in the initial phase, we'll
8 add a construction sequencing note
9 addressing that.

10 MR. HINES: It needs to be secured.
11 Financial security for the private road
12 is required.

13 MR. VERMA: Right. I don't believe
14 that's a new item. I think we've
15 discussed that before.

16 MR. HINES: It's a placekeeper for
17 the final resolution.

18 MR. VERMA: Understood. Very good.
19 Thank you.

20 Then I know we had discussed this
21 before, the approval of the private road
22 name. The owners are discussing that
23 road name. For the Town Board approval,
24 it's simply just submitting it to you as
25 part of these plans?

1 F u c h e c k S u b d i v i s i o n

2 CHAIRMAN EWASUTYN: I think there
3 are three names --

4 MR. HINES: You submit a letter to
5 the Town Clerk with three potential names
6 in your preferred order. Typically if
7 they are not used up already, your first
8 one gets approved. Send a letter to the
9 Town Clerk. They'll put it on the Town
10 Board agenda and approve it as a matter
11 of course.

12 MR. VERMA: Very good.

13 The last comment, 19, we'll work
14 through that with the post office.

15 MR. HINES: We get private roads at
16 the end and signs aren't there. The code
17 requires a certain sign be there.

18 We'll finish the SWPPP review. If
19 you can address some of the septic
20 comments, I think you're in pretty good
21 shape.

22 MR. VERMA: Very good. Thank you.

23 CHAIRMAN EWASUTYN: Comments from
24 Board Members. Dave Dominick.

25 MR. DOMINICK: Nothing.

1 F u c h e c k S u b d i v i s i o n

2 MS. DeLUCA: Nothing.

3 MR. MENNERICH: Nothing.

4 CHAIRMAN EWASUTYN: No further
5 comments.

6 MS. CARVER: I have a question.
7 The utility easement, what is that an
8 easement for?

9 MR. VERMA: There's an overhead
10 phone line I think.

11 MR. FUCHECK: I think it's an AT&T
12 phone line that goes across the property.

13 MS. CARVER: It doesn't interfere
14 with any of the houses -- the
15 construction of the houses?

16 MR. VERMA: No. We've been trying
17 to chase down if it's even in use. I
18 walked that easement and there are a
19 number of places where trees have come
20 onto the wire. It's an old phone line
21 that's maybe that big by itself. I've
22 actually never seen one in the woods like
23 that myself up on poles.

24 MS. CARVER: Thank you.

25 MR. FUCHECK: One of my jobs will

1 F u c h e c k S u b d i v i s i o n

2 be to get that phone line raised up a
3 little bit.

4 MR. VERMA: Thank you.

5 (Time noted: 9:40 p.m.)

6

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

8

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

12 That hereinbefore set forth is a true
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15 to any of the parties to this proceeding by
16 blood or by marriage and that I am in no way
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19 my hand this 7th day of January 2025.

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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

KUSH FACTORY CANNABIS RETAIL
(2024-34)

1255 NYS Route 300
Section 95; Block 1; Lot 72
IB Zone

----- X

SITE PLAN & SPECIAL USE PERMIT

Date: December 19, 2024
Time: 9:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: SARAH N. WILSON, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: MELZINA CANIGAN IZZARD

----- X

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

1 K u s h F a c t o r y C a n n a b i s R e t a i l

2 CHAIRMAN EWASUTYN: The last and
3 final item this evening.

4 MR. DOMINICK: Two more.

5 CHAIRMAN EWASUTYN: Item ten is a
6 site plan and special use permit
7 located on New York State 300 in an IB
8 Zone. It's being represented by Anderson
9 Architects.

10 MS. IZZARD: I'm Melzina Canigan
11 Izzard. I'm appearing back before the
12 Board.

13 I believe I was missing some
14 documentation as well as some signage for
15 you guys to view. I wanted to bring that
16 to you guys to look at today. I know you
17 guys had some questions about what our
18 signage would look like.

19 We're kind of going for a classic
20 look. We're not doing anything too
21 fancy. We're sticking with more of what
22 would be considered historic colors of
23 green and burgundy. We do want to settle
24 in. We have some really nice kind of
25 monotone colors around us. The same

1 K u s h F a c t o r y C a n n a b i s R e t a i l

2 name, Newburgh Kush Factory.

3 I believe for you, Pat, there was
4 missing also a map which I do believe we
5 provided. We sent that along to
6 everyone.

