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

----- X  
In the Matter of

SPARK CAR WASH

Project No. 2023-23  
1229 Route 300  
Section 96; Block 1; Lots 4 & 5  
IB Zone

----- X

SITE PLAN

Date: February 6, 2025  
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  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVES: JENNIFER PORTER  
NICHOLAS TORTORELLA  
JEFFREY MARTELL

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

1       S p a r k   C a r   W a s h

2                   CHAIRMAN EWASUTYN: Good evening,  
3                   ladies and gentlemen. The Town of  
4                   Newburgh Planning Board would like to  
5                   welcome you to their meeting of February 6,  
6                   2025. We have eight agenda items this  
7                   evening and three board business items.  
8                   The second item this evening is a public  
9                   hearing, at which point Ken Mennerich, to  
10                  the right of me, will read the notice of  
11                  hearing and discuss with you the protocol  
12                  for a public hearing.

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

15                  MR. DOMINICK: Present.

16                  MR. MENNERICH: Present.

17                  CHAIRMAN EWASUTYN: Present.

18                  MR. BROWNE: Present.

19                  MS. CARVER: Present.

20                  MR. WARD: Present.

21                  MR. CORDISCO: Dominic Cordisco,  
22                  Planning Board Attorney.

23                  MS. CONERO: Michelle Conero,  
24                  Stenographer.

25                  MR. HINES: Pat Hines with MHE

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2           Engineers.

3                   MR. CAMPBELL:   Jim Campbell, Town  
4           of Newburgh Code Compliance.

5                   MR. WERSTED:   Ken Wersted,  
6           Creighton Manning Engineering.

7                   CHAIRMAN EWASUTYN:   At this time  
8           we'll turn the meeting over to John Ward.

9                   MR. WARD:   Please stand to say the  
10          Pledge.

11                   (Pledge of Allegiance.)

12                   MR. WARD:   Please turn off your  
13          phones or on vibrate.   Thank you.

14                   CHAIRMAN EWASUTYN:   The first item  
15          of business this evening is Spark Car  
16          Wash, project number 23-23.   It's a site  
17          plan located on Route 300 in an IB Zone.  
18          It is going to be represented by Jennifer  
19          Porter.

20                   MS. PORTER:   Yes.   Good evening,  
21          Chairman, Members of the Board.   Jennifer  
22          Porter of CSG Law.

23                   We last appeared in front of this  
24          Board two months ago in December, at  
25          which time we gave a more detailed

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2           overview of our application. Previous to  
3           that, we had last appeared approximately  
4           a year prior, December of 2023.

5           At that meeting we did receive a  
6           lot of great substantive feedback from  
7           both the Board and its consultants in  
8           terms of the application. Since then  
9           we've done a full resubmission to address  
10          all the comments that were received at  
11          the last meeting.

12          Tonight we would like the opportunity  
13          to have our civil engineer as well as our  
14          traffic engineer update the Board as to  
15          some discussions that we've had with  
16          respect to agencies under review with  
17          respect to this application, as well as  
18          some of our communications with the  
19          Board's consultants in terms of  
20          addressing some of the open items.

21          In addition to that, we also wanted  
22          to have the opportunity, once we go  
23          through the new comment letters, to  
24          discuss with the Board a few items in  
25          terms of next steps regarding SEQRA, if

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2           the Board is willing to grant -- declare  
3           itself lead agency this evening, if the  
4           Board is willing to take into consideration  
5           whether or not to schedule a public hearing  
6           at this point in time, if you've heard  
7           enough information from our team. We  
8           also would like to talk about the next  
9           steps for architectural review of this  
10          application. Lastly, we would like to  
11          discuss the opportunity for the Board to  
12          recommend the scheduling of a technical  
13          review meeting, because we think it would  
14          benefit the applicant as well as the  
15          Board and the public if we had the  
16          opportunity to work out any final details  
17          so we can come in to hopefully the next  
18          meeting to take further action in  
19          connection with this application.

20                   CHAIRMAN EWASUTYN: Are we supposed  
21                   to memorize all of this?

22                   MS. PORTER: I did. Why not.

23                   CHAIRMAN EWASUTYN: You rehearsed,  
24                   I see.

25                   MS. PORTER: There you go. If it's

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2           okay with you, I would like to call up  
3           our civil engineer to give you a brief  
4           update.

5                       CHAIRMAN EWASUTYN:   His name, for  
6           the record?

7                       MS. PORTER:   Jeff Martell,  
8           Stonefield Engineering.

9                       MR. MARTELL:   Good evening.   Since  
10          we last presented before the Board, we  
11          did make a resubmission in January.   I  
12          think the most notable change that was  
13          made was the addition of a mountable  
14          concrete island at the driveway and some  
15          signage to prohibit left-hand turn exits  
16          from the site.   You are going to hear  
17          from our traffic engineer, and my  
18          colleague as well, so I won't go into too  
19          much detail.

20                      Site plan elements were added relative  
21          to that left-turn exit prohibition.

22                      Also, at the Board's request we  
23          added a sidewalk along the frontage.

24                      Again, my colleague had additional  
25          discussion with DOT on those two items,

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2               so I'll defer to him for further  
3               explanation.

4               In terms of the circulation, we put  
5               a do not enter sign at the drive aisle  
6               opposite the main entrance. If you'll  
7               recall, at the last meeting we discussed  
8               a counterclockwise intended circulation  
9               around the site. Essentially what we're  
10              doing is we're reinforcing the idea that  
11              the first movement on the site essentially  
12              should continue around there, around the  
13              site, and access the vacuum areas  
14              essentially after you exit the car wash  
15              itself.

16             We did make some other minor changes  
17             relative to some kiosk signage, really  
18             just reducing down to a single menu board  
19             on that innermost lane which is really  
20             intended for the nonmembers. The  
21             majority, of course, of the members are  
22             generally aware of the service they're  
23             looking for. As a nonmember, you're able  
24             to view that menu board.

25             Also, just a small tweak on the

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2               signage relative to the entrance tunnel.

3               Other items that were submitted and  
4               require continued coordination, obviously  
5               with Mr. Hines and various Board  
6               professionals, is the stormwater  
7               management report was submitted.

8               We will continue to work towards  
9               the City of Newburgh flow acceptance,  
10              which is relative to the sanitary sewer.

11              Our continued coordination with the  
12              DEC and Army Corp relative to the  
13              applicability of buffers from adjacent  
14              wetlands and waterways.

15              We have provided some information  
16              relative to the Tree Preservation  
17              Ordinance.

18              I think we owe the Board maybe a  
19              little bit more explanation in terms of  
20              the intent to comply with the design  
21              guidelines in the front yard. If we are  
22              able to do so in a technical review  
23              meeting, that would be great. Otherwise,  
24              in looking at the design guidelines,  
25              obviously the landscaping, the sidewalk



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2               and the general frontage buffer  
3               components are what the applicant is  
4               proposing. We're happy to continue to  
5               supplement that or have further  
6               discussion.

7                       With that said, there's nothing  
8               additional on the site plan side.

9                       We do have my colleague Nick who is  
10              here to discuss some of the correspondence  
11              with DOT and various moving parts relative  
12              to the traffic.

13                      Of course I'm happy to answer any  
14              questions. Anything additional in the  
15              review letter, I'm happy to discuss.

16                      CHAIRMAN EWASUTYN: Jeff, thank you.

17                      Let's hear from Nick. Nick, do you  
18              have a last name?

19                      MR. TORTORELLA: I do. Nick Tortorella.

20                      CHAIRMAN EWASUTYN: Then we'll turn  
21              it over to the Board Members. Thank you.

22                      MR. TORTORELLA: It's nice to see  
23              everyone again. My last name is spelled  
24              T-O-R-T-O-R-E-L-L-A.

25                      I'm not going to rehash the plan

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2           updates that my colleague just went  
3           through. I'll jump into the DOT updates  
4           right away.

5                    We resubmitted our stage 2 highway  
6           work permit application to the State DOT  
7           concurrent with our resubmission to the  
8           Board for this hearing. That reflected  
9           the proposed site access modification and  
10          the proposed sidewalk along the State  
11          right-of-way that Mr. Martell described  
12          earlier. I did copy the Board and  
13          Mr. Wersted on that correspondence, and  
14          I'll continue to do that moving through  
15          the process.

16                   We actually did receive preliminary  
17          feedback from the DOT this afternoon.  
18          Again, for the site access, the State,  
19          once again, approved our site access as a  
20          full movement driveway. They're not  
21          going to object to the proposed left-turn  
22          egress restriction that we've implemented  
23          at the request of the Board.

24                   They did issue one new comment about  
25          the driveway's location with respect to

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2           the location of the Union Square driveway  
3           to the south of our property. I'm going  
4           to speak with the reviewer again, just to  
5           provide some additional context about the  
6           prior approval with the driveway in its  
7           current location. I would like to  
8           confirm that we do believe we can address  
9           that comment while providing the same  
10          number of vehicle stacking spaces  
11          upstream of the pay station gates with  
12          some minor changes to the frontage design  
13          if we need to address that comment.

14                 For the sidewalk, we had requested  
15                 of the DOT that they approve a permanent  
16                 easement to accommodate the sidewalk  
17                 along our frontage as a land dedication  
18                 would potentially create some constraints  
19                 with setback requirements from the State  
20                 right-of-way. They did confirm this  
21                 afternoon that a land donation would be  
22                 required. This land donation would --  
23                 land dedication, rather, would kind of  
24                 intensify the variance that we've already  
25                 received approval for for having one of

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2           the pay station canopies within twenty  
3           feet of the State right-of-way. We are  
4           looking to discuss this item further with  
5           the Board this evening and in a technical  
6           review meeting, and just throughout the  
7           process in general. Our kind of idea, or  
8           proposal I'll call it, is to potentially  
9           leave the space along our frontage where  
10          the sidewalk is currently shown completely  
11          undeveloped with only grass plantings  
12          such that in the future, if sidewalk  
13          facilities were constructed to the north  
14          and the south of our property on Route  
15          300, we would be willing to, at that  
16          time, provide the additional connectivity  
17          along our frontage by constructing the  
18          sidewalk that you currently see today.  
19          Again, I'll kind of just go back to our  
20          previous meeting. In the overall context  
21          I think we want to propose the sidewalk  
22          at the request of the Board. Again, the  
23          land dedication process would just  
24          exacerbate that variance that we've  
25          already received approval for. Again, I

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2           think this is one of the items we'd like  
3           to discuss further with not only the  
4           Board tonight but with your professionals  
5           at a TRC and just again throughout the  
6           process.

7                       With that, I just want to transition  
8           quickly and touch on a few of the items  
9           that Mr. Wersted included in his latest  
10          review letter.

11                      The first comment is, he kind of  
12          summarizes the correspondence we've had  
13          with the New York State DOT leading up to  
14          them approving our original design and  
15          frontage back in July. I specifically  
16          just want to highlight Mr. Wersted's  
17          summary of the steps we took to  
18          investigate the potential southbound  
19          right-turn lane onto 300 for vehicles  
20          entering the site, as the Board suggested  
21          that as a potential improvement back in  
22          December 2023.

23                      As you'll see at the bottom of the  
24          page here, the existing roadway transitions  
25          from three lanes down to two throughout

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2           the entirety of our site frontage. As  
3       such, if we were to extend the third lane  
4       on Route 300, we'd have to shift that  
5       five hundred foot taper all the way to  
6       the south of our property which would  
7       require a significant amount of land  
8       dedication from private properties to  
9       the south of us that neither we, the  
10      applicant, nor the DOT control. DOT  
11      reviewed that proposal, basically our  
12      summary of the findings, and did deem  
13      that extending the third lane in the  
14      southbound direction along our frontage  
15      was not feasible for those reasons.

16            Along similar lines, since again  
17      that three to two lane transition occurs  
18      throughout the entire frontage, we are  
19      not able to provide a new dedicated  
20      right-turn lane along the frontage  
21      because we'd be creating a bump out in  
22      the middle of the transition from the  
23      three to the two lanes which is not in  
24      accordance with the State's standard  
25      traffic engineering design guidelines.

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2               With that being said, we do understand  
3               why the Board requested that we  
4               investigate that potential improvement.  
5               We do understand the concerns about  
6               potential inbound queues extending back  
7               out to the adjacent roadway.

8                       The traffic report that we  
9               submitted and that Mr. Wersted reviewed  
10              as part of this latest submission did  
11              include a pay station queueing analysis  
12              and a summary of observations that we  
13              took of peak pay station queues at the  
14              Sicklerville, New Jersey facility. We  
15              provided that analysis and the  
16              observations to again demonstrate that  
17              the twenty-three total stacking spaces  
18              upstream of the wash tunnel entrance, and  
19              really specifically the sixteen stacking  
20              spaces that are upstream of the pay  
21              station gates, are more than sufficient  
22              to accommodate the peak queues that could  
23              occur on this site, with that queue not  
24              only reaching the driveway here, but  
25              nonetheless extending all the way back

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2           onto the roadway. I think that was the  
3           goal of those analyses, to demonstrate  
4           the limits of that expected queue.

5           Based on a conversation that I had  
6           with Mr. Wersted before this meeting, I  
7           do understand the concerns about  
8           additional queueing that could occur on  
9           a type of peak car wash day that could  
10          happen. For instance, the day after a  
11          winter storm when there's salt all over  
12          the road, pretty similar to what it's  
13          going to be tomorrow.

14          Just for some general context,  
15          Spark aims to wash around two hundred  
16          total cars per day at this facility.  
17          Based on their operational experience at  
18          other existing sites, they anticipate  
19          that they can wash around or just upwards  
20          of three hundred total cars per day on  
21          that type of peak day after a winter  
22          storm. Even with the additional demand  
23          on those select days, the way that Spark  
24          has incorporated advanced technology into  
25          their site layout and their operations



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2               really just allows for the constant  
3               movement of vehicles throughout the site.  
4               The queue is never stagnant and standing  
5               still. It's passing through the pay  
6               station gates, through the wash tunnel  
7               and in and out of the vacuum spaces in  
8               the Spark Park area.

9               Just to reiterate from the last  
10              presentation, these pay stations are  
11              equipped with license plate recognition  
12              software that allows these member  
13              vehicles to pass through in as little as  
14              five to ten seconds. Over sixty percent  
15              of Spark customers subscribe to the  
16              membership model. That means that a  
17              significant majority of the trips that  
18              come to the site will be seamlessly  
19              passing through these pay stations in as  
20              little as five seconds. Even the non-  
21              members that would use this dedicated  
22              lane closer to the interior of the site,  
23              those transactions occur at this kind of  
24              streamline pay station here in as little  
25              as thirty-five to fifty seconds. They

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2           have the assistance of a dedicated  
3           customer service attendant who is  
4           positioned in this location to help  
5           facilitate those nonmember transactions.

6           The last thing I'll point out is  
7           that Spark also has the ability to change  
8           the speed of their wash tunnel so that  
9           from start to finish, including the  
10          drying process, the entire wash can take  
11          less than two minutes. The reason that  
12          they don't always operate the tunnel at  
13          that speed is it just results in unnecessary  
14          wear and tear on the equipment and results  
15          in higher maintenance costs, where, for a  
16          significant majority of the time, there's  
17          just no need to operate the tunnel at  
18          that speed where it can process over a  
19          hundred and thirty vehicles in a single  
20          hour if it needed to.

21          So again, just to quickly summarize,  
22          these seamless pay station transactions  
23          and the wash speed variability that Spark  
24          is able to employ just facilitates that  
25          constant circulation of vehicles

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2           throughout the site, never resulting in  
3           that stagnant queue.

4           The incorporation of those  
5           technologies really is what sets Spark  
6           apart from other automated car wash  
7           operators. It's a flagship part of their  
8           business model. It's like a defining  
9           characteristic of their operations.  
10          Really what it does is it results in  
11          lesser vehicle queues at these pay  
12          stations and upstream of the wash tunnel  
13          entrance as compared to any other  
14          automated car wash operator.

15          Very quickly, two final items that  
16          I just spoke about with Mr. Wersted  
17          earlier and I just want to confirm. The  
18          first is that we want to confirm this  
19          curb extension area here, next to the car  
20          wash entrance, is there so that it can  
21          facilitate, like, reverse K-turn maneuvers  
22          for vehicles that, for some reason, pass  
23          through the pay station gate, but get to  
24          the point where they would enter the wash  
25          tunnel and, for some reason, decide that

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2           they do not want to go through the wash  
3           tunnel. They would reverse in this area  
4           for access to the bailout lane and travel  
5           through the Spark Park area to exit the  
6           site.

7           The second is, as Mr. Martell noted  
8           earlier, we added a second do not enter  
9           sign here facing Route 300, just because  
10          the existing site that we had -- sign  
11          that we had previously proposed could  
12          potentially be blocked at certain angles  
13          by the trash enclosure. We wanted to  
14          reintroduce that counterclockwise  
15          circulation throughout the site to allow  
16          it to operate efficiently.

17          That's all I had to touch on  
18          specifically. I'm happy to open it up  
19          to questions or to turn it back over to  
20          Ms. Porter.

21          CHAIRMAN EWASUTYN: Board Members,  
22          does anyone have any questions for Jeff,  
23          the civil engineer, or for Nick, the  
24          traffic engineer? We'll start with Dave  
25          Dominick.

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2                   MR. DOMINICK: Thanks for that  
3 presentation.

4                   You are keeping the right out of  
5 the site, the right turn out?

6                   MR. TORTORELLA: We are proposing a  
7 right turn out only. Correct.

8                   MR. DOMINICK: It still concerns  
9 me, that third lane. Route 300 is a very  
10 busy road. Very busy, many accidents.  
11 On the peak days, probably tomorrow if  
12 this was open, you're going to have  
13 queueing into the road with people lined  
14 up. I know if I'm the last car in that  
15 line, it's going to take me twelve  
16 minutes to go from the highway to the  
17 tunnel. That's another two minutes.  
18 That's fifteen minutes. I'm still  
19 concerned about the safety of Route 300  
20 and the queueing that's going to happen.

21                   MR. TORTORELLA: If I could touch  
22 on that one, the twelve minutes that you  
23 just mentioned. I did speak about this  
24 with Mr. Wersted yesterday. That twelve  
25 minutes that was presented in his comment

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2           letter is if for some reason this car  
3           wash was completely shutdown for some  
4           reason. Let's call it an emergency.  
5           During the time that it was shutdown and  
6           not operational, the queue built up with  
7           every available stacking space all the  
8           way to the back, twenty-three vehicles,  
9           and then at that point where the queue is  
10          full, they turned the car wash back on  
11          and that's when it took twelve minutes  
12          for that vehicle to get through.

13                 Again, I'm going to tie back to the  
14                 amount of technology that this company  
15                 employs in the facility. That queue is  
16                 never building up to twenty-three total  
17                 vehicles because of the way that cars are  
18                 continuously processed through the pay  
19                 stations. Again, automatically raising  
20                 gates with the license plate recognition  
21                 and the ability for this car wash to  
22                 operate start to finish in less than two  
23                 minutes.

24                 I really do understand the position  
25                 on the southbound right-turn lane. You

1       S p a r k   C a r   W a s h

2           are correct, Route 300 is a busy roadway,  
3           it carries a significant volume of  
4           traffic.

5           I do know and we've spoken about  
6           the other car wash application where a  
7           southbound right-turn lane was proposed  
8           and, to my understanding, was approved  
9           for that application. I would like to  
10          point out a few differences that we have  
11          between that site and ours. First of  
12          all, that other car wash site is located  
13          on a section of Route 300 that connects  
14          17K with the 84/87 interchange. I'm sure  
15          you're well aware of that. If you look  
16          at historical volume data from the DOT,  
17          the volume of traffic on that section of  
18          roadway where that car wash is is  
19          actually thirty percent higher than this  
20          section of Route 300 on not only a daily  
21          basis but in specific peak hours.

22          Again, I would just like to somewhat  
23          separate the sites. I understand they're  
24          on the same roadway and really they're  
25          very close to each other, but the traffic

1       S p a r k   C a r   W a s h

2           characteristics and the overall volumes  
3           that go past each of those sites, they  
4           are significantly different, over thirty  
5           percent in the peak hour.