7 CHAIRMAN EWASUTYN: So the action
8 before us tonight then -- we have the
9 revised plans based upon your comments.

10 MR. HINES: We didn't send it to
11 Orange County Planning. It needs to go
12 to Orange County Planning, which, once
13 the Board authorizes that, we'll
14 coordinate that. There's a thirty-day
15 review. Once we hear back, it does need
16 a public hearing. It's a special use
17 under your code. You'd be in a position
18 to schedule that public hearing.

19 MR. WARD: John, the Building
20 Department has the project number --

21 MR. HINES: I have it wrong in my
22 comments. He's probably telling me that.
23 I have it as 33.

24 MR. WARD: It's 34.

25 MR. HINES: That's probably a

1 K u s h F a c t o r y C a n n a b i s R e t a i l

2 comment to me.

3 CHAIRMAN EWASUTYN: Would someone
4 move for a motion to refer Kush Factory
5 Cannabis Retail to the Orange County
6 Planning Department.

7 MS. CARVER: So moved.

8 MR. WARD: Second.

9 CHAIRMAN EWASUTYN: I have a motion
10 by Lisa Carver. I have a second by John
11 Ward. Can I have a roll call vote
12 starting with Dave Dominick.

13 MR. DOMINICK: Aye.

14 MS. DeLUCA: Aye.

15 MR. MENNERICH: Aye.

16 CHAIRMAN EWASUTYN: Aye.

17 MR. BROWNE: Aye.

18 MS. CARVER: Aye.

19 MR. WARD: Aye.

20 CHAIRMAN EWASUTYN: Thank you.

21

22 (Time noted: 9:45 p.m.)

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1 K u s h F a c t o r y C a n n a b i s R e t a i l

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

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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

LANDS OF COX - WENMAR DRIVE
(2024-38)

Wenmar Drive
Section 73; Block 2; Lot 82
R-3 Zone

----- X

TWO-LOT SUBDIVISION

Date: December 19, 2024
Time: 9:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: SARAH N. WILSON, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: DARREN STRIDIRON

----- X

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

1 L a n d s o f C o x - W e n m a r D r i v e

2 CHAIRMAN EWASUTYN: The last and
3 final item this evening, and Ken
4 Mennerich has something to read into
5 the minutes after this, is item
6 number eleven Lands of Cox - Wenmar
7 Drive. It's an initial appearance
8 for a two-lot subdivision located on
9 Wenmar Drive on the east side of the
10 road. It's in an R-3 Zone.

11 MR. STRIDIRON: Good evening. My
12 name is Darren Stridiron, I'm a
13 professional land surveyor representing
14 my client, Joshua Cox, who is here
15 tonight.

16 It's a two-lot subdivision on
17 Wenmar Drive. Mr. Cox owns the property
18 next to -- adjacent to and on the south
19 side of this lot.

20 We're proposing two lots out of
21 that one for single-family houses.

22 It has existing sewer and water on
23 lot 1 for stubs. We're proposing to add
24 a sewer and a water stub on lot 2.

25 The lots are pretty much cleared at

1 L a n d s o f C o x - W e n m a r D r i v e

2 this point. They've been cleared for a
3 long time. There's some existing
4 vegetation along the northern side. That
5 part of the lot will not be disturbed at
6 all.

7 It meets all the zoning requirements.

8 I would be interested in hearing
9 the comments. Thank you.

10 CHAIRMAN EWASUTYN: Pat Hines with
11 MH&E.

12 MR. HINES: This is an initial
13 appearance. We will send out the
14 adjoiners' notices, working with Mr.
15 Stridiron's office.

16 We're just requesting a standard
17 note that foundations be staked in the
18 field and a plot plan be submitted to the
19 Building Department based on the
20 buildings' locations at the building
21 setback lines. Save your client a visit
22 to the ZBA accidentally.

23 Water and sewer details will need
24 to be added to the plans.

25 There's a 15-foot wide easement in

1 L a n d s o f C o x - W e n m a r D r i v e

2 front of, I think lot 1.

3 MR. STRIDIRON: Yes. Proposed.

4 MR. HINES: The easement is
5 proposed?

6 MR. STRIDIRON: That's a proposed
7 easement. Right now you have --

8 MR. HINES: Is the stormwater
9 there?

10 MR. STRIDIRON: You have a utility
11 box on the southwest corner of lot 1.
12 Instead of running into the road -- into
13 the right-of-way with the utilities,
14 we're just going to extend the existing
15 easement that's along this area onto lot
16 2.