6                    Another item I'd like to touch on,  
7           and I can't speak for that operator, but  
8           to my knowledge, based on all my  
9           conversations and other applications I've  
10          worked on with Spark, this type of  
11          automatic processing through the pay  
12          station gates is a unique feature to  
13          Spark.

14                    Again, I went through the  
15          application for that other car wash.  
16          Their wash time, start to finish, is  
17          three minutes. That's almost double what  
18          we're talking about our car wash start to  
19          finish can operate at. That's a  
20          significant difference in terms of  
21          processing capacity. In my opinion, I  
22          think that kind of results in a different  
23          conversation about queueing because, just  
24          again, the way that we can process  
25          continually vehicles through this site



1       S p a r k   C a r   W a s h

2               counterclockwise in and out of the vacuum  
3               spaces, the potential for the queues to  
4               reach this driveway are just negligible  
5               in my opinion.

6                       Again, I'm not dismissing the  
7               comment in any way whatsoever. I  
8               completely understand it. We've just  
9               done a lot of research and analysis based  
10              on existing Spark sites, based on the  
11              transaction times, based on the wash  
12              tunnel processing speeds to where really  
13              professionally my opinion is that the  
14              potential for the queue to impact traffic  
15              on Route 300 is lower than for a standard  
16              car wash.

17                      MR. DOMINICK: I respect that but  
18              disagree. Go to any car wash in this  
19              area tomorrow, you're going to have  
20              queueing on the road. It's that simple.  
21              No matter what technology, no matter how  
22              fast the tunnel is, one car wash uses a  
23              QR reader that takes the same amount of  
24              time as a license plate reader. You  
25              compared this car wash with the other car

1       S p a r k   C a r   W a s h

2               wash tunnel speed. The difference with  
3               the other car wash is they have the  
4               queueing lane. The third lane is a  
5               queueing lane. I think we're calling  
6               that even.

7                       That's all I have, John.

8                       CHAIRMAN EWASUTYN: Ken Mennerich,  
9               any comments for the civil engineer or  
10              the traffic engineer?

11                     MR. MENNERICH: I guess concerning  
12              the sidewalk, we really want to see  
13              sidewalks developed in any project  
14              anyplace. The DOT now is basically  
15              pushing for the sidewalks to be put in,  
16              too. I understood about the setback.  
17              Isn't that just another meeting with the  
18              ZBA that they might allow that?

19                     MR. TORTORELLA: They very well  
20              may. I can't speak for them, obviously.  
21              I can kind of defer to Ms. Porter here on  
22              the procedural kind of aspect of it, if  
23              they could just approve it for the  
24              variance we already have with the land  
25              dedication.

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2                   I think it becomes more of a timing  
3                   thing in terms of how long the land  
4                   dedication process takes. I think really  
5                   the risk for our applicant team is going  
6                   back to them and then justifying why,  
7                   when we previously had a twenty-foot  
8                   offset between the State right-of-way and  
9                   this structure for the pay station  
10                  canopy, that distance can now be reduced  
11                  to five feet. I can't predict how they're  
12                  going to react to that when we already  
13                  have the approval for the variance that  
14                  we sought for this setback.

15                  Again, we understand your position  
16                  about wanting to provide the sidewalk. I  
17                  think it's great for developments to  
18                  provide new sidewalks along their frontage.  
19                  It makes for an attractive street scape,  
20                  it's more pedestrian friendly. In our  
21                  opinion, just the lack of infrastructure  
22                  to the north and south, like where is  
23                  this connecting to? Who is it serving?

24                  I think that maybe the overall idea  
25                  of providing pedestrian connectivity

1       S p a r k   C a r   W a s h

2           along the entire corridor could be  
3           achieved by us offering the space where  
4           it's currently proposed to remain  
5           completely undeveloped and just planted  
6           with grass so in the future, if  
7           applications were to come back that  
8           proposed a sidewalk to the north and a  
9           sidewalk to the south with a crosswalk on  
10          this driveway, our applicant would be  
11          willing to construct the sidewalk as it  
12          is currently located.

13                       MR. MENNERICH: Thank you.

14                       CHAIRMAN EWASUTYN: I have no  
15          comments at this point.

16                       MR. BROWNE: Just a couple things.  
17          Following up on the sidewalk issue, what  
18          we have found and what we do is if we  
19          don't insist on it, it never gets done.  
20          If you don't do yours, then the other guy  
21          is going to say the same thing, there's  
22          nothing there. It never happens. Part  
23          of our rationale is, when you're doing  
24          developments like this, get them done,  
25          get them put in and then we have the

1       S p a r k   C a r   W a s h

2               connectivity all the way down the road.

3                       Another question.  Moving the  
4       driveway -- moving the entrance, what  
5       impact would that have on your operation  
6       if you would have to move it to what DOT  
7       suggested?

8                       MR. TORTORELLA:  Our expectation is  
9       we would have to shift the driveway far  
10      enough where we would then shift the pay  
11      station gates slightly closer to this  
12      drive aisle that runs perpendicular to  
13      300.  The result would be we would have  
14      the same sixteen stacking spaces upstream  
15      of the pay stations, but we would lose  
16      one, potentially two stacking spaces  
17      between the wash tunnel entrance and  
18      where the pay station gates are.  We'd go  
19      from twenty-three total to twenty-one  
20      total.  Critically, which this is the  
21      determining factor, the pay stations  
22      here.  We would have the same number  
23      upstream of the pay stations whether we  
24      moved the driveway or not.  That is our  
25      expectation.

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2                   Again, we did receive that comment  
3                   at 3:00 today. We didn't reengineer the  
4                   plan, obviously. As part of the  
5                   submission -- the next forthcoming  
6                   submission, as part of maybe a TRC we can  
7                   have with your professionals, we can look  
8                   into the driveway in a more detailed  
9                   manner.

10                   MR. BROWNE: Another comment. On  
11                   the third lane, the third lane there,  
12                   currently that lane is an acceleration  
13                   and merge lane coming out of the traffic  
14                   light at Lowe's. Any stacking back into  
15                   that would be problematic.

16                   From an engineering standpoint, how  
17                   would you -- how would the company  
18                   guarantee no stacking out onto 300? I  
19                   heard the probabilities. I heard all the  
20                   -- from the numbers standpoint it sounds  
21                   like it shouldn't happen, but what can  
22                   you put in place to guarantee that it  
23                   will not happen?

24                   MR. TORTORELLA: I've got to be  
25                   honest. I don't think there are any

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2           guarantees in engineering whatsoever. I  
3           don't even think having a southbound  
4           right-turn lane along our frontage would  
5           guarantee that no queue would ever spill  
6           back onto 300.

7                   I think what we're aiming to do is  
8           provide the best, most innovative, most  
9           efficient design that we possibly can. I  
10          think the incorporation of this advanced  
11          technology that Spark has invested a  
12          significant amount of financial resources  
13          into and which really allows their  
14          facility to operate at a higher  
15          efficiency than any of the competitors,  
16          that's what sets them apart. I think  
17          that is the engineering plan that we've  
18          developed to minimize, to the extent  
19          possible, that queue extending back onto  
20          the adjacent roadway.

21                   MR. MARTELL: I would just add, in  
22          speaking with the folks from Spark, I  
23          think one of the things that is part of  
24          the operation that we talked about is we  
25          do have employees on the property

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2           exterior to the building. Those  
3           employees are essentially tasked with  
4           monitoring the speed of the tunnel.  
5           Essentially they don't want to run it at  
6           the high speed all the time because it's  
7           difficult on the machinery and what have  
8           you. If they were to sense the queue is  
9           going back and it looks like it's going  
10          to be an issue, A, they would speed it  
11          up. B, you also have an onsite police/  
12          traffic kind of aide there to essentially  
13          assist as well. Is there anything we can  
14          do that absolutely means that it could  
15          never happen physically? I don't think  
16          there is. The fact that there are  
17          operations folks trained, able to adjust  
18          the tunnel speed and essentially have the  
19          responsibility of maintaining and  
20          operating the traffic flow on the  
21          property, you at least have those tools  
22          available to you. It's not like  
23          something has to be called into corporate  
24          or done anything crazy, call the police.  
25          You do have individuals that are trained



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2           to essentially operate the facility. I  
3           do think that's notable as well.

4                   MR. BROWNE: Thank you.

5                   MR. TORTORELLA: If I could just  
6           add two more things to kind of quantify  
7           it a little bit. Again, if you take  
8           these two member lanes that process  
9           vehicles, let's just call it thirty  
10          seconds for argument's sake. If they  
11          process a vehicle every thirty seconds,  
12          which is more than double the observed  
13          transaction time we've taken from other  
14          Spark facilities, that means that each  
15          one of these gates can process a hundred  
16          and twenty vehicles each in one single  
17          hour. This wash tunnel, when it's  
18          operated at its peak speed, can wash over  
19          a hundred and thirty five cars per hour.  
20          If you expand that over a twelve-hour  
21          period, you're talking about almost  
22          fifteen hundred car washes in a single  
23          day. That's the capacity of these gates,  
24          this wash tunnel. That would be the most  
25          successful business that Spark could ever

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2           dream of.  There's no way on planet earth  
3           that they could ever wash fifteen hundred  
4           cars in a single day.

5                    What I'm trying to do is just  
6           contextualize the available capacity they  
7           have with this technology to continually  
8           flow vehicles throughout the site so that  
9           the queue just never builds up.  The highest  
10          queue we observed at Sicklerville, which  
11          is a higher volume store than this is  
12          expected to be, was, I believe, five  
13          total vehicles in the nonmember lane.  
14          That happened one time throughout two  
15          four-hour study periods.  In the members'  
16          lane the highest queue was only three  
17          vehicles, and it dissipated to zero  
18          within a minute.

19                    Again, just providing more information  
20          to show how efficient the circulation is  
21          at these car washes.

22                    MR. BROWNE:  Thank you.

23                    MS. CARVER:  What is the typical  
24          speed of the tunnel?  You said you can go  
25          to two minutes.

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2                   MR. TORTORELLA: It actually can go  
3                   to less than two minutes. It's typically  
4                   run between two and two and a half  
5                   minutes.

6                   Again, nothing about the speed of  
7                   the wash tunnel affects the quality of  
8                   the wash. It all has to do with how much  
9                   stress you're putting on the machinery.

10                   Correct me if I'm wrong, but I  
11                   believe the standard, when there's just  
12                   not peak demand, is two and a half  
13                   minutes per wash.

14                   MS. CARVER: They would --

15                   MR. TORTORELLA: They can easily --  
16                   as my colleague said, there are  
17                   attendants and their literal job is to  
18                   monitor the queues and adjust the wash  
19                   speed if needed and only if needed.

20                   MS. CARVER: Just one other comment.  
21                   I noticed that the DOT in the letter --  
22                   in the response, the comment was that  
23                   they were comfortable or they approved  
24                   the lane at this time. I think -- well,  
25                   I would suggest if you're going to be

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2           going back to them because you have to  
3           discuss the driveway, I don't like the  
4           term at this time because that sounds  
5           like, okay, they might change it.

6           MR. TORTORELLA: Can I clarify that  
7           quickly? What they said is they actually,  
8           once again, approved the driveway as a  
9           full movement ingress, which allows left  
10          and right turns, and a full movement  
11          egress, left and right turns out at this  
12          time. They said they reserve the right  
13          in the future to restrict the exiting  
14          movements to right turn only. We're  
15          going to restrict them for them because  
16          that's what the Board would like to see.

17          MS. CARVER: Thank you.

18          MR. WARD: You have coming in right  
19          and left right now or are you going to be  
20          right turn only?

21          MR. TORTORELLA: Coming into the  
22          site?

23          MR. WARD: Coming out.

24          MR. TORTORELLA: Coming out it's  
25          right turn only. There's a channelizing

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2           island here with a mountable curb and  
3           associated no left-turn signage that will  
4           direct vehicles to only make right turns  
5           out.

6                   MR. WARD: All right. You heard  
7           what the Board said. We're Town of  
8           Newburgh. We represent the Town. Number  
9           one is pedestrian safety. The sidewalk,  
10          DOT wants it. New York State wants  
11          pedestrian safety. No matter how you  
12          look at it, you can beat around the bush  
13          with grass, they want sidewalks.

14                   Second, one of the Board Members at  
15          Board Business mentioned, and he  
16          mentioned it today, from Lowe's they  
17          start up speeding wise to get into the  
18          traffic. That right-turn lane is very,  
19          very important. It might be a process.  
20          It might take you a year, whatever you're  
21          talking. Which is better, safety for the  
22          pedestrians or time? That's most important  
23          for us. You're making the project, but  
24          we're going to be here. That's the way I  
25          said it.

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2                   MR. TORTORELLA: Understood. I  
3                   think the only clarification I would  
4                   offer there is with the right-turn lane,  
5                   it's not about time. Even with the DOT.  
6                   We just couldn't do it unless we bought  
7                   all of the private properties for 500  
8                   feet south of our site, which, you know,  
9                   I don't want to speak for our client, but  
10                  I do not think that would be feasible.  
11                  The way that the transition lane, the  
12                  500-foot transition from three to two  
13                  lanes, it would have to shift to start at  
14                  our southern property line, but really  
15                  start probably south of the Union Square  
16                  driveway here. Again, you can't do it  
17                  across a driveway and then go 500 feet  
18                  back to the existing pavement section.  
19                  We, nor the DOT, control the property to  
20                  do that. So honestly, it would be great  
21                  if it was just the time issue, but we  
22                  just don't control the property necessary  
23                  to do that improvement.

24                  MR. WARD: It can't be engineered  
25                  one way or the other for the entrance?

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2                   MR. TORTORELLA: Not in accordance  
3 with their standards, no.

4                   MR. WARD: I'd like DOT to know our  
5 comments.

6                   MR. TORTORELLA: Understood.

7                   MR. WARD: Thank you.

8                   CHAIRMAN EWASUTYN: Dominic Cordisco,  
9 Planning Board Attorney, thoughts?

10                   MR. CORDISCO: Well, we're in this  
11 kind of situation where they've progressed  
12 to a certain level at the DOT prior to  
13 this Board taking lead agency. The Board  
14 had not circulated lead agency previously  
15 because the project also required variances.  
16 That enabled this applicant to go ahead  
17 and apply for the variances and receive  
18 them without having to wait and completely  
19 engineer everything. As a result, this  
20 Board only circulated for lead agency at  
21 its December meeting.

22                   One of the actions that you can  
23 take tonight is to confirm your status as  
24 lead agency. The Board has jurisdiction  
25 over the project to the extent of not

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2           only the site plan, but as lead agency  
3           you're ultimately going to have to make  
4           determinations regarding the environmental  
5           impacts that this project could have on  
6           public health and safety and, in particular,  
7           traffic. As a result, you have a potential  
8           disconnect between what this Board would  
9           like to see or, depending on where you  
10          come out as far as a majority is concerned  
11          in connection with traffic-related impacts  
12          and improvements to the project as  
13          compared to what the DOT has so far  
14          opined as to what they would like to see  
15          at this point. Of course the DOT has  
16          been doing that outside of having the  
17          benefit of this Board's input as far as  
18          SEQRA is concerned, because, as I said,  
19          you delayed SEQRA for the benefit of the  
20          applicant so that they could proceed with  
21          their variances.

22                 MS. PORTER: If I could briefly add  
23                 a response to that. I think it's  
24                 important to note that ultimately if it's  
25                 the will of the Board and we need to



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2           return to the ZBA, so be it. I think  
3           that's something the applicant is very  
4           willing to take into consideration.

5           We're merely here tonight to kind  
6           of present all of the feedback that we  
7           received. More importantly, to hear a  
8           response back from the Board as to the  
9           information that we have at this point in  
10          the process. It's fair to say that  
11          nothing is set in stone, so to speak, and  
12          that we hope to continue to work with the  
13          Board, which is why one of our requests  
14          is to set up a TRC meeting so we can iron  
15          out these issues and figure out what's  
16          best for all the parties involved,  
17          recognizing we are in the SEQRA process,  
18          this is the lead agency and we want to  
19          continue to work with DOT. We realize we  
20          advanced in that process, but it doesn't  
21          necessarily mean we're unwilling to  
22          listen to the input that we're receiving  
23          tonight from the Board. We want you to  
24          understand that.

25                   CHAIRMAN EWASUTYN: Can you clarify

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2               that statement?

3               MS. PORTER:    Sure.

4               CHAIRMAN EWASUTYN:  What are you  
5               hoping for this evening?  What are you  
6               hoping for with what you just presented?

7               MS. PORTER:    Sure.

8               CHAIRMAN EWASUTYN:  I think we have  
9               to zero in on that.

10              MS. PORTER:    Yes.

11              CHAIRMAN EWASUTYN:  That's important.

12              MS. PORTER:    One of the things that  
13              I think we wanted to talk about is  
14              sidewalks.  Obviously we wanted to convey  
15              the fact that, yes, we did receive  
16              variance relief specifically relating to  
17              structures in the front yard as it  
18              related to the existing setback.  That  
19              would be modified as a result, potentially,  
20              of doing this dedication.  Therefore, that  
21              would trigger the need for additional  
22              area variance relief that we would need  
23              to seek from the Zoning Board.

24              In terms of our application in  
25              general, obviously we want to progress

1       S p a r k   C a r   W a s h

2               with the application to a point where  
3               this Board is ready to make a determination.  
4               We did and have been working for the  
5               better part of a year with respect to our  
6               approvals and developing the plans, so we  
7               wanted that to be taken into consideration.

8               At the same time, we really wanted to  
9               understand, for purposes of the sidewalk, to  
10              see if there were any other possibilities  
11              that we could discuss with the Board. For  
12              example, making a condition of approval that  
13              it be installed within a certain amount of  
14              time, or when, potentially, the adjacent  
15              property owners are installing their  
16              sidewalks. If there was some level of  
17              commitment by the applicant that the  
18              approval could be conditioned upon where  
19              it's an absolute requirement and it's  
20              carried with and runs with the approval,  
21              that would be sufficient for purposes of  
22              satisfying the Board's request. It's not  
23              something that the applicant is unwilling  
24              to do. More for us is, is it something  
25              absolutely necessary now. If it is,

1       S p a r k   C a r   W a s h

2           that's something we wanted to hear from  
3           the Board.  If it's not, is there any  
4           creative way we can come up with to  
5           potentially defer to the future.  It's  
6           not an unwillingness to install, it's  
7           simply a question of timing.

8                       CHAIRMAN EWASUTYN:  What do you  
9           consider a reasonable extension for the  
10          installation of the sidewalk?  Is it a  
11          year?  Is it two years?  Is it six months?  
12          What would you want to propose?

13                      MS. PORTER:  One year.

14                      CHAIRMAN EWASUTYN:  Let me understand.  
15          If we were to approve the site plan, one  
16          of the conditions of approval is that  
17          within a year's period of time you would  
18          be constructing the sidewalk?

19                      MS. PORTER:  Yes.

20                      MR. MARTELL:  I would say from the  
21          certificate of occupancy.

22                      CHAIRMAN EWASUTYN:  That's clarifying  
23          it.  Okay.  I appreciate that comment.

24                      I think we all understand you're  
25          looking to progress this project.  I think

1       S p a r k   C a r   W a s h

2           we understand that your format in looking  
3           to progress this project we're unfamiliar  
4           with. Most applicants come in and they  
5           discuss, it goes back and forth. That's  
6           even the case with the Sheeley car wash.  
7           We'll refer to it that way. Here we are  
8           at a learning curve where you are ready,  
9           willing and able and you move forward  
10          with your concept. I won't say it's  
11          overwhelming to us, but we're unfamiliar  
12          with the steps.

13                 MS. PORTER: Right. That's  
14                 completely understandable.

15                 CHAIRMAN EWASUTYN: Thank you.

16                 In a direct simple sense, Ken  
17                 Wersted, without going all over the  
18                 place, how is this manageable? We have a  
19                 proposal here for a year's time for the  
20                 sidewalk. It's not in conjunction  
21                 exactly with what you were going to say.  
22                 What are you considering as far as  
23                 dialogue or discussion with the DOT and  
24                 what's your -- they make a suggestion and  
25                 recommendation, they call it, I think,

1       S p a r k   C a r   W a s h

2           TRC is it? I'm unfamiliar with that. We  
3           talk about a consultants' work session.

4           MS. PORTER: Yes. It's the same  
5           thing.

6           CHAIRMAN EWASUTYN: Thank you.  
7           It's the last Tuesday of every month.  
8           Pat Hines will speak on that. That's  
9           when we have our consultants' work  
10          sessions. As a matter of record, most of  
11          the I's and T's are dotted when we move  
12          for that. Here again, we're pioneering  
13          something that hasn't been a standard.