17 MR. HINES: I wanted to make sure.
18 There are underground drainage improvements
19 in that subdivision. If it's proposed,
20 that's fine.

21 MR. STRIDIRON: That is. There are
22 some drainage --

23 MR. HINES: We've had some people
24 dig into those doing their sewer and
25 water laterals. I wanted to make sure it

1 L a n d s o f C o x - W e n m a r D r i v e

2 wasn't associated with that.

3 Right now our adjoiners' notices
4 are the only action.

5 We want you to follow up with the
6 highway superintendent on the new
7 driveways as well.

8 CHAIRMAN EWASUTYN: Sarah Wilson,
9 do you have any comments?

10 MS. WILSON: I do not, Chair.
11 Thank you.

12 CHAIRMAN EWASUTYN: Thank you.

13 MR. STRIDIRON: Thank you very
14 much.

15

16 (Time noted: 9:50 p.m.)

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1 L a n d s o f C o x - W e n m a r D r i v e

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

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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

HILLSIDE LANE DEVELOPMENT
(2022-27)
Jeanne Drive

Request for a 180-Day Extension of Approval
From December 15, 2024 Until June 13, 2025

----- X

BOARD BUSINESS

Date: December 19, 2024
Time: 9:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: SARAH N. WILSON, ESQ.
PATRICK HINES
KENNETH WERSTED

----- X

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

1 Hillside Land Development

2 CHAIRMAN EWASUTYN: The last item,
3 Ken Mennerich.

4 MR. MENNERICH: It's a letter dated
5 December 9, 2024 to the Town of Newburgh
6 Planning Board, 21 Hudson Valley
7 Professional Plaza, Newburgh, New York
8 12550, Attention Mr. John Ewasutyn,
9 Planning Board Chairman. Subject,
10 Hillside Land Development, project
11 2022-27. It's on Jeanne Drive, Newburgh,
12 New York. Fellenzer Engineering project
13 19-049. "Dear Mr. Chairman, Hillside
14 Land Development is requesting a 180-day
15 extension of the resolution of approval
16 dated June 15, 2023. The previous
17 extension is due to expire on December 15,
18 2024. We kindly request another 180-
19 day extension to June 13, 2025. The
20 applicant is actively pursuing
21 fulfillment of the conditions of
22 approval, such as securing the required
23 bonds and Planning Board signatures on
24 the site plan. Please consider this
25 extension request at your next Board

1 Hillside Land Development

2 meeting. Please reach out if there are
3 any questions. Sincerely, Raymond D.
4 Fellenzer, PE, project engineer."

5 CHAIRMAN EWASUTYN: Would someone
6 move for a motion to grant the 180-day
7 extension for Hillside Land Development,
8 project number 22-27, to June 13, 2025.

9 MR. WARD: So moved.

10 MR. DOMINICK: Second.

11 CHAIRMAN EWASUTYN: I have a motion
12 by John Ward. I have a second by Dave
13 Dominick. Can I have a roll call vote
14 starting with Dave Dominick.

15 MR. DOMINICK: Aye.

16 MS. DeLUCA: Aye.

17 MR. MENNERICH: Aye.

18 CHAIRMAN EWASUTYN: Aye.

19 MR. BROWNE: Aye.

20 MS. CARVER: Aye.

21 MR. WARD: Aye.

22 CHAIRMAN EWASUTYN: Would someone
23 make a motion to close the Planning Board
24 meeting of the 19th of December 2024.

25 MS. DeLUCA: So moved.

1 Hillside Land Development

2 MR. MENNERICH: Second.

3 CHAIRMAN EWASUTYN: I have a motion
4 by Stephanie DeLuca. I have a second by
5 Ken Mennerich. Can I have a roll call
6 vote starting with Dave Dominick.

7 MR. DOMINICK: Aye.

8 MS. DeLUCA: Aye.

9 MR. MENNERICH: Aye.

10 CHAIRMAN EWASUTYN: Aye.

11 MR. BROWNE: Aye.

12 MS. CARVER: Aye.

13 MR. WARD: Aye.

14

15 (Time noted: 9:55 p.m.)

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1 Hillside Land Development

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

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 7th day of January 2025.

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MICHELLE CONERO

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