14          I'll go back to Ken Wersted. What  
15          are your thoughts on speaking with the  
16          DOT? Also moving forward, if the Board  
17          so moves to have a consultants' work  
18          session for the progress of the project?

19          MR. WERSTED: I think to answer  
20          both of those questions, it's important  
21          for us to understand DOT's position and  
22          for DOT to understand the comments from  
23          the Board. Through my office I will  
24          relay them to DOT so that they have a  
25          sense of where the project stands in the

1       S p a r k   C a r   W a s h

2           Town's eyes and the concerns that the  
3           Board Members are bringing up. We don't  
4           typically work in an isolated fashion  
5           from DOT. As I explained in December, we  
6           were caught off guard when you moved so  
7           far forward with the process, in addition  
8           to them moving along without having the  
9           lead agency declared at that point.

10                  I think from the comments I've  
11                  heard tonight, I'd bring those back to  
12                  DOT, schedule a call with them and  
13                  discuss them, get some background on  
14                  where they're coming from relative to the  
15                  application and share that information  
16                  back and forth.

17                  Relative to the consultants' work  
18                  session, again we typically use that for  
19                  diving into the details, fine tuning  
20                  little tweaks here and there. I would be  
21                  hesitant to schedule that until we hear  
22                  back from the DOT and have a better  
23                  understanding of where they stand with  
24                  that.

25                  CHAIRMAN EWASUTYN: We discussed

1       S p a r k   C a r   W a s h

2           something this evening as far as setting  
3           something up for Board business and  
4           possibly having a public hearing. That's  
5           one of the applications. Can we, I'm  
6           asking you, tentatively set this up for a  
7           consultants' work session subject to  
8           hearing back from the DOT?

9           MR. WERSTED: Certainly. I'm  
10          having a conversation with DOT tomorrow  
11          morning on a different matter. I can  
12          bring it up and schedule that call. If  
13          we can have that before the next Board  
14          meeting on Thursday the 20th, if I get  
15          information back by then --

16          CHAIRMAN EWASUTYN: I'm talking  
17          about a consultants' work session.

18          MR. WERSTED: Correct. I could  
19          relay that information back to the Board  
20          previous to that meeting. If at that  
21          meeting you feel comfortable scheduling  
22          it --

23          CHAIRMAN EWASUTYN: We could act on  
24          it. The date of the consultants' work  
25          session is?



1       S p a r k   C a r   W a s h

2                   MR. HINES:   February 25th.

3                   CHAIRMAN EWASUTYN:   Before we move  
4                   on to Pat Hines' review of the project,  
5                   we have discussion before us.

6                   Dominic, why don't you take my  
7                   thoughts and then put them into language  
8                   to present to the Planning Board Members  
9                   as far as setting this up to hear back  
10                  from the DOT for the meeting of February  
11                  20th, if the Board moves to set it up for  
12                  a consultants' work session. Can you  
13                  speak for me?

14                  MR. CORDISCO:   Yes. I think actually  
15                  to marry the two concepts, what's being  
16                  suggested by Ken is he will communicate  
17                  with DOT. If the DOT provides clarity  
18                  and a path forward that addresses some of  
19                  the outstanding concerns that have been  
20                  raised tonight, then at the February 20th  
21                  meeting the Board could then authorize  
22                  this to be on the work session agenda for  
23                  February 25th.

24                  My suggestion to the applicant  
25                  would be to reserve that time, February

1       S p a r k   C a r   W a s h

2               25th.

3                       Do you have a time for that, Pat?

4                       MR. HINES:   It would be the first  
5                       one at 1 p.m.

6                       MR. CORDISCO:  1 p.m.  That could  
7                       be confirmed based on where things stand  
8                       at the meeting of the 20th.

9                       I don't think that there's any  
10                      action for the Board to take tonight.  
11                      The action would actually occur at the  
12                      February 20th meeting.

13                      By Board business, if I may, the  
14                      Chairman is suggesting an appearance from  
15                      the applicant would not necessarily be  
16                      required in order for that to be  
17                      accomplished.  You're always free to come.

18                      MS. PORTER:  That's acceptable.

19                      CHAIRMAN EWASUTYN:  Is the Board  
20                      willing to move in that direction?

21                      MR. DOMINICK:  Yes.

22                      MR. MENNERICH:  Yes.

23                      CHAIRMAN EWASUTYN:  Yes.

24                      MR. BROWNE:  Yes.

25                      MS. CARVER:  Yes.

1       S p a r k   C a r   W a s h

2                   MR. WARD:    Yes.

3                   CHAIRMAN EWASUTYN:  As Dominic  
4                   Cordisco said, we don't have to take  
5                   action on it.  Just so we understand the  
6                   progress and the direction of the  
7                   progress that we're looking into.

8                   MR. DOMINICK:  John, I had a  
9                   question.

10                  CHAIRMAN EWASUTYN:  Certainly.

11                  MR. DOMINICK:  Jeff, a quick  
12                  question.  Is it possible to rework the  
13                  site, and I know the third lane is a  
14                  sticking point, by making a fourth lane  
15                  in front of your property?

16                  MR. MARTELL:  A fourth lane?

17                  MR. DOMINICK:  On 300.  In front of  
18                  your property, make a fourth lane which  
19                  would be a queueing lane basically -- an  
20                  overflow queueing lane in the event that  
21                  it got to the choke point where it was  
22                  full capacity.  So you have the three  
23                  lanes on 300 going southbound.  Make a  
24                  fourth lane adjacent to that in front of  
25                  your property, but that fourth lane is

1       S p a r k   C a r   W a s h

2               basically a queueing lane, a right-turn  
3               lane into your property.

4               MR. MARTELL:  Is it physically  
5               possible?  I think it's one of those  
6               questions where it's hard to answer with  
7               a yes or a no.

8               MR. DOMINICK:  Is it something you  
9               could propose with DOT?

10              MR. MARTELL:  We can propose that.  
11              I think we could certainly coordinate on  
12              how to propose that.  I think the issue is  
13              it would be substandard from a DOT design  
14              perspective.  I don't think the applicant  
15              -- I think it's similar to the sidewalk,  
16              where if there was a clear path -- and  
17              this is even less clear than the sidewalk.  
18              If there was a clear path for the DOT to  
19              simply permit an improvement along the  
20              frontage, I don't think the applicant  
21              would object to that.  The issue is that  
22              it wouldn't meet the DOT's design  
23              standards.

24              What my colleague was explaining is  
25              that we would need an additional right-of-way

1       S p a r k   C a r   W a s h

2           or a donation from the adjacent property  
3           to the north to meet that design  
4           standard. That's what we're just --  
5           we're at a tough impasse with your  
6           request and their standards, if that  
7           makes sense.

8           I think you're asking me, as the  
9           site engineer, could you physically  
10          construct something. I think the answer  
11          is physically something could be  
12          constructed. It would be substandard  
13          to DOT design standards. I would have to  
14          ask them if they would even consider  
15          that. Maybe Mr. Wersted could ask on  
16          your/our behalf. I'm not sure.

17          CHAIRMAN EWASUTYN: Pat Hines, do  
18          you want to --

19          MR. HINES: Discussion.

20          CHAIRMAN EWASUTYN: Let's go back  
21          to the issues as far as the stream  
22          classification.

23          MR. HINES: That's where I was  
24          heading.

25          CHAIRMAN EWASUTYN: The issues of

1       S p a r k   C a r   W a s h

2            discharging, the grease trap and sewer.

3            Let's go back to your issues.

4                    MR. HINES: We did receive a  
5                    stormwater management report which is  
6                    under review. I'll hit some of the  
7                    highlights.

8                    We continue to have an issue with  
9                    the stream classification. We did see  
10                   your e-mails with DEC today. I do concur  
11                   with DEC's analysis, only you are  
12                   upstream of the diversion gate. The  
13                   concrete structure, the brick structure  
14                   across the street from your site is the  
15                   diversion gate. That stream flows from  
16                   west to east there. I believe that your  
17                   site, and historically everything on that  
18                   side of Route 300, was a class A stream.  
19                   I think there's a problem with their  
20                   mapping. I highlighted the condition you  
21                   are. It's the Quassaick Creek from the  
22                   mouth. In other words, at the steel  
23                   style where the Quassaick Creek enters  
24                   the Hudson River to the diversion gate is  
25                   class C. The next item, number 223

1       S p a r k   C a r   W a s h

2           there, from the diversion gate is a class  
3       A stream. You are upgradient of the  
4       diversion gate. I think that needs to be  
5       clarified and may impact some permitting  
6       with the DEC there. I think you saw my  
7       e-mail.

8           MR. MARTELL: I did see your e-mail.

9           MR. HINES: The Tree Preservation,  
10       there needs to be some additional work on  
11       that.

12           The City of Newburgh flow acceptance  
13       letter, we can work through that.

14           We're looking to define the limits  
15       of disturbance on the plans, which may  
16       change based on sidewalks and some other  
17       changes.

18           We did have a comment on introducing  
19       sanitary waste into the oil-water  
20       separator. I'll leave that up to you. I  
21       don't think the -- the oil-water  
22       separator hauler is not going to deal  
23       with sanitary waste.

24           MR. MARTELL: Correct.

25           MR. HINES: It will need County

1       S p a r k   C a r   W a s h

2           Planning. I would suggest we defer that  
3           until we have a more defined plan at the  
4           frontage.

5           I have a concern. Dominic may be  
6           able to address this. With the deferring  
7           of the sidewalk and the need to then  
8           dedicate property to DOT when you have an  
9           area variance now, how would it impact  
10          that in the future? It may be better to  
11          go back to the ZBA and get that done.  
12          Certainly you have a valid reason for  
13          that variance. Deferring that to need a  
14          variance sometime a year ahead of time --

15          MR. MARTELL: I think we said it  
16          shorthand. It was assumed that we would  
17          get the variance modified. The only  
18          reason we were saying one year after is  
19          that would allow us a period of time to  
20          complete the donation.

21          MR. HINES: I concur with that.

22          We did circulate lead agency on 30  
23          December 2024. It would be appropriate  
24          for the Board tonight to assume lead  
25          agency for the SEQRA review.



1       S p a r k   C a r   W a s h

2                   We can certainly set up the  
3       consultants' work session based on the  
4       input on the 20th.

5                   CHAIRMAN EWASUTYN:   Jim Campbell,  
6       Code Compliance?

7                   MR. CAMPBELL:   Nothing additional.

8                   CHAIRMAN EWASUTYN:   Dominic Cordisco?

9                   MR. CORDISCO:   Nothing further.

10                  CHAIRMAN EWASUTYN:   Can I have a  
11       motion from the Board to declare ourselves  
12       lead agency for Spark Car Wash, project  
13       number 23-23.

14                  MR. MENNERICH:   So moved.

15                  MS. CARVER:   Second.

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

20                  MR. DOMINICK:   Aye.

21                  MR. MENNERICH:   Aye.

22                  CHAIRMAN EWASUTYN:   Aye.

23                  MR. BROWNE:   Aye.

24                  MS. CARVER:   Aye.

25                  MR. WARD:   Aye.

1       S p a r k   C a r   W a s h

2                   MR. MARTELL: Thank you very much.

3                   MS. PORTER: Thank you.

4                   (Time noted: 7:50 p.m.)

5

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

7

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  
13       record of the proceedings.

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

18                   IN WITNESS WHEREOF, I have hereunto set  
19       my hand this 17th day of February 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

Project No. 2024-12  
7 Paffendorf Drive  
Section 34; Block 2; Lot 34  
IB Zone

----- X

PUBLIC HEARING  
SITE PLAN & ARCHITECTURAL REVIEW

Date: February 6, 2025  
Time: 7:52 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  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVES: JOHN QUEENAN  
CHARLES BAZYDLO

-----

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

1       Newburgh Elite Storage

2                   CHAIRMAN EWASUTYN: The second item  
3       of business this evening is Newburgh  
4       Elite Storage, project number 24-12.  
5       It's a public hearing on a site plan and  
6       ARB. It's located on Paffendorf Drive in  
7       an IB Zone. Lanc & Tully are the engineers.

8                   At this time Mr. Mennerich will read  
9       the notice of hearing and the protocol  
10      associated with a public hearing.

11                  Mr. Mennerich.

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 New York  
18      State Town Law and Chapter 83 of the Town  
19      of Newburgh Code on the application of  
20      Newburgh Elite Storage, project 2024-12.  
21      The project proposes a self-storage  
22      facility to be located on a 9.2 plus or  
23      minus acre parcel of property. Access to  
24      the property is from Paffendorf Drive.  
25      The project proposes to construct

1       Newburgh Elite Storage

2               approximately 70,000 square feet of self-  
3               storage within six structures. A 1,200  
4               square foot office/caretaker's apartment  
5               is proposed. The site is proposed to be  
6               served by an onsite well and a subsurface  
7               sanitary sewer disposal system. A pollution  
8               prevention plan has been prepared. The  
9               site consists of approximately 3.8 acres  
10              of federal jurisdictional wetlands. A  
11              wetland mitigation plan has been prepared.  
12              A clearing and grading permit is also  
13              being requested. The project site is  
14              within the Town's IB Zoning District.  
15              The site is located on the Town tax maps  
16              as Section 34; Block 2; Lot 34. A public  
17              hearing will be held on the 6th day of  
18              February 2025 at the Town Hall Meeting  
19              Room, 1496 Route 300, Newburgh, New York  
20              at 7 p.m. or as soon thereafter, at which  
21              time all interested persons will be given  
22              an opportunity to be heard. By order of  
23              the Town of Newburgh Planning Board.  
24              John P. Ewasutyn, Chairman, Planning Board  
25              Town of Newburgh. Dated 24 December 2024."

1       Newburgh Elite Storage

2                   I just want to mention some of the  
3                   public hearing process that we go through  
4                   and explain how we operate as a Board to  
5                   manage the public hearing so it can be an  
6                   orderly and productive hearing. The  
7                   project applicant or the representative  
8                   for the project will give an overview of  
9                   the project. The Planning Board Chairman  
10                  will then open the hearing for questions  
11                  or comments on the project. At this  
12                  point you can raise your hand and be  
13                  recognized by the Chairman. Please give  
14                  just your first name before asking a  
15                  question or commenting. The applicant or  
16                  the Planning Board technical representatives  
17                  may respond to your questions. Once you  
18                  have finished, you need to wait until all  
19                  persons that want to speak have had a  
20                  chance. Once everyone has had the  
21                  opportunity to speak, the Chairman will  
22                  recognize people that may want to speak  
23                  again. The Planning Board welcomes your  
24                  comments and input on the issues pertaining  
25                  to this project. Thank you.

1       Newburgh Elite Storage

2                   CHAIRMAN EWASUTYN: Thank you.  
3                   John.

4                   MR. QUEENAN: Good evening, everyone.  
5                   John Queenan with Lanc & Tully Engineering,  
6                   engineer for the applicant. Also with me  
7                   is Charlie Bazydlo, applicant's counsel,  
8                   as well as the applicants from Newburgh  
9                   Storage. Thanks for coming out.

10                   As the public hearing notice says,  
11                   this is approximately a 9.2 acre parcel  
12                   of land located on the southeastern side  
13                   of Paffendorf Drive off of 32. If you're  
14                   looking at the map, Paffendorf Drive is  
15                   at the top of the map. This swings out  
16                   to Route 32, which essentially is right  
17                   over here.

18                   What we're proposing on the 9.2  
19                   acre parcel is approximately four self-  
20                   storage buildings totaling about 56,700  
21                   square feet. The first building is an  
22                   indoor storage component building. The  
23                   next three buildings are typical outdoor  
24                   storage component buildings. There is  
25                   also an office and a caretaker unit.

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2               Both of those total together 1,200 square  
3               feet.

4               For orientation again, Paffendorf  
5               is at the top. We're utilizing the  
6               existing driveway entrance off of  
7               Paffendorf Drive that's there now. It's  
8               a gravel entrance. That will be upgraded  
9               and become the permanent two-way entrance  
10              to the facility. That's located here.  
11              This driveway comes in and there's a  
12              split in order to provide driveway access  
13              to the property to the rear that has  
14              been, I guess, continually, for many  
15              years, using this property for access.  
16              That will continue to happen with a  
17              bypass driveway to the rear. The rest of  
18              the facility is a standard self-storage  
19              facility.

20              The gate is located at the front  
21              here where the office is. The cars come  
22              in and then there's full circulation  
23              around all the indoor and outdoor units  
24              as a standard facility.

25              The property will be serviced by a



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2               new well and a new sewage disposal  
3               system.

4               We've done lighting and landscaping  
5               plans.

6               Since the Board had last seen this,  
7               and if the public has been following  
8               online, there were some modifications  
9               done specifically to the entrance area  
10              here. We rotated the office and the  
11              caretaker unit and pushed that building  
12              a little further back. What that allowed  
13              us to do was pull this whole driveway  
14              situation down, away from the neighboring  
15              property line. We were then able to  
16              propose privacy fencing and landscaping  
17              along that boundary. It approximately  
18              went from about five to six feet and  
19              we're now between fifteen and twenty feet  
20              to the edge of the road at that location.

21              We also did move the dumpster  
22              location to the opposite side, basically  
23              off and back behind the caretaker unit,  
24              as well as adjusting some parking spaces  
25              so that we could make that work in that

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2               location.

3               We did do a new lighting plan.

4               There are only five pole lights around  
5               the entire site. They will be no higher  
6               than twelve feet. That keeps the  
7               illumination levels down and there's no  
8               spillage onto the other properties. The  
9               rest of the lighting will be handled  
10              externally on the buildings, and they'll  
11              be ten-foot mounted units.

12             There are some other improvements  
13             associated also. Retaining walls, stormwater  
14             management. All of those reports have been  
15             prepared.

16             There is wetland disturbance as well  
17             as the creation of a new wetland area  
18             located up here in the front.

19             Essentially that's the site plan.  
20             I'm here to answer any specific questions  
21             about it.

22             We did do some renderings for the  
23             Planning Board. It's a typical self-  
24             storage facility. The buildings will be  
25             generally beige in color with blue garage

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2           doors. They're all one-story buildings.  
3           They'll be no higher than fifteen feet.  
4           They're made out of metal with gray  
5           roofs.

6                   Essentially that's the application.

7                   CHAIRMAN EWASUTYN: As Mr. Mennerich  
8           said, anyone who has any questions or  
9           comments, please raise your hand and give  
10          your name.

11                   MS. BLEADOW: My name is Nancy  
12          Bleadow. Can I go up?

13                   CHAIRMAN EWASUTYN: Sure.

14                   MS. BLEADOW: It's B-L-E-A-D-O-W.

15                   Good evening, Town of Newburgh  
16          Planning Board, members of the community  
17          and Paffendorf neighbors who are here  
18          tonight. My name is Nancy Bleadow.

19                   I'm here tonight, along with my  
20          family and other residents of Paffendorf  
21          Drive, to speak in opposition of the  
22          storage unit complex that is proposed to  
23          be built on 7 Paffendorf.

24                   I was an art teacher in the  
25          Newburgh City Enlarged School District

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2             for the past twenty-five years and have  
3             raised my children in this Town. I've  
4             been engaged in the local art community,  
5             have put on numerous art shows in the  
6             Newburgh schools and in business  
7             locations around Town. I care about the  
8             community, the children and the families  
9             that I have taught.

10            I'm hopeful that my words tonight  
11            are not only listened to, but taken to  
12            heart by all of you, that my coming here  
13            is not just a formality.

14            I purchased my home from the  
15            Hodgson family, the original owners of my  
16            property, you may know them, and all of  
17            the adjacent land in 1992. This is the  
18            land in 1992 when I purchased the property.  
19            I don't know if you can see it from there.  
20            The red line is -- it's not accurate, but  
21            it's the -- it's where this is going to  
22            be. This is my house. This is the  
23            property line. It's going to be built  
24            right up to there. You can see that?

25            MR. DOMINICK: Yes.

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2                   MR. HINES:   So your house is next  
3                   to the proposed entrance?

4                   MS. BLEADOW:   Right here is my home  
5                   and right here is where they're going to  
6                   be building.   Right up to that line and  
7                   in the back.

8                   MR. QUEENAN:   You're right here.

9                   MS. BLEADOW:   Thank you.

10                  I'm the homeowner directly next to  
11                  the proposed storage unit complex.

12                  In 1992 the adjoining property was  
13                  zoned farm.   When I voiced my concern to  
14                  the Hodgson family about the possible  
15                  sale of the property in the future, I was  
16                  told by Ms. Hodgson that the surrounding  
17                  land would never be sold or subdivided.  
18                  From 1992 through 2022 the integrity of  
19                  the land has remained the same.   It has  
20                  remained this way until 2022.   That's the  
21                  way the land is now.   That's the way the  
22                  land was.

23                  On December 2, 2022 the property  
24                  class changed from poultry farm to vacant  
25                  commercial.   My original concerns arose.

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2               2022 is when the Elite Storage unit or  
3               the Consorti brothers purchased multiple  
4               properties. Since that time they have  
5               used the property on number 7 as a site  
6               to store bulk landscaping needs, trailers,  
7               large landscaping equipment and mountains  
8               of dirt and fill, radically altering the  
9               land. This is the way it was and this is  
10              the way it is now. This has been  
11              constructed. There are large mountains  
12              of dirt there. That's all visible from  
13              my property.

14              There are semi-trucks, big rigs,  
15              tri-axle trucks that barrel up and down  
16              Paffendorf Drive, loaded and heavy, to  
17              reach the storage site. These vehicles  
18              are too big and too wide to be continually  
19              driven up and down the narrow street to  
20              be loaded and unloaded. Neighborhood  
21              children walk twice daily, to catch the  
22              morning and afternoon school bus rides,  
23              and locals walk on the quiet, unlit  
24              street. There are no sidewalks on  
25              Paffendorf. There's a blind turn on the

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2               street that could pose a danger with an  
3               uptick in traffic.

4               Now the Consorti brothers are  
5               proposing to build a storage unit complex  
6               on that property with additional plans to  
7               develop a warehouse further up the street.  
8               In my opinion, the storage unit proposal  
9               is too big a project for the number 7  
10              property. The street is not designed for  
11              industrial use and the number 7 site is  
12              not appropriate for a storage unit complex.

13              Additional concerns that I have are  
14              the wetlands that the storage unit complex  
15              would be radically and permanently altering.  
16              Currently on the eastern side of the  
17              property is a large area of federal  
18              wetlands. That's over here. The wetlands  
19              continue up into this area. It turns  
20              into marshland right about here and  
21              continues to my property here. These  
22              wetlands turn marshy and continue up the  
23              slope adjacent to my property.

24              There are many plants that provide  
25              food, nesting habitat and cover for

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2               wildlife in these marshlands that include  
3               cattails, bulrushes, pickerel weed,  
4               arrowheads, cinnamon fern, skunk cabbage  
5               and swamp rose mallow, to name a few.  
6               What happens to all the animals and birds  
7               that come down off Cronomer Hill for food  
8               and water? Bears, coyotes, foxes, skunks,  
9               opossums, turkeys, deer and more. They  
10              walk through number 7 to get food and  
11              water. They would be unable to do that  
12              since there would be a large fence  
13              surrounding the property.

14              The land upon which the storage  
15              unit complex is proposed to be built has  
16              seen two years of very dry weather. Has  
17              there been adequate mitigation planned  
18              for when there are very wet seasons?  
19              I've seen water on number 7, I've lived  
20              there for thirty years, all the way down  
21              to number 1. It's been very, very wet.  
22              Not now, but in the past it has been.

23              Have variances been attained and  
24              approved and have environmental studies  
25              been conducted specifically for wetlands?



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2           Historically wetlands spread over time.  
3           Who would be responsible for any  
4           potential environmental harm or property  
5           damage that could occur due to heavy  
6           runoff from water during wet seasons?  
7           Where will the chorus frogs, common  
8           frogs, marbled salamanders, northern red-  
9           legged frogs, tiger salamanders, spring  
10          peepers, carpenter frogs and box turtles  
11          be relocated to if these wetlands are  
12          damaged or destroyed?

13                 I understand that landowners have  
14                 the right to build structures on their  
15                 land. However, don't homeowners have  
16                 rights, too? Don't Paffendorf residents  
17                 have the right to not have a business  
18                 destroy or change their community?

19                 Respected Members of the Town of  
20                 Newburgh Planning Board, I ask you to  
21                 contemplate the following additional  
22                 concerns that I have. Is the land on  
23                 number 7 Paffendorf a great location for  
24                 a storage unit complex? In my opinion,  
25                 no. Here's why. For those of you who

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2           don't know, Paffendorf Drive is a quiet  
3           residential street, no sidewalks, forming  
4           a horseshoe shape along Route 32. No one  
5           needs to travel on Paffendorf unless you  
6           need to get to a home on the street.

7           The proposed storage units would  
8           not be visible from the main road, which  
9           is Route 32, which is -- you know where  
10          Route 32 is in proximity to that. It's  
11          just not visible. The storage units  
12          would be out of the sight of the road  
13          traffic on Route 32 and tucked back into  
14          the number 7 property.

15          Is the storage unit complex a great  
16          fit for the neighborhood? In my opinion,  
17          no. Paffendorf Drive is a quiet  
18          residential area that borders Cronomer  
19          Hill Park. There are no businesses on  
20          the street.

21          Will the storage facility have a  
22          positive effect on the ability of the  
23          nearby residents to enjoy their yards and  
24          the users of Cronomer Hill Park to enjoy  
25          the serenity of nature? In my opinion,

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2           no. The entire storage unit complex will  
3           be visible from parts of Cronomer Park.  
4           This is a popular hiking destination for  
5           many residents and also home to a great  
6           deal of wildlife which would be displaced  
7           and disturbed by construction. Local  
8           hikers would both hear and see construction.  
9           They would be able to see the storage unit  
10          complex because Cronomer Hill is up, it's  
11          very high next to that property. It's a  
12          steep incline.

13                 Is there adequate screening or  
14                 easement planned between number 7 and 17?  
15                 I believe there's been some put into  
16                 place since the last meeting. I'm not  
17                 sure that it's adequate. People who  
18                 would frequent the storage unit complex  
19                 potentially would be able to see directly  
20                 into my home. The number 17 property, my  
21                 property, is significantly higher than  
22                 the number 7 property. It's really  
23                 difficult to see, but Paffendorf Drive is  
24                 kind of a long slope. The 17 property is  
25                 way higher than the number 7 property is.

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2               There's a steep upwards incline from  
3               number 7. A wall would need to be very  
4               tall and a buffer zone of trees very  
5               thick to provide the privacy screen that  
6               my family would deserve if the units were  
7               constructed.

8               There are currently wooded  
9               marshlands that separate the properties.  
10              It continues down the hill that is  
11              federally protected. That's this area  
12              right here. It doesn't look like much,  
13              but in the summer it's really quite thick  
14              and lustrous. This visual border is  
15              planned to be leveled if the project is  
16              approved. The six-foot wall that is  
17              proposed would not provide adequate  
18              privacy for screening. Construction  
19              would remove the natural wooded barrier  
20              that is currently in place.

21              This is the view out of my bedroom  
22              window. Literally standing in my bedroom  
23              looking out, this is where the construction  
24              is going to be. It's going to continue  
25              all the way down here and all the way

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2               down the back of my property. It stretches  
3               over here. Again, this is not completely  
4               adequate. It's not perfect, but it's a  
5               good facsimile.

6               Would you want this to be constructed  
7               in your quiet neighborhood, a construction  
8               that will fundamentally alter your  
9               community and possibly inspire other  
10              industrial complexes to be built on land  
11              that is for sale nearby? No. No one on  
12              Paffendorf Drive wants any industrial  
13              construction to occur now or in the  
14              future either.

15             Would any of you want a storage  
16             unit complex that will have a negative  
17             effect on the desirability of your  
18             neighborhood to be built? In my opinion,  
19             no.

20             Who will the storage unit facility  
21             of number 7 property be benefiting if it  
22             were built? Well, I guess people need a  
23             place to store stuff. There are already  
24             seventeen storage unit facilities within  
25             Newburgh with an eighteenth currently



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2             our Town instead of the storage units and  
3             warehouses that are springing up  
4             everywhere that ruin the aesthetic appeal  
5             of the Town.

6                     I'm getting emotional. Sorry.

7                     All of us here are responsible for  
8             planning reasonable and equitable patterns  
9             of development that will enhance the lives  
10            of the residents in our community.

11                    I think that all of you, if you  
12            reach down deep inside of yourself, would  
13            answer no to the questions I have posed.  
14            I imagine many of you are homeowners. I  
15            ask you, would you want a storage complex  
16            built just feet from your property line?

17                    There's going to be a road running  
18            right there. This road is right next to  
19            my property. It's a double lane, I guess,  
20            now. There's no buffer zone of trees,  
21            noise blocking or light blocking walls to  
22            be put in place. Maybe there are now.  
23            I'm not sure.

24                    In conclusion, I hope you can sense  
25            that I am unwaveringly opposed to the

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2               storage unit project that is being  
3               proposed.

4               I invite you to walk down  
5               Paffendorf Drive and determine for  
6               yourselves whether number 7 is a suitable  
7               location for a storage unit facility. It  
8               is my hope that the builders will withdraw  
9               their application for the storage to be  
10              built on number 7 property as well as a  
11              proposed warehouse to be built further up  
12              the street. Or better still, decide that  
13              the eighteen storage units in our Town  
14              are enough. These projects are not  
15              appropriate and are damaging to the  
16              environment and local neighborhoods.  
17              When is enough enough?

18              Thank you for listening.

19              CHAIRMAN EWASUTYN: Thank you.

20              John, would you like to respond to  
21              questions as it relates to the wetlands,  
22              the Army Corp of Engineer wetlands?

23              MS. BLEADOW: Do I stay here or do I --

24              CHAIRMAN EWASUTYN: Wherever you're  
25              comfortable.



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2                   MS. BLEADOW:   Home.

3                   You all can see that this is very,  
4                   very -- it's basically on my property.  
5                   Again, the red lines are not completely  
6                   accurate.  It's a rough -- it's a good  
7                   facsimile thereof.

8                   CHAIRMAN EWASUTYN:  You can go back.

9                   MR. QUEENAN:  I'll just start with  
10                  the basics.  This is the IB Zone.  This  
11                  is an allowable use in the zone.  They're  
12                  all allowable uses in the IB Zone.  You  
13                  have approved warehouse distribution  
14                  facilities, et cetera in the zone.  It's  
15                  not that the applicant can come in and  
16                  propose a residential neighborhood or do  
17                  something else.  This is an Interchange  
18                  Business Zone.  This is an allowable use  
19                  in that zone.

20                  The wetlands.  The wetlands have  
21                  been delineated by a biologist.  A report  
22                  was prepared.  They have been flagged in  
23                  the field.  That's what you see here.  
24                  That's the hatched area.  That area then  
25                  has been submitted to the Army Corp of

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2           Engineers as well as the State DEC for  
3           confirmation of that boundary associated  
4           with our application for a small wetland  
5           disturbance in this corner here of about  
6           two-tenths of an acre and the creation of  
7           double that size of a new wetland up here  
8           in the front. All of that is currently  
9           under review by the respective agencies.  
10          Those have been flagged in the field.  
11          Standard operation.

12                 We've also provided the Board with  
13                 a biological report.

14                 The property has been walked for  
15                 endangered species also.

16                 That's where we are.

17                 As to the entrance, we are  
18                 utilizing as much as we can of the  
19                 existing driveway that essentially cuts  
20                 through the property and services the  
21                 commercial use in the back of the  
22                 property.

23                 This is a property that has  
24                 frontage on Jeanne Drive. If you look  
25                 here, Jeanne Drive backs up to the

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2               several properties coming up Paffendorf  
3               here. We're the colorized here.

4               The Anvil property along the back  
5               here, that stretches up this side.  
6               That's a commercial/industrial use that's  
7               been there for quite some time I would  
8               imagine. This property has always been  
9               used for their access. There's been a  
10              lot of gravel, a lot of disturbance.  
11              That showed up on our boundary survey.

12              As you see in the back, Jeanne  
13              Drive backs up to these properties also.  
14              It is in an industrial corridor.

15              We made modifications to the  
16              entrance. We know the residents live  
17              there, it's a sensitive area. We pulled  
18              back as much as we could while still  
19              preserving access and flow through the  
20              site.

21              We have proposed a six-foot high  
22              privacy fence at this point with  
23              plantings. The applicant is open to  
24              enhancing that or changing that. We'll  
25              take recommendations from Karen Arent,

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2               the Board's Landscape Architect.

3               We did adjust the layout. As I  
4               briefly went through, we're moving the  
5               dumpster away, pulling the parking away  
6               and adjusting the lighting.

7               The applicant is just not coming in  
8               and pushing -- also, this plan originally  
9               was 7,500 square feet. Through reviews  
10              with the Board and concerns you brought  
11              up, we reduced it in scope and size in  
12              order to accommodate these things.

13              That's what I would offer for those.

14              CHAIRMAN EWASUTYN: Additional  
15              comments from Board Members -- excuse me.  
16              From members in the audience?

17              EMMA: Good evening. I know points  
18              have already been made. I don't want --

19              MR. CORDISCO: If you could state  
20              your name.

21              EMMA: Emma. Just my first name?

22              MR. HINES: Just your first name.

23              EMMA: A lot of great comments have  
24              already been made. I don't want to  
25              rehash too many of them.

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2                   I do feel like a question at this  
3       point is, yes, obviously this could be  
4       built there. Is it really necessary and  
5       is it really wise?

6                   I've studied and worked in the  
7       environmental science area for almost a  
8       decade now. Part of my job is to  
9       determine and examine potential  
10      construction projects and see what  
11      impacts they might have on the  
12      surrounding area, whether they be  
13      negative or detrimental.

14                  If I heard correctly, there is  
15      wetland mitigation proposed for the  
16      federal wetlands that will be impacted by  
17      this project, and that's great.

18                  The DEC did change their Article 24  
19      protocol on January 1st. I would assume  
20      that that might impact the potential for  
21      this project. That process is lengthy.  
22      I would think that that would have to be  
23      considered as well in the future.

24                  Additionally, besides the wetlands  
25      that are onsite that will be impacted,

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2           around 1,000 feet away there is another  
3       DEC wetland, MB-19, which is classified  
4       as a category 2 wetland, which means it  
5       has a particularly high potential for  
6       wildlife species. It does really great  
7       things essentially for the surrounding  
8       environment. It's an even more sensitive  
9       area and it is quite nearby.

10           In general, for those who might be  
11       less familiar with wetlands and the report,  
12       they perform a number of ecosystem functions,  
13       including groundwater recharge, nutrition  
14       for wildlife habitat, et cetera.

15           So again, this could be built there,  
16       but is it really wise and is it really  
17       necessary?

18           As we heard, there are seventeen  
19       plus storage units in the Town of Newburgh.  
20       There are, I believe, three within a  
21       two-mile radius of this site. I would  
22       hazard maybe this isn't the best use of  
23       the land.

24           Besides the wetlands themselves,  
25       there are also various threatened and

1       Newburgh Elite Storage

2           endangered species that might be impacted  
3           in the area. This region of New York is  
4           a hotspot for endangered bats and bat  
5           activity. The list is growing every  
6           year. Various portions of a project like  
7           this in construction and after it is  
8           constructed could impact those communities  
9           and have detrimental impacts on the  
10          surrounding ecosystem.

11                 Additionally, it was mentioned, but  
12           this is a quiet street. Cronomer Hill  
13           Park specifically. A construction project  
14           like this would undoubtedly change the  
15           public's enjoyment.

16                 The runoff from this construction  
17           project will have a negative impact on  
18           the beautiful scenery as well as cause  
19           issues with stormwater management. I  
20           would be interested to see how those  
21           plans intend to tackle all of that  
22           additional stormwater with all of this  
23           additional impervious surface. That is  
24           no small feat.

25                 In summation, from my perspective I

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2           don't really understand the logic of why  
3           this would need to be built exactly where  
4           it is at this point in time.  Again, from  
5           a community perspective, from a beautification  
6           of Newburgh, the disturbance to a quiet,  
7           secluded street, it just doesn't seem wise  
8           or necessary.

9           There do seem to be a number of  
10          environmental roadblocks that they would  
11          need to surpass.

12          Thank you.

13          CHAIRMAN EWASUTYN:  John, do you  
14          want to respond to some of the comments  
15          and questions?

16          MR. QUEENAN:  Yes.  As for the new  
17          DEC State wetland law, that does not  
18          apply to this project.  It was  
19          grandfathered under certain exemption  
20          provisions.  Notably so, the project  
21          received a negative declaration before  
22          January 1st, so those regulations do not  
23          apply to this project.

24          Furthermore, the DEC is reviewing  
25          the application regardless under the



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2               federal wetland mitigation laws.  Either  
3               way, they're taking a look at the  
4               application.

5               As for the State wetland being  
6               referenced, I believe that's 1,000 feet  
7               away, over on the other side of 32, on  
8               this parcel here over past New Road.  It  
9               is there.  It is existing.  However, this  
10              site has developed a full stormwater  
11              pollution prevention plan in accordance  
12              with the new State DEC regulations for  
13              stormwater that were just adopted January  
14              29th.  It includes all water quality and  
15              quantity provisions of that and meets all  
16              the applicable regulations for that.  
17              That's how that will mitigate the  
18              stormwater volume, provide treatment and  
19              discharge back to the wetlands.

20              CHAIRMAN EWASUTYN:  Comments from  
21              the public?

22              TOVAH:  My name is Tovah, T-O-V-A-H.  
23              I live at 17 Paffendorf Drive.

24              I don't want to waste everyone's  
25              time reiterating all the wonderful points

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2               that have been made already.

3               I disagree with the building of the  
4       storage unit on Paffendorf Drive.

5               Thank you.

6               MR. LAWRENCE: My name is Craig  
7       Lawrence. I've lived at 55 Paffendorf  
8       for twelve years and seven days to this  
9       day. I love the neighborhood and I love  
10      the fact that I can walk through, it's  
11      quiet and it's peaceful.

12              I feel like this would cause a big  
13      disruption in our neighborhood, our very  
14      quiet neighborhood and block. I definitely  
15      am not for it.

16              I don't have any other technical  
17      stuff that I could bring to the table.  
18      The fact of this whole thing just seems  
19      like it would be an eyesore and a big  
20      disruption to the block.

21              CHAIRMAN EWASUTYN: Please.

22              MR. GOLDFARB: Good evening,  
23      Members of the Town Planning Board. My  
24      name is Benjamin Goldfarb. I work for  
25      New York State Power Authority.

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2                   A key part of my job involves  
3           identifying and mitigating threats.  When  
4           one hits so close to home, it's that much  
5           more important to address it.

6                   I've lived in this community for  
7           most of my life.  I grew up exploring the  
8           woods and parks with other kids in the  
9           neighborhood, enjoying the natural beauty  
10          of the Town.

11                   Over the years I've watched this  
12          Town grow and change.  Unfortunately I've  
13          seen how warehouses have threatened the  
14          charm of Newburgh, particularly due to  
15          the warehouses and storage units,  
16          particularly due to poor planning and  
17          decisionmaking that seems to accompany  
18          these developments.

19                   Tonight I ask you to reject the  
20          proposed Newburgh Elite Storage facility.  
21          Our community deserves better than yet  
22          another storage facility.

23                   In recent years we've seen a  
24          concerning trend with several storage  
25          units and warehouse projects approved and

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2               developed in our Town. These include MKJ  
3               Park, LLC, another pending project by the  
4               Consorti brothers that will disturb the  
5               area around Paffendorf Drive involving a  
6               173,000 square foot warehouse structure  
7               with a single access road that disturbs  
8               U.S. Army jurisdictional wetlands.  
9               Further up our street, Newburgh Self-  
10              Storage planned on the former site of  
11              Showtime Cinemas on Route 300. This  
12              facility will involve renovating an  
13              existing building and constructing eight  
14              new storage structures. Safe Haven Self-  
15              Storage located at 14 Crossroads Court.  
16              This project is the former Orange County  
17              Choppers building turned into a self-  
18              storage facility. Union Self-Storage  
19              proposed at 1217-1219 Route 300 which  
20              includes 3,000 square feet of climate  
21              controlled self-storage units. The  
22              Matrix Logistics Center which was 85  
23              acres of forest lost to create a massive  
24              warehouse facility which was originally  
25              intended to be a mall to replace the

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2           Newburgh Mall, as well as the Matrix  
3           Business Park at Newburgh which was the  
4           565,000 square foot distribution  
5           warehouse, as well as the Farrell  
6           Industrial Park, a pending 290,000 square  
7           foot warehouse building on a 35-acre site  
8           on Route 300 as well. Each of these  
9           projects has or will contribute to the  
10          increasing degradation of our Town, often  
11          at the expense of community spaces and  
12          environmental resources.

13                 With every new facility we lose an  
14                 opportunity to create something better, a  
15                 park, a local business, community space.

16                 The proposed Newburgh Elite Storage  
17                 facility will destroy over 13,000 square  
18                 feet of wetlands, a natural area to help  
19                 prevent flooding and habitat for wildlife.

20                 In addition to the federally protected  
21                 wetlands, as we mentioned before, there  
22                 is a large area between the properties of  
23                 17 and 7 that, while not currently  
24                 classify as protected, will be filled and  
25                 built on by the Consorti brothers.

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2               If you absolutely must build this  
3       facility, let's consider using Jeanne  
4       Drive as an access road to maintain the  
5       integrity of this land. Once these  
6       wetlands are destroyed, they're gone  
7       forever. We've already watched too much  
8       of our green space disappear under  
9       pavement and warehouses.

10              A storage facility simply does not  
11       serve the people of Newburgh. It doesn't  
12       create good jobs, it doesn't bring in  
13       foot traffic, it doesn't generate revenue  
14       for local businesses. Instead, it creates  
15       noise, truck traffic and more vacant,  
16       unused buildings to our landscape. Storage  
17       units are short-sighted developments that  
18       don't help our community grow in any  
19       meaningful way.

20              If we're going to develop this land,  
21       we should prioritize something that  
22       genuinely benefits our residents. While  
23       development is crucial to the progress of  
24       our community, it must align with the needs  
25       and values of that community.

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2               The projects I've outlined here  
3       pose a significant threat to the  
4       character of Newburgh. It is the  
5       responsibility of this Town Planning  
6       Board to protect its citizens.

7               I urge you to consider alternatives  
8       for this land, spaces that will truly  
9       benefit our community. I cherish the  
10      area I grew up in and I want to see it  
11      grow in a way that makes sense. Storage  
12      units and warehouses are not the future  
13      we should be building for Newburgh. We  
14      can and should demand better.

15              I respectfully urge the Board to  
16      hold this project and prioritize  
17      development that benefits residents of  
18      Newburgh in meaningful, lasting ways.

19              Thank you.

20              CHAIRMAN EWASUTYN: John, would you  
21      like to respond to that?

22              MR. QUEENAN: I would just reiterate  
23      again, it's in an IB Zone. It's an  
24      allowable use in the zone. The applicant/  
25      owner, they own the property. This is

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2               what they would like to develop. This is  
3               their business.

4               We're mitigating the effects of the  
5               development as best as we can with  
6               modifications to the lights, to the  
7               landscaping, circulation through it,  
8               accommodating the commercial property  
9               that's been coming through this property,  
10              as well as the surrounding commercial  
11              areas to the rear and up to Jeanne Drive.

12             This is not a one spot zone  
13             commercial business here. There are  
14             other commercial businesses right  
15             adjacent to this.

16             It's a 9.2 acre parcel of property.  
17             We're developing just under 4. The  
18             remainder of the property, even though  
19             it's considered wet, is still open and  
20             viable. It's not a full development of  
21             the parcel.

22             The small wetland disturbance that  
23             we are proposing, we're doubling that.  
24             We're creating double the size of the  
25             wetland and connecting it. What you



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2           don't want with wetlands are these little  
3           fingers that come up. They end up not  
4           being of value. When we do mitigation  
5           plans, it makes it a bigger wetland. It  
6           makes it better instead of having fingers  
7           through it. All of this has gone into  
8           this plan.

9                   Yes, it's unfortunate. That's  
10           what it's zoned for. We're not asking  
11           for any variances. It's as of right.

12                   BILL: My name is Bill. I know the  
13           date was said when the zoning was changed,  
14           but I don't remember what it was.

15                   MR. QUEENAN: I didn't say when it  
16           was changed.

17                   BILL: I thought the zoning had  
18           been changed.

19                   MR. GOLDFARB: It was 2022 when  
20           they purchased the property.

21                   BILL: 2022?

22                   CHAIRMAN EWASUTYN: I think they  
23           purchased it then, but the zoning was  
24           preexisting.

25                   MR. HINES: A long time.

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2                         BILL:  It's been a while.

3                         MR. QUEENAN:  He's referencing when  
4                         the zoning for the property changed.  You're  
5                         referencing when the applicant purchased it.

6                         CHAIRMAN EWASUTYN:  I think it was  
7                         stated up until a certain date it had been  
8                         a farm.  There was an assumption that it  
9                         would always be a farm and nothing would  
10                        be built.  I'm not sure if that was in  
11                        1991 when the Town did their comprehensive  
12                        plan.

13                        BILL:  That's the underlying question.

14                        CHAIRMAN EWASUTYN:  If it was changed,  
15                        then it would go back to around 1991.

16                        BILL:  It wasn't done by a local law?

17                        MR. HINES:  No.

18                        BILL:  Thank you.

19                        You doubling the wetland size, that's  
20                        by mandate.

21                        MR. QUEENAN:  Correct.  It is still  
22                        doubling it.

23                        MR. HINES:  That's the minimum.

24                        EMMA:  I would like to make a  
25                        general point.  Just because the

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2               mitigation is doubling the existing  
3               wetland size that will be impacted, that  
4               doesn't mean it's making it better in any  
5               way. Wetlands that are natural that are  
6               longstanding in an environment have great  
7               value. Creating mitigation efforts is  
8               great if that's all you can do, but that  
9               by no means replaces what they are  
10              originally.

11              CHAIRMAN EWASUTYN: Any further  
12              questions or comments?

13              MS. BLEADOW: Just because you can  
14              build on a property and it's zoned for  
15              that property, that doesn't mean you  
16              should build on it.

17              CHAIRMAN EWASUTYN: The gentleman  
18              in the back.

19              MR. RYDER: I'm Guy Ryder. I live  
20              at 60 Paffendorf Drive which is the upper  
21              part. I live in North Carolina a lot,  
22              too.

23              I'm very familiar with this road  
24              for a long time, when Hodgson owned the  
25              farm, actually before Nancy even lived

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2               there.

3               I'm not going to rehash these  
4               points on the environment and these very  
5               thoughtful presentations by Ben, Nancy  
6               and everyone here. As a practical -- I'm  
7               not that familiar with this project in  
8               detail. I'm not really informed except on  
9               the access part of it.

10              I noticed over the years the trucks  
11              going down the road. There are children.  
12              It is a quiet road. People are used to  
13              taking their dog out and walking. Nancy  
14              made a good point, there's a dangerous  
15              curve on the road. You get used to it.  
16              Cars are flying and these big trucks are  
17              barreling down there, quite a lot over  
18              the last, I would say, five to ten years,  
19              six or seven years.

20              So as a practical thing, just from  
21              my point of view, is it possible -- if  
22              this thing goes through, or if it's able  
23              to go through, are you able to have the  
24              access from Jeanne Drive and not  
25              Paffendorf Drive, because that's going to

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2               bring traffic down Paffendorf Drive at  
3               the bottom, right up against her  
4               property. The flow, it's inevitable  
5               there. It's going to be increased. That  
6               would be my only point.

7               I can't add on informatively to  
8               these other excellent presentations.  
9               Just that access part particularly, it  
10              really comes down to that. Is it  
11              possible to have this unit accessed and  
12              encourage the access through Jeanne  
13              Drive, also maybe with an emergency  
14              outlet on Paffendorf? Basically  
15              encouraging the flow and the design,  
16              encouraging the flow from Jeanne as  
17              opposed to on Paffendorf, because  
18              otherwise they're coming from the top of  
19              Paffendorf, barreling down, or coming  
20              from the bottom of Paffendorf. That is  
21              definitely going to change the atmosphere  
22              and the safety of that area.

23              Thank you.

24              MR. QUEENAN: I don't know. We can  
25              see. Most of those trucks coming through



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2               the public tax forms. I can pull it up  
3               for you.

4               CHAIRMAN EWASUTYN: We'll look into  
5               that. I don't believe it was a recent  
6               change.

7               MR. GOLDFARB: You can see it on  
8               the Town of Newburgh --

9               MR. HINES: On the 2015 map here  
10              it's the IB Zone.

11              CHAIRMAN EWASUTYN: That's the 2015  
12              map?

13              MR. HINES: That's the only  
14              reference I have here, but I believe it  
15              was back in the `90s.

16              MR. GOLDFARB: It wasn't zoned  
17              farm?

18              MR. HINES: There's no farm.  
19              You're confusing a tax map use versus the  
20              zoning. It may have been a farm for tax  
21              purposes, but the underlying zoning was  
22              interchange business.

23              MR. GOLDFARB: I understand.

24              The other thing, the only business  
25              traffic on Paffendorf Drive is the

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2               traffic that Consorti brothers brings to  
3               the street. What we're referring to with  
4               Iron Anvil, they've always accessed on  
5               Jeanne Drive. There's never been commercial  
6               cars going up and down the street prior  
7               to their entrance to the street. I've  
8               lived there for twenty-eight years, or  
9               twenty-ish. Anyone on the street can  
10              confirm that.

11                       CHAIRMAN EWASUTYN: Does anyone  
12              want to speak on the truck traffic? Will  
13              there be a continuation of these trucks  
14              or is that something, once the self-  
15              storage is constructed or during that  
16              course of time there won't be this truck  
17              traffic?

18                       MR. QUEENAN: Correct. Once the  
19              site, if it is developed, the self-  
20              storage, the Consorti truck traffic would  
21              cease to exist. Whatever trucks the  
22              other gentleman is referencing from five  
23              or ten years ago, that's probably the  
24              Anvil property trucks. They would  
25              continue to access this property.



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2                   CHAIRMAN EWASUTYN: Who are they?

3                   MR. QUEENAN: They're the property  
4                   to the rear. That's the reason we had  
5                   that bypass driveway going around. He's  
6                   been accessing it for probably twenty,  
7                   twenty-five years. Something to that  
8                   effect.

9                   Yes, the Consorti truck traffic  
10                  would essentially be gone because it  
11                  would be a self-storage facility.

12                  CHARLES: My name is Charles. I've  
13                  been a truck driver for about ten years  
14                  now. CDL, class A.

15                  I can tell you that we're creatures  
16                  of habit, truck drivers, for sure. They  
17                  figure out what works and they just stick  
18                  to it. With no accidents or incidents, I  
19                  could say I cringe at trying to bring a  
20                  large truck down Paffendorf Drive, simply  
21                  because of the blind turns. If you've  
22                  got 45 plus feet behind you, you don't  
23                  have a lot of room to come down from the  
24                  eastern side entrance of Paffendorf. You  
25                  have to go into the west. If you're

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2               coming down from the west and coming down  
3               the hill of 32 trying to make that right,  
4               you're not going to be able to do it  
5               without taking down a street sign or two.

6               Yes, what you're saying is true.  
7               Okay, Consorti brothers' traffic would  
8               indeed stop with this building being  
9               built. You would now have inexperienced,  
10              to put it politely, drivers. Anybody  
11              that has a class D, no offense, but  
12              people that don't really know what they  
13              are doing with U-Hauls that are fully  
14              loaded, flying down that road, coming in  
15              even in the western most side. It does  
16              pose a large threat to any children,  
17              wildlife, dogs, you know, house pets that  
18              get out at night that don't know what  
19              they're doing.

20              It seems irrational to put this  
21              building here. I mean, it just seems  
22              unsafe and kind of ridiculous in my  
23              opinion, but I guess you can put that on  
24              the record.

25              CHAIRMAN EWASUTYN: The last question

1       Newburgh Elite Storage

2               from The gentleman up front. You raised  
3               your hand? I'm sorry.

4               At this point we appreciate your  
5               comments and your questions. I'm going to  
6               turn it over to Planning Board Members  
7               starting with Dave Dominick.

8               MR. DOMINICK: Thank you, John.

9               Thank you for your comments. I  
10              took a lot of notes here and really  
11              appreciate the public's input.

12             Nancy, in her presentation there,  
13             made a comment about adequate screening.  
14             I know we have a six-foot high fence, a  
15             stockade fence and plantings. Is there  
16             anything else that can be done to robust  
17             that screening so she wouldn't be -- to  
18             mitigate the sight for her? Is there  
19             anything else you think you can do?

20             MR. QUEENAN: I think Karen Arent  
21             had some additional comments about some  
22             additional trees being placed on that. I  
23             think they were Pin Oaks, maybe twenty-  
24             five feet on center in that area.

25             Now that we've opened that up --

1       Newburgh Elite Storage

2               what we were envisioning was to put the  
3               fence off the property line so we could  
4               put, on our side but facing the house, a  
5               row of evergreens as well. You would have  
6               the Pin Oaks on the back side, the six-  
7               foot high fence. We can do an eight-foot  
8               high fence. We didn't want to make it  
9               look like a wall per se. Then on the  
10              front side, to break up the fence line,  
11              additional plantings. That's what we  
12              were envisioning.

13              We were going to work through  
14              Karen's comments to address that.

15              MR. DOMINICK: Thank you.

16              CHAIRMAN EWASUTYN: Ken Mennerich.

17              MR. MENNERICH: I'm glad to hear  
18              you're going to be working with Karen  
19              with what she's proposing to improve the  
20              situation.

21              MR. QUEENAN: Correct. As well as  
22              her comments about the entrance. We will  
23              address those.

24              CHAIRMAN EWASUTYN: No comments.

25              Cliff Browne.

1       Newburgh Elite Storage

2                   MR. BROWNE: Okay. I think I'm  
3 going to have to be the bad guy on this  
4 one. The applicant is proposing this  
5 project. It's their property. This  
6 Board does not have any authority to say  
7 no to a project. What this Board does is  
8 we approve a plan based on the applicant  
9 dotting all the T's and crossing all the  
10 I's on all the hundreds of requirements  
11 that are put on them for any particular  
12 project. As a Board we have -- we cannot  
13 -- we're not allowed to say no. We  
14 cannot say no. If we say no, we're sued.  
15 Simple as that. Not a problem. So we  
16 can't say no as long as the applicant  
17 does everything they're supposed to do,  
18 they're required to do. Up until this  
19 point, they have. They have done  
20 everything that's been required of them  
21 at this point so far.

22                   One of the comments was if the  
23 applicant can work with the young lady as  
24 far as the screening, that would be,  
25 probably I'm sure, appreciated. If you

1       Newburgh Elite Storage

2             can do that.

3                     As far as us saying no, we cannot  
4             do it, we are not allowed to. It's  
5             illegal for us to do that. Just so you  
6             know.

7                     So this particular project, they  
8             are in the -- it's being done in the zone  
9             that they're in, it's allowed. The only  
10            way it could be changed is if the Town  
11            Board passed an ordinance to modify and  
12            change the zone, which takes forever to  
13            do. In that case the project may not be  
14            applicable in this particular zone. As  
15            of now, it's applicable for this zone and  
16            it is allowed. Again, the applicant has  
17            done everything properly to code, and in  
18            a few cases beyond code, for this project.

19                    Thank you.

20                    CHAIRMAN EWASUTYN: Lisa Carver.

21                    MS. CARVER: Thank you for all the  
22            comments and the information. I think it  
23            was very good.

24                    The one thing you said, I think if  
25            you could look at an entrance from Jeanne

1       Newburgh Elite Storage

2               Drive. How would that happen? You would  
3               have to go through someone else's property?

4               MR. QUEENAN: Correct.

5               MS. CARVER: So you'd have to --  
6               that's the commercial site.

7               MR. QUEENAN: Yes. We'll certainly  
8               investigate it. We'll contact the  
9               property owner and see, number one, if  
10              it's feasible and, number two, if he's  
11              even interested.

12              MS. CARVER: Right. It's worth a  
13              try I guess.

14              MR. QUEENAN: We'll certainly do  
15              that.

16              MS. CARVER: Thank you.

17              MR. WARD: On that note, it might  
18              help the neighbor there, too, going out.  
19              There's a commercial --

20              MR. QUEENAN: I need to just do a  
21              little background work as to why he's  
22              coming in this way, not Jeanne. We'll  
23              look into it.

24              MR. WARD: Can you give the answer  
25              for the public of how many square feet

1       Newburgh Elite Storage

2               this is now? You shrunk it down.

3               MR. QUEENAN: Yes. Now it's a  
4               total of 56,700.

5               MR. WARD: It was 70 something.

6               MR. QUEENAN: Correct.

7               MR. WARD: The lighting, explain  
8               the lighting for the public.

9               MR. QUEENAN: Sure. So the  
10              lighting right now -- for your typical  
11              parking lot lighting you have the high  
12              poles. They go twenty-five, twenty feet  
13              in the air and they are pretty prevalent.  
14              What we did with the lighting, one of the  
15              Board's concerns that they brought up was  
16              they didn't want it to be like a  
17              commercial parking lot. We limited the  
18              number of poles and specifically limited  
19              the height of those poles. Those poles,  
20              like I said, typically are twenty feet in  
21              the air. These poles will be no greater  
22              than twelve feet in the air. There are  
23              five of them. There's one here at the  
24              entrance. That as required by code. The  
25              rest of them are on the back of the



1       Newburgh Elite Storage

2               property to follow the driveway going  
3               around and to give light for the access  
4               for this. The rest of it is all building  
5               mounted typical lighting for a commercial  
6               use.

7               The light levels are lower than  
8               what you would typically see in a mall  
9               parking lot. They're on the darker side  
10              and all the fixtures are dark sky  
11              compliant with full cut off.

12             MR. WARD: Thank you. Thank you to  
13             the public for your comments. We listened  
14             to them. Thank you.

15             CHAIRMAN EWASUTYN: Ken Wersted,  
16             Traffic Consultant, did you look at the  
17             traffic on this road and do you have any  
18             comments?

19             MR. WERSTED: We looked at the  
20             project. Out of industrial uses and the  
21             uses that could go in this zone, self-  
22             storage is one of the lowest generators  
23             in terms of traffic. I liken it to your  
24             attic. You put stuff up there and you  
25             don't look at it for months at a time,

1       Newburgh Elite Storage

2               maybe years. The same thing here.  
3               Customers are going to put their stuff in  
4               and likely not come back to it on a daily  
5               basis. Months, years go by, et cetera.  
6               So relative to traffic, it's not a lot of  
7               generation. It's ten to fifteen trips  
8               that would come and go from the site  
9               during the peak hours.

10              I appreciate the comments about  
11              Paffendorf coming from the west. It is  
12              curvier through that area. It goes past  
13              most of the residents on that road.  
14              Coming in from the east end, there's one  
15              house down toward the end.

16              I think the applicant should take a  
17              look at the ability for trucks to come in  
18              and out and use the west end.

19              We could circulate the plans  
20              obviously to the town highway  
21              superintendent to get his input on the  
22              adequacy of the road itself, particularly  
23              the stretch going off to the west because  
24              that is the curvier section of it.

25              The project does back up to Jeanne

1       Newburgh Elite Storage

2             Drive. There are some other parcels that  
3             separate it from the end of the road. If  
4             the applicant is willing to look at that,  
5             I think it's valuable to come back with  
6             those answers.

7                     CHAIRMAN EWASUTYN: Jim Campbell,  
8             Code Compliance.

9                     MR. CAMPBELL: I don't have much to  
10            add.

11                    Are you proposing any building  
12            signage or freestanding signs?

13                    MR. QUEENAN: A freestanding sign  
14            at the entrance.

15                    MR. CAMPBELL: Just remember, that's  
16            part of ARB.

17                    MR. QUEENAN: Yes.

18                    MR. CAMPBELL: Also note that the  
19            two 10,000 gallon tanks are still yet to  
20            be designed. They may be smaller, they  
21            may be bigger.

22                    CHAIRMAN EWASUTYN: Pat Hines with  
23            MH&E.

24                    MR. HINES: We have some comments.  
25            Notes pertaining to the outside storage

1       Newburgh Elite Storage

2               should be revised. No area for boats or  
3               campers have been depicted.

4               The self-storage notes have been  
5               added to sheet 1 of 15.

6               An access easement is required  
7               which will need to be reviewed by  
8               Dominic's office.

9               We just discussed the fire  
10              suppression tanks.

11              Should the project move forward,  
12              securities for stormwater and landscaping  
13              as well as inspection fees would be  
14              required.

15              They have documented the trees on  
16              the site, but there's further information  
17              needed to comply with the Tree Preservation  
18              Ordinance identifying each of the three  
19              categories. The percent removal in the  
20              IB Zone is high. It's limited to  
21              seventy-five percent in the IB Zone.

22              We have no outstanding comments on  
23              the stormwater pollution prevention plan  
24              that need to be addressed.

25              A stormwater agreement for long-

1       Newburgh Elite Storage

2               term operation and maintenance of the  
3               stormwater facilities will be needed.

4               We did receive County Planning  
5               comments after the previous meeting.  
6               They have timed out. There were advisory  
7               comments with a Local determination.

8               I know the project is before the  
9               DEC and the Army Corp of Engineers  
10              regarding the wetlands right now. They  
11              have requested some information that I  
12              need to provide the applicant as well.

13              That's the extent of our review.

14              I do know Karen Arent's office did  
15              generate a memo. I think it was received  
16              yesterday by the Board. That had  
17              numerous comments regarding the entrance  
18              drive that the applicants will need to  
19              address.

20              CHAIRMAN EWASUTYN: Dominic Cordisco,  
21              Planning Board Attorney.

22              MR. CORDISCO: At this point the  
23              Board should determine whether or not to  
24              close the public hearing or keep it open.  
25              My understanding is the applicant is

1       Newburgh Elite Storage

2               going to be providing a response to some  
3               of the comments that were made here  
4               tonight and some of the concerns of the  
5               Board as well by providing additional  
6               information.

7               If the Board decides to close the  
8               public hearing, I would request that the  
9               applicant waive any timeframes for a  
10              default approval of the application since  
11              the Board had previously determined the  
12              application to be complete. The code  
13              says that the Board has only 45 days from  
14              the closing of the public hearing to make  
15              a decision or otherwise the decision  
16              would be untimely, if you will.

17              If the Board is inclined to close  
18              the public hearing, I would ask that the  
19              applicant acknowledge that the timeframe  
20              would be waived.

21              CHAIRMAN EWASUTYN: I'll poll the  
22              Planning Board Members. Dave Dominick?

23              MR. DOMINICK: Keen it open.

24              CHAIRMAN EWASUTYN: Ken Mennerich?

25              MR. MENNERICH: I think it can be

1       Newburgh Elite Storage

2               closed.

3                       CHAIRMAN EWASUTYN: I move for  
4 closing it.

5                       MR. BROWNE: Close it.

6                       MS. CARVER: Close.

7                       MR. WARD: Close.

8                       CHAIRMAN EWASUTYN: Let the record  
9 show that the majority of the Planning  
10 Board Members moved to close the public  
11 hearing on Newburgh Elite Self-Storage.

12                      John, there's a question that  
13 Dominic Cordisco raised as far as the  
14 timeframe.

15                      MR. QUEENAN: Yes. The applicant  
16 would waive the Board's required  
17 timeframe for a decision.

18                      CHAIRMAN EWASUTYN: So then you're  
19 going to resubmit the plans subject to  
20 the changes and studies that you'll do?

21                      MR. QUEENAN: Correct.

22                      CHAIRMAN EWASUTYN: You'll show the  
23 landscaping as proposed by Karen Arent,  
24 our Landscape Architect?

25                      MR. QUEENAN: We will get some

1       Newburgh Elite Storage

2               answers if it's possible for the  
3               secondary entrance or the entrance from  
4               the neighbor.

5                       CHAIRMAN EWASUTYN: Thank you.

6                       (Time noted: 8:52 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 17th day of February 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

MKJ PARK, LLC

Project No. 2022-32  
New York State Route 32  
Section 34; Block 2; Lot 29.1  
IB Zone

----- X

SITE PLAN

Date: February 6, 2025  
Time: 8:53 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  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVES: JOHN QUEENAN  
CHARLES BAZYDLO

-----

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

1 MKJ Park, LLC

2 CHAIRMAN EWASUTYN: The third item  
3 on this evening's agenda is MKJ Park,  
4 LLC. It's here this evening for a site  
5 plan. It's located on New York State  
6 Route 32 and Route 300. It's in an IB  
7 Zone. It's being represented by Lanc &  
8 Tully.

9 MR. QUEENAN: Good evening again.  
10 John Queenan with Lanc & Tully, engineer  
11 for the applicant. I'm also here with  
12 Charlie Bazydlo, the applicant's counsel.

13 We're before you with a project I  
14 think the Board is quite familiar with.  
15 We've been here numerous times.

16 Again, we've made some additional  
17 tweaking to the plan going through final  
18 designs. We're really appearing before  
19 you tonight because we thought that we  
20 would have the County Planning 239  
21 referral in. Unfortunately that has not  
22 come in yet. We're still awaiting that.

23 If we had that, we would request  
24 the Board to consider a public hearing  
25 moving forward. Since we don't, we're

1 MKJ Park, LLC

2 essentially here for an update, if you  
3 have any questions on where we are.

4 We're working with the DOT for  
5 improvements on Route 32. We submitted a  
6 full application to them, a Part 1 and a  
7 Part 2. We have not heard back from  
8 them.

9 We are also working with Karen  
10 Arent's office on some landscaping  
11 changes. We did receive her comments as  
12 well as addressing Pat's comments.

13 We did forward Pat's office the  
14 completed SWPPP for the project.

15 We did forward over the draft, the  
16 completed draft of the traffic impact  
17 statement to Ken's office for his review.

18 That's essentially where we're at  
19 at this point with this project.

20 CHAIRMAN EWASUTYN: Questions.

21 Dave Dominick, do you have any questions?

22 MR. DOMINICK: Nothing further.

23 CHAIRMAN EWASUTYN: Ken Mennerich?

24 MR. MENNERICH: No.

25 MR. BROWNE: Nothing more.

1 MKJ Park, LLC

2 MS. CARVER: No. Nothing further.

3 CHAIRMAN EWASUTYN: John Ward?

4 MR. WARD: No.

5 CHAIRMAN EWASUTYN: Ken Wersted,  
6 the traffic report.

7 MR. WERSTED: We reviewed the site  
8 plan and the traffic study. John, I had  
9 given some comments in the back of my  
10 letter about some of the sight distances,  
11 just corrections on some of the notes  
12 there.

13 The traffic study did two things.  
14 One, it looked at it as a warehouse.  
15 Understanding that we don't have a tenant  
16 here, it looked at a conservative  
17 analysis as an industrial park building  
18 which increases the anticipated trip  
19 generation of the site. The project  
20 looked at several intersections, namely  
21 Route 300 and Route 32 to the west,  
22 obviously the site driveway, and they  
23 looked at 32/Paffendorf/New Road. All of  
24 the intersections generally operated at  
25 acceptable levels of service. The one

1 MKJ Park, LLC

2 caveat to that was the northbound  
3 approach of the Route 300 intersection of  
4 Route 32, that was operating at a level  
5 of service E/F in the peak hours. The  
6 applicant's traffic engineer had adjusted  
7 some signal timings, or proposed some  
8 adjustments, which would have redistributed  
9 the delay there and mitigated the impacts  
10 of the project at that location.

11 The project will generate some  
12 traffic. It will go to the east and the  
13 west on 32. Some of that traffic will go  
14 to Route 300 and turn south, come past  
15 Town Hall here and into the Route 52/  
16 Route 300 intersection. As the Town  
17 knows, we are studying that intersection  
18 to identify the cumulative effects of  
19 several projects in this area. We can  
20 report back on that at a future point.

21 CHAIRMAN EWASUTYN: Thank you.

22 Jim Campbell?

23 MR. CAMPBELL: My big issue would  
24 be, have you applied for the variance for  
25 the access drive?

1 MKJ Park, LLC

2 MR. QUEENAN: We sent up the  
3 initial report to them for their  
4 consideration.

5 MR. CAMPBELL: What about the  
6 design for the hydrant and the water  
7 lines?

8 MR. QUEENAN: That is on the plan.  
9 Once we get through this, then it will be  
10 a report back to you. It will eventually  
11 have to go to the Health Department for a  
12 review and approval. The water line and  
13 the hydrant locations are on the plan.

14 MR. CAMPBELL: I didn't see it.

15 MR. QUEENAN: It comes in here.  
16 We're coming in with a line essentially,  
17 and then it comes into the building and  
18 then there's a line that comes out.  
19 We're putting a hydrant at the end.

20 MR. CAMPBELL: What sheet would  
21 that be on?

22 MR. QUEENAN: Probably the grading  
23 and utility sheet.

24 MR. CAMPBELL: I totally missed that.

25 MR. HINES: There were some drafting

1 MKJ Park, LLC

2 issues with those sheets in the latest  
3 set.

4 MR. QUEENAN: We didn't get to the  
5 signing yet. I can send you a plan, Jim,  
6 that highlights it.

7 MR. CAMPBELL: Usually when I get  
8 that information and we're set on that,  
9 that's when I try to forward it to the  
10 fire department.

11 MR. QUEENAN: I'll send it over.

12 MR. CAMPBELL: I really have  
13 nothing that hasn't already been said.

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

16 MR. HINES: My first comment is me  
17 falling on the sword for missing their  
18 submission which delayed the County  
19 submission. I apologize for that. It  
20 wasn't until I prepared for this meeting  
21 that I noticed it wasn't done. I  
22 searched some e-mails and found they  
23 hadn't been sent. That's my fault, but  
24 we did submit it immediately.

25 We are reviewing the SWPPP,

1       MKJ Park, LLC

2               although we had some difficulty because  
3               of the rims and inverts and outlet  
4               control structure elevations missing.  
5               We'll need those.

6               We have to wait for County Planning  
7               to schedule the public hearing. We're  
8               waiting on that.

9               The tree removal chart identifies  
10              calculations for tree removal in excess  
11              of what is permitted, so there needs to  
12              be a calculation for replanting, which  
13              may be consistent with your landscaping  
14              plan, or a payment of a fee. That fee  
15              should be calculated based on the ordinance.

16             There are changes to the DEC wetland  
17             regulations. This one does not have a  
18             negative dec yet, so that may be subject  
19             to that. They'll need to submit the  
20             project to DEC for their screening  
21             process now for the wetlands, which are  
22             currently Army Corp of Engineers but are  
23             subject to review by DEC. That's a work  
24             in progress, so you may be the first one  
25             submitting to them. I don't know. Those



1 MKJ Park, LLC

2 regulations changed on January 25th I  
3 believe.

4 The status of the Army Corp of  
5 Engineers national wide permit, if you  
6 could update the Board on that. I  
7 believe you'll need a water quality cert  
8 for that.

9 The rest are kind of housekeeping  
10 items that the applicant has and can  
11 address.

12 County Health Department approval  
13 for the septic system is required as well  
14 as a DEC SPDES permit.

15 We did include Cronomer Valley Fire  
16 Department in the lead agency circulation,  
17 but I don't know if we have anything back  
18 regarding fire hydrants and fire protection.

19 CHAIRMAN EWASUTYN: When does the  
20 County time out?

21 MR. HINES: It will be at the end  
22 of February.

23 CHAIRMAN EWASUTYN: Beyond the 20th?

24 MR. HINES: Yes. We sent this out  
25 January 30th when I noted we had missed

1 MKJ Park, LLC

2 it.

3 CHAIRMAN EWASUTYN: Dominic, it  
4 couldn't be a Board business item on the  
5 20th because we would not have heard back  
6 from them?

7 MR. HINES: Unless Lanc & Tully can  
8 work their magic somehow. I don't know  
9 if you want to do that again.

10 MR. QUEENAN: I did it for the  
11 storage unit.

12 CHAIRMAN EWASUTYN: What was  
13 suggested earlier on was that if we  
14 received a reply from the County, that at  
15 the meeting of the 20th of February we  
16 would set it up as a Board business item  
17 to schedule it for a public hearing. Is  
18 that correct?

19 MR. CORDISCO: That's correct. In  
20 the absence of that, it could be at the  
21 March 6th meeting, which would be the  
22 next meeting after that.

23 MR. QUEENAN: I'll get it before  
24 the 20th.

25 CHAIRMAN EWASUTYN: We'll make a

1 MKJ Park, LLC

2 note of the possibility of putting it  
3 under Board business.

4 Okay. Any other questions or  
5 comments?

6 MR. DOMINICK: No.

7 MR. MENNERICH: No.

8 MR. BROWNE: No.

9 MS. CARVER: No.

10 MR. WARD: No.

11 MR. QUEENAN: Just for dates, if  
12 the Board did take that business up on  
13 the 20th, would the hearing then be the  
14 end of March?

15 CHAIRMAN EWASUTYN: It would be the  
16 meeting of the 20th of March. The first  
17 meeting in March is on the 6th, so that  
18 would be for the 20th.

19 MR. QUEENAN: Great. Thank you so  
20 much. Have a good night.

21

22 (Time noted: 9:02 p.m.)

23

24

25

1 MKJ Park, LLC

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 17th day of February 2025.

17

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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

5148 ROUTE 9W  
Project No. 2024-18

5148 Route 9W  
Section 43; Block 2; Lot 15  
B Zone

----- X

SITE PLAN

Date: February 6, 2025  
Time: 9:04 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  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DAVID NIEMOTKO

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

1           5 1 4 8   R o u t e   9 W

2                   CHAIRMAN EWASUTYN:   The fourth item  
3                   of business this evening is 5148 Route  
4                   9W, project number 24-18.   It's a site  
5                   plan located on Route 9W.   It's in a B  
6                   Zone.   It's being represented by David  
7                   Niemotko.

8                   MR. NIEMOTKO:   We're getting better  
9                   at each meeting.

10                   CHAIRMAN EWASUTYN:   You can be  
11                   Ewasutyn.

12                   MR. NIEMOTKO:   I'm David Niemotko,  
13                   the architect presenting the project.  
14                   Naturally I'm happy to be here with this  
15                   revised version because it gives a chance  
16                   to see the architectural features of the  
17                   building we presented earlier.

18                   Just as a reminder, we were here  
19                   probably about a year ago regarding 5148  
20                   Route 9W which is an existing building  
21                   adjacent to a school lot.   That existing  
22                   building encompasses most of the site.  
23                   It needs variances because it does not  
24                   comply with the existing zoning code.   It  
25                   is a preexisting nonconforming condition.

1           5 1 4 8   R o u t e   9 W

2                   At that time we presented parking  
3                   spaces along 9W. That was not accepted  
4                   well by the DOT, which moved us to try to  
5                   investigate other opportunities. One  
6                   would be parking in the school parking  
7                   lot which is to the south of this  
8                   building, but that didn't pan out.

9                   The owners did buy the adjacent  
10                  lot, 5152 Route 9W. That lot contains an  
11                  existing strip store along 9W and also a  
12                  residential home adjacent to Balmville  
13                  Road. Between those two buildings is an  
14                  area that will allow a lot of parking to  
15                  accommodate the uses for the existing  
16                  building of 5158 and also 5152 and the  
17                  existing home.

18                  In addition to that, we realize  
19                  that there is parking along 9W in front  
20                  of 5152. We do realize, as Pat mentioned  
21                  in his comments, we would need to get  
22                  some input and direction from DOT.

23                  What makes the site even that much  
24                  better is there is a road that traverses  
25                  from Route 9W to Balmville Road. It is

1 5148 Route 9W

2 approximately ten to twelve feet wide, so  
3 it would be one direction. I would  
4 imagine we'll get comments from DOT, but  
5 the direction probably would be from 9W  
6 onto this private road since Balmville  
7 Road does access in both directions and  
8 would allow vehicular traffic to exit  
9 that parking lot well.

10 We did provide some landscaped  
11 areas to accommodate this.

12 The existing house does have two  
13 spaces available to it.

14 This area is somewhat developed.  
15 It would need to be just developed a  
16 little bit more to accommodate for  
17 sixteen parking spaces. There are four  
18 existing along 9W. We did create two off  
19 the private road.

20 Our goal here before the Board is  
21 we recognize two hurdles we need to  
22 address. One is definitely being  
23 referred to the Zoning Board so that we  
24 can get the approval of the preexisting  
25 nonconforming conditions of this



1           5 1 4 8   R o u t e   9 W

2           building, and then also for DOT, to get  
3           their comments.

4                       I believe last time the Board did  
5           declare their intent to be lead so that  
6           it could be referred to DOT. I was  
7           hoping to have a subsequent or concurrent  
8           referral to the Zoning Board so that we  
9           could seek the variances and continue or  
10          satisfy the SEQRA requirements.

11                      CHAIRMAN EWASUTYN: Dominic Cordisco,  
12          Planning Board Attorney. You did mention  
13          also, Dominic, something about a lot line  
14          consolidation.

15                      MR. CORDISCO: Yes. So this certainly  
16          is an improvement over what was previously  
17          proposed. There's no question about that.

18                      The acquisition of the additional  
19          property would require that that lot --  
20          the two lots, actually, be consolidated  
21          into one lot. That would be a condition  
22          of the approval. I'm not suggesting that  
23          you consolidate those lots at this time.  
24          You should wait until any approval, if  
25          one is forthcoming. Assuming that one

1           5 1 4 8   R o u t e   9 W

2           is, it should be accomplished so -- the  
3           reason being is that in the Town of  
4           Newburgh, parking is not a principal use  
5           on a particular lot. It has to be tied  
6           as an accessory use to a primary use,  
7           which in this case would be the office  
8           building.

9                     MR. NIEMOTKO: I mean, both lots  
10           are -- they're owned by different LLCs.  
11           They're aligned because the members of  
12           the LLC are the same for both.

13                    Could not a parking easement in  
14           favor of 5148 be developed so that it  
15           would still satisfy the use of this  
16           building but keep the lots separate?

17                    MR. CORDISCO: Off the top of my  
18           head I would say no, because, once again,  
19           that would still leave a separate lot  
20           where the only -- unless I'm missing  
21           something, the only use really would be  
22           parking, which would be to the benefit of  
23           the neighboring lot.

24                    MR. HINES: There is another  
25           building on the other lot. There's a

1 5 1 4 8 R o u t e 9 W

2 commercial building. I don't know if  
3 it's used right now. It had a hair  
4 cutter and a pet store. There is another  
5 building in that zone.

6 MR. CORDISCO: We can certainly  
7 continue this discussion, and obviously  
8 develop it, based on information that you  
9 provide. They have to be connected  
10 somehow.

11 MR. NIEMOTKO: I understand. Sure.

12 CHAIRMAN EWASUTYN: Before I turn  
13 it over to our consultants, Dave Dominick,  
14 do you have any questions?

15 MR. DOMINICK: No. Nothing at this  
16 time.

17 CHAIRMAN EWASUTYN: Ken Mennerich?

18 MR. MENNERICH: No.

19 CHAIRMAN EWASUTYN: Cliff Browne?

20 MR. BROWNE: Just one. The ten,  
21 twelve-foot wide road, you're suggesting  
22 that probably DOT would say take it from  
23 9W and go in. From your perspective, is  
24 there any reason going the other way  
25 would be less beneficial? How do you see

1           5 1 4 8   R o u t e   9 W

2           it working properly?

3                   MR. NIEMOTKO: Well, I mean, both  
4           the business -- the two buildings that  
5           front 9W, their front elevations face 9W.  
6           I would imagine vehicular traffic going  
7           back and forth would identify the fronts  
8           of these buildings. It would be a  
9           natural right or left turn going into  
10          here to park and then access the two  
11          buildings, either from the back or from  
12          the side. I mean, going along Balmville  
13          Road, searching for the businesses that  
14          would be here or here, I think would be  
15          minimal in nature as opposed to going up  
16          and down 9W to look for them.

17                   MR. BROWNE: I can relate to that.  
18          Thank you.

19                   CHAIRMAN EWASUTYN: Lisa Carver?

20                   MS. CARVER: Nothing further.

21                   CHAIRMAN EWASUTYN: John Ward?

22                   MR. WARD: The parking, the five  
23          spots on 9W, are you planning on keeping  
24          them there?

25                   MR. NIEMOTKO: Well, they do exist.

1 5148 Route 9W

2 The area is there. There is remnants of  
3 striping. The parking had existed at one  
4 time. I would like to keep them. I  
5 would imagine DOT is going to weigh in on  
6 that.

7 MR. WARD: Thank you.

8 CHAIRMAN EWASUTYN: Jim Campbell?

9 MR. CAMPBELL: Just your parking  
10 chart references twenty-four spots. I  
11 only counted twenty-two.

12 MR. NIEMOTKO: Because we didn't  
13 delineate the two for this residence.

14 MR. CAMPBELL: Also, you may want  
15 to refer to Chapter 185-13, off-street  
16 parking and loading facilities, Section  
17 D(2). I'm not a legal expert, but I  
18 think it talks about the shared parking.  
19 It talks about a fifty-year lease.

20 MR. NIEMOTKO: What section was  
21 that? I'm sorry.

22 MR. CAMPBELL: 185-13 D(2).

23 MR. NIEMOTKO: I like that. It  
24 sounds like it might help. Thanks, Jim.

25 CHAIRMAN EWASUTYN: Pat Hines.

1           5 1 4 8   R o u t e   9 W

2                   MR. HINES:   Our first one goes to  
3                   Dominic's point, for the off-street  
4                   parking you'll need to consolidate the  
5                   lots.  It looks like there's a course  
6                   forward by possibly not doing that.

7                   Our previous comments identify the  
8                   bulk deficiencies on tax lot 15.  With  
9                   adding tax lot 14, similar variances, it  
10                  loses all of its protections under the  
11                  existing conditions.

12                  We need to refer both lots for all  
13                  deficiencies.  If parking is one of them,  
14                  we can identify that as well.  I'm  
15                  concerned about DOT and the permitting of  
16                  the spots that currently back out into  
17                  9W.

18                  I don't know the zoning because we  
19                  didn't have a bulk table for the total  
20                  parcels.  I didn't know that the internal  
21                  lot line changes may stay under not  
22                  consolidating.  There may be additional  
23                  variances.  I think we need that analysis  
24                  done for both lots combined so we can do  
25                  an appropriate referral to the ZBA.

1           5 1 4 8   R o u t e   9 W

2                            You talked about the access road.  
3           DOT is an involved agency.

4                            We don't have any information on  
5           the plans regarding the septic and  
6           potable water. I think we're going to  
7           have to have an investigation of that  
8           done as to where those utilities are,  
9           especially as you're planning the parking  
10          lot. We don't want to bury those. Some  
11          investigation as to what's there would be  
12          helpful.

13                           There's a landscaped area shown on  
14          one of the sheets that's not shown on the  
15          plans. I don't think you want that  
16          there. It's going to eat up a lot of  
17          parking.

18                           Then there was some talk of  
19          reestablishing pavement in front of the  
20          building on tax lot 15, the original one.  
21          I would think that -- I don't think we  
22          want to encourage that. That could be  
23          used as a parking spot unwillingly or  
24          unknown to people. Rather than replacing  
25          the pavement in front of that building,

1           5 1 4 8   R o u t e   9 W

2           maybe a little bit of landscaping there  
3           to keep people from accessing that site  
4           from 9W.

5                       MR. NIEMOTKO: I believe that would  
6           not be a problem.

7                       MR. HINES: I think this plan is an  
8           improvement. I was concerned previously  
9           about the applicants having no parking.  
10          This may be a way forward for use of both  
11          of those structures.

12                      MR. NIEMOTKO: I appreciate that  
13          point. Before we go to the ZBA, I'd like  
14          to be very clear and definitive on the  
15          variances that we're requesting, if it's  
16          on a consolidated lot or two separate  
17          lots and how it affects each. Tax lot 15  
18          encompasses the whole site. That's a  
19          preexisting nonconforming condition we  
20          need to get approval for. This one does  
21          present other benefits.

22                      MR. HINES: It has similar bulk  
23          deficiencies that need to be addressed.

24                      CHAIRMAN EWASUTYN: Jim Campbell,  
25          you had an additional comment?



1           5 1 4 8   R o u t e   9 W

2                   MR. CAMPBELL:   When you do your  
3           bulk table, just keep in mind the front  
4           yard setback is 60 being on a State road.  
5           The zone bulk table will say -- in the  
6           text there's a 60 foot.

7                   MR. HINES:   There are supplemental  
8           conditions and a section of the code that  
9           has that.

10                   MR. NIEMOTKO:   I liked your first  
11           comment better than this one.   Thank you,  
12           Jim.

13                   CHAIRMAN EWASUTYN:   Dominic, at  
14           this point we'll hold off referring it to  
15           the Zoning Board of Appeals until we  
16           receive from Pat Hines, Jim Campbell and  
17           yourself receive an outline of what the  
18           applicant is proposing to request from  
19           the ZBA?

20                   MR. CORDISCO:   That would be one  
21           option.   Another would be to authorize  
22           the referral to the ZBA conditioned on  
23           the applicant providing that information  
24           and it being reviewed by the Board's  
25           consultants.   That would save them a trip

1 5 1 4 8 R o u t e 9 W

2 back to the Board.

3 CHAIRMAN EWASUTYN: I wouldn't  
4 necessarily want them to come back. I  
5 would want something in writing that we  
6 could act on and automatically refer it.

7 MR. CORDISCO: Yes.

8 CHAIRMAN EWASUTYN: That was the  
9 intention.

10 MR. CORDISCO: Certainly.

11 CHAIRMAN EWASUTYN: Is the Board in  
12 favor of having David prepare what he  
13 believes to be the necessary area  
14 variances, submit that information to Pat  
15 Hines, Jim Campbell, Dominic Cordisco and  
16 then Dominic will prepare his referral  
17 letter to the Zoning Board of Appeals?  
18 Are you in favor of that?

19 MR. DOMINICK: Yes.

20 MR. MENNERICH: Yes.

21 CHAIRMAN EWASUTYN: Yes.

22 MR. BROWNE: Yes.

23 MS. CARVER: Yes.

24 MR. WARD: Yes.

25 CHAIRMAN EWASUTYN: Let that be the

1 5148 Route 9W

2 procedure then.

3 MR. NIEMOTKO: Thank you very much.

4 Have a good evening.

5 (Time noted: 9:17 p.m.)

6

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

8

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 17th day of February 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

GERACI SUBDIVISION  
Project No. 2025-03

272 Frozen Ridge Road  
Section 6; Block 1; Lot 86.2  
AR Zone

----- X

FOUR-LOT SUBDIVISION

Date: February 6, 2025  
Time: 9:17 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  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

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

1 Geraci Subdivision

2 CHAIRMAN EWASUTYN: The fifth item  
3 of business is the Geraci Subdivision,  
4 project number 25-03. It's an initial  
5 appearance for a four-lot subdivision  
6 located on Frozen Ridge Road in an AR  
7 Zone. It's being represented by Messina  
8 Associates

9 MR. MESSINA: Good evening. For  
10 the record, my name is Carmen Messina.  
11 I'm an engineer and surveyor for this  
12 project.

13 CHAIRMAN EWASUTYN: Thank you. Do  
14 you want to make your presentation?

15 MR. MESSINA: Yes. This is a  
16 four-lot subdivision of a 14.3 acre  
17 parcel, tax map number 6-1-86.3, located  
18 at 272 Frozen Ridge Road, Newburgh,  
19 New York.

20 The property is bounded on the west  
21 by Frozen Ridge Road and bounded on the  
22 east by Firemans Lane Extension. There's  
23 an existing house and a barn located on  
24 the property.

25 Lot number 1 proposes -- will

1       G e r a c i   S u b d i v i s i o n

2           propose to have the existing house  
3           currently owned by -- lived in by  
4           the owner, Elaine Geraci. Her access to  
5           Frozen Ridge Road will continue to be  
6           over the existing driveway.

7           Proposed lot number 2, this is  
8           going to be a difference from when we  
9           submitted our application. We were  
10          proposing that the barn would remain.  
11          Subsequent to our application, we have  
12          now -- they have decided, the owner, to  
13          eliminate the barn and take it down.  
14          That's the only difference. Proposed  
15          lot number 2 would be 110,000 square feet  
16          and have access to Frozen Ridge Road  
17          along the proposed driveway.

18          Lot number 3 is 87,000 square feet  
19          and will have access to Firemans Lane  
20          Extension.

21          Proposed lot number 4, which is 8.8  
22          acres, will have access to both Frozen  
23          Ridge Road and Firemans Lane Extension.

24          CHAIRMAN EWASUTYN: Pat, have you  
25          had the opportunity to review the

1       G e r a c i   S u b d i v i s i o n

2               subdivision before us?

3               MR. HINES: We did. As Mr. Messina  
4               mentioned, there are several zoning  
5               issues preexisting related to lot 1, the  
6               existing house on the site. The front  
7               yard setback, 50 feet is required where  
8               46.8 is existing. The side yard setback,  
9               30 is required where 27.3 is existing.

10              Our second comment had to do with  
11              the barn which I just heard is going to  
12              be removed. That will not need any  
13              variances. There were variances needed  
14              for height and an accessory structure in  
15              the front yard. With that being removed,  
16              that will no longer be needed.

17              We're looking to show the entire  
18              footprint for the house on existing lot  
19              1.

20              Show the septic system location on  
21              lot 1.

22              Wells and septic locations on the  
23              other parcels will need to be shown with  
24              the exception of lot 4. That is an 8.4  
25              acre parcel and we will not need wells

1       G e r a c i   S u b d i v i s i o n

2               and septic as it's a balanced parcel at  
3               this time.

4               It's an initial appearance and  
5               adjoiners' notices must be sent out.

6               We need the EAF. I did not receive  
7               that if one was submitted.

8               Future submissions should contain  
9               topography, water and sewer designs,  
10              which I just mentioned.

11              The surveyor note states this is a  
12              lot line revision, but it is actually a  
13              subdivision.

14              The highway superintendent's comments  
15              on the access drive on Frozen Ridge Road  
16              should be received.

17              MR. MESSINA: I thought we had  
18              submitted the EAF.

19              MR. HINES: You may have.

20              MR. MESSINA: I printed out another  
21              one.

22              CHAIRMAN EWASUTYN: It didn't print  
23              out well. You did submit it.

24              Jim Campbell, do you have any  
25              comments on this?



1 Geraci Subdivision

2 MR. CAMPBELL: My only comment  
3 related to the barn. With that being  
4 removed, that's not an issue.

5 CHAIRMAN EWASUTYN: Dave Dominick?

6 MR. DOMINICK: Nothing further.

7 MR. MENNERICH: No questions.

8 MR. BROWNE: Nothing.

9 MS. CARVER: No.

10 MR. WARD: No.

11 CHAIRMAN EWASUTYN: So then the  
12 action before us this evening, you'll  
13 work with Mr. Messina as far as the  
14 adjoiners' notice.

15 Dominic Cordisco, you'll prepare a  
16 referral letter to the Zoning Board of  
17 Appeals for the required area variances?

18 MR. CORDISCO: Yes, sir.

19 CHAIRMAN EWASUTYN: Anything else?

20 MR. HINES: That's all we can do  
21 tonight.

22 MR. MESSINA: The side line and  
23 front yard variances?

24 MR. HINES: For proposed lot 1, the  
25 existing structure, it's a front yard, 50

1 Geraci Subdivision

2 feet is required where 46.8 are  
3 identified. The side yard, 30 feet is  
4 required and 27.3 exists. I got those  
5 off your bulk table. I didn't measure  
6 them.

7 MR. MESSINA: Yes. Thank you.

8

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

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1 Geraci Subdivision

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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 17th day of February 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

ANCHORAGE-ON-HUDSON LOT #2  
Project No. 2025-02

Mariners Court  
Section 121; Block 1; Lot 2  
R-1 Zone

----- X

AMENDED SUBDIVISION

Date: February 6, 2025  
Time: 9:23 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  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: MARK DAY

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

1       A n c h o r a g e - o n - H u d s o n   L o t   # 2

2                   CHAIRMAN EWASUTYN:   The sixth item  
3       of business this evening is Anchorage-on-  
4       Hudson - lot 2, project number 25-02.  
5       It's an initial appearance for an amended  
6       subdivision for lot 2.   It's located on  
7       Mariners Court in an R-1 Zone.   Day &  
8       Stokosa is representing the applicant.

9                   MR. DAY:   Good evening.   Mark Day,  
10       Day & Stokosa.

11                   We're here this evening to represent  
12       Mr. Jesse Malik.   It's lot 2 on Mariners  
13       Court, which is also River Road.   We're  
14       here tonight to propose a modification of  
15       the design of a lot where the driveway  
16       was originally shown off Mariners Court.  
17       We're actually asking if the Board would  
18       consider us relocating it to River Road  
19       for a few reasons.   The slope coming off  
20       Mariners Court is really difficult to be  
21       able to get into the lot at the required  
22       slope without it having the garage under  
23       the house and creating a considerable  
24       amount of grading on the lot.

25                   What we're showing tonight is an

1       A n c h o r a g e - o n - H u d s o n   L o t   # 2

2               actual house -- proposed house that would  
3               fit on the lot with the proposed graded  
4               driveway.

5               We would abandon the location on  
6               Mariners Court.

7               We have designed a new septic  
8               system. It has been submitted to the  
9               Orange County Health Department for  
10              review.

11              CHAIRMAN EWASUTYN: Comments from  
12              Board Members. Dave Dominick?

13              MR. DOMINICK: Nothing further.

14              MR. MENNERICH: The landscaped  
15              block stairs, that's just like a walkway?

16              MR. DAY: Yes.

17              MR. MENNERICH: Thanks.

18              MR. HINES: That area was graded  
19              during the original subdivision for a  
20              driveway. Those retaining walls were  
21              built.

22              CHAIRMAN EWASUTYN: For future  
23              submissions you'll show sight distance  
24              visibility.

25              MR. DAY: Yes, we'll do that.

1       A n c h o r a g e - o n - H u d s o n   L o t   # 2

2                   CHAIRMAN EWASUTYN:  No other  
3       comment.

4                   MR. BROWNE:  I have nothing, John.

5                   MS. CARVER:  Would that be less of  
6       a steep driveway?

7                   MR. DAY:  It would.  It would be  
8       able to keep the house up higher,  
9       otherwise we'd have to push it down and  
10      it would have a garage under it.  It would  
11      be a pretty difficult foundation to  
12      construct.

13                  MS. CARVER:  Thank you.

14                  MR. HINES:  We've had most of the  
15      lots along River Road that were  
16      originally coming off Mariners Court  
17      apply for the same relief.

18                  MS. CARVER:  Okay.

19                  MR. WARD:  No comment.

20                  CHAIRMAN EWASUTYN:  Jim Campbell,  
21      Code Compliance?

22                  MR. CAMPBELL:  Just keep in mind  
23      that all the retaining walls will need  
24      permits, third-party inspections and your  
25      sign off.

1       A n c h o r a g e - o n - H u d s o n   L o t   # 2

2                   MR. DAY:   Yes.

3                   CHAIRMAN EWASUTYN:   Pat Hines with  
4                   MH&E.

5                   MR. HINES:   Our first comment just  
6                   identifies what the project is and that  
7                   this is a 2002 filed subdivision map.  
8                   These lots have been sitting around.  
9                   There's a lot of activity here now.

10                   A majority of the lots that had the  
11                   Mariners Court access have come back for  
12                   amended subdivision to take advantage of  
13                   the River Road access.   The orientation  
14                   of the rear of the houses towards the  
15                   river view, I think is the driving force  
16                   between a lot of these.

17                   It does need re-approval from the  
18                   Orange County Health Department as this  
19                   was a major subdivision previously.

20                   The highway superintendent's  
21                   comments on the driveway's location  
22                   should be received.

23                   We need to see the limits of  
24                   disturbance to make sure it's less than  
25                   an acre.



1       A n c h o r a g e - o n - H u d s o n   L o t   # 2

2                   MR. DAY:  They're actually on  
3                   there.  They're very small.

4                   MR. HINES:  The bulk table should  
5                   identify what's proposed rather than  
6                   pluses or minuses.

7                   MR. DAY:  Okay.

8                   MR. HINES:  It will need initial  
9                   notices sent out.

10                  CHAIRMAN EWASUTYN:  The adjoiners'  
11                  notice.

12                  MR. HINES:  Adjoiners' notices.

13                  CHAIRMAN EWASUTYN:  The action  
14                  before us this evening?

15                  MR. HINES:  It needs adjoiners'  
16                  notices.  There's not -- I guess we could  
17                  address a public hearing at this point as  
18                  well.

19                  MR. CORDISCO:  I agree.

20                  MR. HINES:  There's sufficient  
21                  information on the map for that.

22                  CHAIRMAN EWASUTYN:  Would the Board  
23                  move for a motion to set this for a  
24                  public hearing for the 6th of March.

25                  MR. DOMINICK:  So moved.

1       A n c h o r a g e - o n - H u d s o n   L o t   # 2

2                   MR. MENNERICH:   Second.

3                   CHAIRMAN EWASUTYN:   I have a motion  
4       by Dave Dominick.   I have a second by Ken  
5       Mennerich.   May I have a roll call vote  
6       starting with Dave Dominick.

7                   MR. DOMINICK:   Aye.

8                   MR. MENNERICH:   Aye.

9                   CHAIRMAN EWASUTYN:   Aye.

10                  MR. BROWNE:   Aye.

11                  MS. CARVER:   Aye.

12                  MR. WARD:   Aye.

13                  CHAIRMAN EWASUTYN:   The motion is  
14       carried.

15                  MR. DAY:   Thank you.

16

17                               (Time noted:   9:27 p.m.)

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1       A n c h o r a g e - o n - H u d s o n   L o t   # 2

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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 17th day of February 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

HEALEY KIA - NEWBURGH  
Project No. 2025-01

New York State Route 17K  
Section 95; Block 1; Lot 54.2  
IB Zone

----- X

AMENDED SITE PLAN/CLEARING & GRADING

Date: February 6, 2025  
Time: 9:28 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  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: MARK DAY

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

1       H e a l e y   K i a   -   N e w b u r g h

2                   CHAIRMAN EWASUTYN:   The seventh  
3                   item of business this evening is Healey  
4                   Kia - Newburgh, project 25-01.  It's an  
5                   initial appearance for an amended site  
6                   plan for clearing and grading.  Again  
7                   Mark Day is representing the applicant.

8                   MR. DAY:   Good evening.  This  
9                   project actually was in front of the  
10                  Board, I want to say in 2016.  We  
11                  originally were proposing to grade the  
12                  area to the rear for inventory parking.  
13                  For whatever reason they were not -- they  
14                  did not do it at that point.  Here we  
15                  are, back with pretty much the same plan.

16                  We went through the process, which  
17                  is quite lengthy, to get the FAA approval  
18                  on every one of the light poles, which we  
19                  did reestablish that.

20                  Other than that, nothing else on  
21                  this plan is being proposed to change  
22                  from what was submitted a few years ago.

23                  CHAIRMAN EWASUTYN:   Pat Hines with  
24                  MH&E.

25                  MR. HINES:   The one thing that did

1       H e a l e y   K i a   -   N e w b u r g h

2               change since then is we have the Tree  
3       Preservation Ordinance. I don't think  
4       there are a lot of trees on the site, but  
5       we need to identify those consistent with  
6       the ordinance.

7               I know that you have a clearing and  
8       grading permit. I think this is an  
9       amended site plan. There's light poles,  
10      retaining walls, other things more than  
11      clearing and grading. It's an amended  
12      site plan and clearing and grading.

13              My comment 3 identifies the  
14      outstanding conditions that were in the  
15      2020 approval.

16              I did note that I did receive the  
17      FAA, no impact.

18              Mr. Day's office did submit the  
19      SWPPP to me after they saw my comment. I  
20      have that electronically.

21              This would get adjoiners' notices.

22              It will ultimately need to go to  
23      County Planning as well because it's on a  
24      State highway.

25              CHAIRMAN EWASUTYN: So at this

1       H e a l e y   K i a   -   N e w b u r g h

2                   point I'll move for a motion from the  
3                   Planning Board to refer the Healey Kia -  
4                   Newburgh, project number 25-01, to the  
5                   Orange County Planning Department.

6                   MR. MENNERICH:   So moved.

7                   MS. CARVER:    Second.

8                   CHAIRMAN EWASUTYN:  I have a motion  
9                   by Ken Mennerich.  I have a second by  
10                  Lisa Carver.  I'll ask for a roll call  
11                  vote starting with Dave Dominick.

12                  MR. DOMINICK:  Aye.

13                  MR. MENNERICH:  Aye.

14                  CHAIRMAN EWASUTYN:  Aye.

15                  MR. BROWNE:  Aye.

16                  MS. CARVER:  Aye.

17                  MR. WARD:  Aye.

18                  CHAIRMAN EWASUTYN:  Anything else?

19                  MR. DAY:  Does this need a public  
20                  hearing?  Is that something we can  
21                  schedule?

22                  CHAIRMAN EWASUTYN:  I think  
23                  clearing and grading requires a public  
24                  hearing.

25                  MR. HINES:  It does.  Typically we

1 Healey Kia - Newburgh

2 don't do that until we hear back from the  
3 County. It's actually an amended site  
4 plan as well.

5 MR. DAY: Okay.

6 MR. HINES: County Planning.

7 MR. DAY: We'll resubmit, get on  
8 the next agenda, and at that point set  
9 the public hearing.

10 MR. HINES: That sounds like the  
11 course.

12 CHAIRMAN EWASUTYN: We have to wait  
13 the thirty days until we hear from the  
14 -- we're talking about possibly the 6th  
15 or the 20th of March for re-submittal.

16 MR. DAY: Will do. Thank you very  
17 much.

18 CHAIRMAN EWASUTYN: Do me one  
19 favor. The both sets of plans that you  
20 submitted, would you staple the sheets?

21 MR. DAY: Yes, we can do that.  
22 Sure.

23 CHAIRMAN EWASUTYN: I know when  
24 people mass produce something in a hurry  
25 to get out the door. Let's staple them.



1       H e a l e y   K i a   -   N e w b u r g h

2                   MR. DAY:   We can do that.

3                   MR. HINES:   John, it won't be the  
4                   6th.   Because of February being a short  
5                   month, there won't be thirty days.

6                   (Time noted:   9:32 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 17th day of February 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

609 INTERNATIONAL BOULEVARD

Project No. 2025-04  
609 International Boulevard  
Section 89; Block 1; Lot 11.3  
IB Zone

----- X

SITE PLAN

Date: February 6, 2025  
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  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVES: STEVEN GREEN  
STEVEN BROWN

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

1       6 0 9   I n t e r n a t i o n a l   B o u l e v a r d

2                   CHAIRMAN EWASUTYN:   The last agenda  
3                   item is 609 International Boulevard,  
4                   Project number 25-04.  It's an initial  
5                   appearance for a site plan.  It's located  
6                   on 609 International Boulevard.  It's in  
7                   an IB Zone.  It's being represented by  
8                   Arden Consulting Engineers.

9                   MR. GREEN:   Good evening.  I'm  
10                   Steven Green, here for Mike Morgante.

11                   What we have here is we have a  
12                   property over on International Boulevard.  
13                   It's 3.7 acres -- 3.9 acres.  There's an  
14                   existing house on it.

15                   The objective is to tear the house  
16                   down and build a 5,000 square foot garage  
17                   for UPS.

18                   MR. BROWN:   Automotive repair.

19                   MR. GREEN:   Automotive repair.

20                   CHAIRMAN EWASUTYN:  That's it?

21                   MR. GREEN:   That's it.

22                   CHAIRMAN EWASUTYN:  Can you be a  
23                   little more descriptive?  Is it going to  
24                   be a truck repair facility?  What size  
25                   trucks are you going to be repairing?

1           6 0 9   I n t e r n a t i o n a l   B o u l e v a r d

2                   MR. BROWN:   It will be --

3                   CHAIRMAN EWASUTYN:   For the record,  
4           your name?

5                   MR. BROWN:   I'm Steve Brown.   I'm  
6           the applicant.

7                   CHAIRMAN EWASUTYN:   Would you mind  
8           coming a little closer?

9                   MR. BROWN:   Sure.

10                   I'm Steve Brown, I'm the applicant.

11                   So we have a couple of proposed  
12           tenants that would like to do like UPS or  
13           Amazon style truck repair that we're  
14           working with.   That's what the facility  
15           is designed for at this point.

16                   MR. BROWNE:   You're talking box  
17           trucks, tractor trailers?

18                   MR. BROWN:   No tractor trailers.  
19           This site is impossible to put a tractor  
20           trailer on.   We really couldn't do it.  
21           The topography and the -- yeah.   It's  
22           very, very tight.

23                   MR. BROWNE:   You're talking max  
24           size box --

25                   MR. GREEN:   Vans, box trucks.



1           6 0 9   I n t e r n a t i o n a l   B o u l e v a r d

2           I'm sure, waiting to be serviced, but  
3           it's not designed for truck service or a  
4           storage area.

5                         CHAIRMAN EWASUTYN:   A 9 by 18  
6           parking stall is adequate for the  
7           vehicles that you're describing?

8                         MR. BROWN:   It is at the moment,  
9           yes.   The site is tight.   That does meet  
10          the code for what we're looking at based  
11          on the square footage and the number of  
12          parking spaces that are required.   We  
13          would love to have more, but we would  
14          have to encroach on wetlands and we're --  
15          you can see we're skirting the buffer.

16                        We did the best we could with this  
17          site to make it work.   It's a great  
18          location.   It's right next to the Amazon  
19          warehouse.   It borders it to the rear.  
20          We got it in there as much as we could  
21          for the facility.

22                        CHAIRMAN EWASUTYN:   Ken Mennerich  
23          -- I'm sorry, Dave.   Do you have any more  
24          comments?

25                        MR. DOMINICK:   No.



1           6 0 9   I n t e r n a t i o n a l   B o u l e v a r d

2           vehicles not being allowed to park in the  
3           front yard.

4                        I think Dave Dominick was kind of  
5           correct, you have -- what did you say?  
6           Descriptive?

7                        MR. DOMINICK:   Just more detail.

8                        CHAIRMAN EWASUTYN:   As you know,  
9           we're working right up the street with a  
10          new gas station.   This is a new visual  
11          area in the Town of Newburgh.   We realize  
12          Amazon is parked off the road, so to  
13          speak.   This is right out in the  
14          footprint of that area.

15                        Anyway, sorry for interrupting.  
16          Lisa Carver.

17                        MS. CARVER:   I have nothing  
18          further.   It was John.

19                        CHAIRMAN EWASUTYN:   I apologize.

20                        MR. WARD:   Are you working on any  
21          of the electric vehicles?   Amazon has  
22          plenty of them.

23                        MR. BROWN:   I'm not sure yet what  
24          the tenant would be doing completely.  
25          It's very likely it could be.



1           6 0 9   I n t e r n a t i o n a l   B o u l e v a r d

2                   One thing I just did want to  
3           mention. If you do drive by this site,  
4           you'll notice that there's a significant  
5           topo change from the roadway down to  
6           where the proposed building is going to  
7           be. As far as what you see in front of  
8           the building and how we might be able to  
9           mitigate to fit in with the current code  
10          with the parking in the front, it is a  
11          significant drop off. You have to kind  
12          of look for it right now to find the  
13          spot. I don't think it's a big visual  
14          impact that would be there.

15                   The building would be about 19 feet  
16          high. I believe that's what we're  
17          looking at. It's a typical general steel  
18          building. It's like 40 by 125, five bays  
19          all in a row, office and, you know, a  
20          little lounge on the right side. A  
21          pretty standard shop.

22                   CHAIRMAN EWASUTYN: You'll also  
23          show where there's employee parking? I  
24          imagine you're going to have mechanics.  
25          I did drive by the site so I am familiar

1       6 0 9   I n t e r n a t i o n a l   B o u l e v a r d

2               with it, just as a matter of record.

3                       Jim Campbell, Code Compliance?

4               MR. CAMPBELL:   The bulk table on  
5               the plans is incomplete.  That needs to  
6               be filled out.

7               MR. GREEN:   I talked to Mike about  
8               that.

9               MR. CAMPBELL:   Multiple variances  
10              will be required once you get those  
11              numbers.

12              MR. GREEN:   Okay.

13              MR. CAMPBELL:   You're not showing  
14              any handicap parking.

15              MR. GREEN:   It's a preliminary plan.

16              MR. CAMPBELL:   If there's any  
17              proposed signage, building mounted or  
18              freestanding, just keep a note that  
19              that's part of ARB when that comes up.

20                       That's all I've got.

21              CHAIRMAN EWASUTYN:   Pat Hines with  
22              MH&E.

23              MR. HINES:   You have the roadway  
24              labeled as Drury Lane.  It's actually the  
25              State highway now.

1       6 0 9   I n t e r n a t i o n a l   B o u l e v a r d

2                   MR. GREEN: I explained that.

3                   MR. HINES: You have to clean that  
4                   up.

5                   The wetland validation stamp will  
6                   be required.

7                   There will be demolition notes that  
8                   a permit will be required prior to  
9                   removing the existing structure.

10                   Just a heads up that a building of  
11                   that size requires a fire suppression  
12                   system. The Town of Newburgh has a more  
13                   stringent code than the fire code. That  
14                   can get expensive. There is the ability  
15                   to receive waivers. There's a process to  
16                   go through the Building Department I  
17                   believe. I haven't gotten one of those  
18                   in a while, but there is that process.

19                   DOT approval for the access drive.

20                   Again, ARB, as the Chairman was  
21                   saying, is required.

22                   The design guidelines restrict  
23                   parking in front of the structure.  
24                   Screening and mitigation of that will  
25                   need to be proposed.

1       6 0 9   I n t e r n a t i o n a l   B o u l e v a r d

2                   Signage needs to be on the plans.

3                   The limits of disturbance should be  
4       depicted.

5                   The EAF identifies .6 acres. It  
6       doesn't need the stormwater pollution  
7       prevention plan for DEC.

8                   The bulk table should be completed,  
9       as Mr. Campbell just mentioned.

10                  Section 185-28, vehicle service  
11       station, car washes and rentals should be  
12       identified as notes on the plans.

13                  Confirmation of the number of  
14       employees for the septic system. There  
15       are five bays. There are only five  
16       employees identified on the septic  
17       design. I guess there's going to be an  
18       office support use. We just need to  
19       clarify those septic system design  
20       calculations. You have a very small  
21       system designed now. You may want to  
22       over-design in case there's office help  
23       that are going to be there.

24                  Adjoiners' notices and lead agency  
25       would be appropriate at this time.

1           6 0 9   I n t e r n a t i o n a l   B o u l e v a r d

2                   CHAIRMAN EWASUTYN:   Dominic, the  
3           position now is to circulate for lead  
4           agency?

5                   MR. CORDISCO:   Adjoiners' notices  
6           and lead agency.   Yes, sir.

7                   MR. HINES:   The only question is if  
8           -- we don't have the bulk table.   If  
9           there are variances required, maybe we  
10          want to hold off on lead agency.   I'm  
11          just thinking out loud.   We're going to  
12          do adjoiners' notices at this point.

13                   CHAIRMAN EWASUTYN:   Very good.

14                   MR. BROWN:   Thank you.

15                   MR. GREEN:   Thank you.

16

17                   (Time noted:   9:41 a.m.)

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1 609 International Boulevard

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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 17th day of February 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

GARDNER RIDGE  
Project No. 2002-29

Request for a Six-Month Extension

----- X

BOARD BUSINESS

Date: February 6, 2025  
Time: 9:42 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  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: DARREN DOCE

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

1       Gardner Ridge

2                   CHAIRMAN EWASUTYN: We have  
3       three items of Board business.

4                   Darren Doce, I see you're in the  
5       audience. You're still awake.  
6       Congratulations. Do you want to come up  
7       and talk to us? You're looking for an  
8       extension?

9                   MR. DOCE: Yes, we're looking for  
10      an extension. We're in the process of  
11      getting the bond numbers together, cost  
12      estimates. There's maybe a handful of  
13      legal documents that have to be prepared  
14      and submitted to Mark Taylor.

15                  We're also on the agenda for the  
16      ZBA for the gazebo at the end of  
17      February.

18                  We're pretty much done with the  
19      plans. It's just the bonding, the cost  
20      estimates, the legals that we're trying  
21      to finish.

22                  We're requesting another six months.

23                  CHAIRMAN EWASUTYN: Pat, what would  
24      the dates be?

25                  MR. HINES: We are in February plus



1 Gardner Ridge

2 six. It would be in August.

3 CHAIRMAN EWASUTYN: That would be  
4 August 6th?

5 MR. CORDISCO: August 7th, if I may  
6 suggest. That's the date of the meeting.

7 CHAIRMAN EWASUTYN: Would someone  
8 move for a motion to grant a six-month  
9 extension for Gardner Ridge apartments  
10 lasting until the 7th of August 2025.

11 MR. DOMINICK: So moved.

12 MR. WARD: Second.

13 CHAIRMAN EWASUTYN: I have a motion  
14 by Dave Dominick. I have a second by  
15 John Ward. Can I have a roll call vote  
16 starting with Dave Dominick.

17 MR. DOMINICK: Aye.

18 MR. MENNERICH: Aye.

19 CHAIRMAN EWASUTYN: Aye.

20 MR. BROWNE: Aye.

21 MS. CARVER: Aye.

22 MR. WARD: Aye.

23 MR. DOCE: Thank you.

24

25 (Time noted: 9:45 p.m.)

1 Gardner Ridge

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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:

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14 interested in the outcome of this matter.

15 IN WITNESS WHEREOF, I have hereunto set  
16 my hand this 17th day of February 2025.

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

----- X

In the Matter of

WELLNOW SITE PLAN  
Project No. 2022-01

Request for a Six-Month Extension

----- X

BOARD BUSINESS

Date: February 6, 2025  
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  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

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

1 Wellnow Site Plan

2 MR. MENNERICH: This is a letter  
3 from Justin Dates to John Ewasutyn,  
4 Planning Board. Wellnow, project  
5 2022-01. "The Wellnow application had a  
6 specific condition number 2 which called  
7 for the completed sidewalk installation  
8 along Route 300 frontage within one year  
9 of the CO. The CO for the Wellnow  
10 facility was issued on March 19, 2024.  
11 The applicant is currently working with  
12 the New York State DOT to finalize the  
13 permit, bonding and insurances for this  
14 installation, therefore it will not be  
15 completed by March 19, 2025. The  
16 applicant is seeking a six-month  
17 extension for the above condition."

18 CHAIRMAN EWASUTYN: There again,  
19 the date would be to the 7th?

20 MR. HINES: August 7th.

21 CHAIRMAN EWASUTYN: Would someone  
22 move for a motion to grant a six-month  
23 extension for Wellnow Site Plan, 22-01,  
24 granted until the 7th of August 2025.

25 MR. WARD: So moved.

1 Wellnow Site Plan

2 MS. CARVER: Second.

3 CHAIRMAN EWASUTYN: I have a motion  
4 by John Ward. I have a second by Lisa  
5 Carver. Can I have a roll call vote  
6 starting with Dave Dominick.

7 MR. DOMINICK: Aye.

8 MR. MENNERICH: Aye.

9 CHAIRMAN EWASUTYN: Aye.

10 MR. BROWNE: Aye.

11 MS. CARVER: Aye.

12 MR. WARD: Aye.

13

14 (Time noted: 9:47 p.m.)

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1 Wellnow Site Plan

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

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7 and within the State of New York, do hereby  
8 certify:

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14 interested in the outcome of this matter.

15 IN WITNESS WHEREOF, I have hereunto set  
16 my hand this 17th day of February 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

LOCAL LAWS AMENDING ZONING, STORMWATER AND  
CLEARING & GRADING CODES PENALTIES SECTIONS

----- X

BOARD BUSINESS

Date: February 6, 2025  
Time: 9:48 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  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

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





1       B o a r d   B u s i n e s s

2               going from \$350 to \$700 as proposed.

3               They're doubling, but still in the course  
4               of things, I think fairly modest in terms  
5               of -- if you compare, for instance, like  
6               the DEC's violations, which I think is --

7                       MR. HINES: 37,500.

8                       MR. CORDISCO: A day.

9               In any event, that's the proposal  
10              that's currently under consideration by  
11              the Town Board.

12              There is a procedure as far as  
13              amendments. They do require -- for  
14              instance, the zoning amendments require a  
15              referral by the Town Board to the  
16              Planning Board.

17              I was just speaking with a colleague  
18              last night because I was in the Town of  
19              Chester. It's the exact same language  
20              that is in the Town of Newburgh as far as  
21              the criteria that the Board must consider  
22              as in the Town of Chester. It's actually  
23              almost in every other town.

24              My guess is that if you recall Stu  
25              Turner, Stu was one of the original

1       B o a r d   B u s i n e s s

2               drafters of most of the zoning provisions  
3               throughout the county when they were  
4               originally being drafted in the '60s and  
5               '70s.  If you go to Otisville, it has  
6               almost the exact same thing.

7                       The point being is that the criteria  
8               is really designed to have the Planning  
9               Board weigh in on zoning changes where,  
10              for instance, zoning map is being changed  
11              or text changes are happening.

12                      Like I said, these are changes to  
13              the enforcement provisions of the code.

14                      I think to close the circle on this,  
15              if the Board is inclined, you could  
16              authorize me to write a letter back  
17              saying that the Board does not have any  
18              objections to the proposed changes.  I  
19              think to apply these criteria, you're  
20              looking at which areas of the Town would  
21              be directly affected by the change and  
22              which way they're affected.  It's a bit  
23              esoteric and not really applicable to  
24              what's actually being proposed here.

25                      CHAIRMAN EWASUTYN:  Any questions

1       B o a r d   B u s i n e s s

2                   or comments from Planning Board Members?

3                   MR. DOMINICK:  No.

4                   MR. MENNERICH:  No.

5                   MR. BROWNE:  No.

6                   MS. CARVER:  No.

7                   MR. WARD:  No.

8                   CHAIRMAN EWASUTYN:  Would the Board  
9                   move for a motion to authorize Dominic  
10                  Cordisco, Planning Board Attorney, to  
11                  prepare a letter to Mark Taylor and the  
12                  Town Board in reference to the subject  
13                  matter?

14                  MR. WARD:  So moved.

15                  MR. MENNERICH:  Second.

16                  CHAIRMAN EWASUTYN:  I have a motion  
17                  by John Ward.  I have a second by Ken  
18                  Mennerich.  I'll ask for a roll call vote  
19                  starting with Dave Dominick.

20                  MR. DOMINICK:  Aye.

21                  MR. MENNERICH:  Aye.

22                  CHAIRMAN EWASUTYN:  Aye.

23                  MR. BROWNE:  Aye.

24                  MS. CARVER:  Aye.

25                  MR. WARD:  Aye.

1       B o a r d   B u s i n e s s

2                   CHAIRMAN EWASUTYN:   Would someone  
3                   make a motion to close the Planning Board  
4                   meeting of the 6th of February.

5                   MS. CARVER:    So moved.

6                   CHAIRMAN EWASUTYN:   I have a motion  
7                   by Lisa Carver.

8                   MR. MENNERICH:   Second.

9                   CHAIRMAN EWASUTYN:   I have a second  
10                  by Ken Mennerich.   Can I have a roll call  
11                  vote starting with Dave Dominick.

12                  MR. DOMINICK:    Aye.

13                  MR. MENNERICH:   Aye.

14                  CHAIRMAN EWASUTYN:   Aye.

15                  MR. BROWNE:     Aye.

16                  MS. CARVER:     Aye.

17                  MR. WARD:       Aye.

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19                  (Time noted:    9:52 p.m.)

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1        B o a r d   B u s i n e s s

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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  
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11           I further certify that I am not related  
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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 17th day of February 2025.

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MICHELLE CONERO

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