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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

ELKAY PARTNERS DEVELOPMENT
Project No. 2024-29

Brewer Road
Section 39; Block 1; Lot 32
R-3 Zone

----- X

SKETCH PLAN
156 MULTI-FAMILY APARTMENTS

Date: April 3, 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

APPLICANT'S REPRESENTATIVE: LARA PRUSCHKI

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

1 Elkay Partners Development

2 CHAIRMAN EWASUTYN: Good evening.
3 The Town of Newburgh Planning Board
4 would like to welcome you to the
5 meeting of the 3rd of April 2025.

6 This evening we have four agenda items.

7 I'm going to start the meeting
8 off with a roll call vote.

9 MR. DOMINICK: Present.

10 MR. MENNERICH: Present.

11 CHAIRMAN EWASUTYN: Present.

12 MR. BROWNE: Present.

13 MS. CARVER: Present.

14 MR. WARD: Present.

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

17 MS. CONERO: Michelle Conero,
18 Stenographer.

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

21 MR. CAMPBELL: Jim Campbell,
22 Town of Newburgh Code Compliance.

23 CHAIRMAN EWASUTYN: At this
24 point we're going to turn the meeting
25 over to Dave Dominick.

1 Elkay Partners Development

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

4 (Pledge of Allegiance.)

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

8 CHAIRMAN EWASUTYN: Our first
9 item of business this evening is
10 Elkay Partners Development, project
11 number 24-29. It's a sketch plan for
12 156 multi-family apartments located
13 on Brewer Road. The zone is R-3.
14 Engineering & Surveying Properties is
15 representing the applicant.

16 MS. PRUSCHKI: Hello. I'm Lara
17 Pruschki from Engineering & Surveying
18 Properties.

19 We were last before the Board
20 at the October 3rd meeting for an
21 initial presentation. Since then we
22 attended a Town work session in late
23 December. We discussed the senior
24 density bonus where they recommended
25 that we perform a market study to

1 Elkay Partners Development

2 support the need for senior density
3 in this area. We're in the process
4 of preparing that.

5 Also, in January the new DEC
6 wetland regulations went into effect.
7 Our interpretation of those new
8 regulations were that this property
9 meets the criteria to be under DEC's
10 jurisdiction. We have since revised
11 the plan to include a 100-foot buffer
12 around all the wetland areas. We've
13 also submitted to the DEC for a
14 parcel jurisdiction determination in
15 late January.

16 With the revised layout here,
17 we ended up removing two of the
18 buildings and condensing the units
19 into the three remaining buildings by
20 adding another story. We ended up
21 with a total of 156 units.

22 We revised the loop road a
23 little bit to add more parking, 336
24 spaces, to support the units.

25 We removed the individual

1 Elkay Partners Development

2 garages around the center. We will
3 have no garages, just surface
4 parking.

5 We moved around some of the
6 stormwater management areas and added
7 some additional amenities in the
8 center courtyard area.

9 CHAIRMAN EWASUTYN: Comments
10 from Board Members. Dave Dominick.

11 MR. DOMINICK: You're still in
12 the beginning phases. During this
13 process can you look at adding EV
14 charging to the parking lot, some
15 charging stations, since you have
16 over 336 parking spaces?

17 MS. PRUSCHKI: Okay.

18 MR. DOMINICK: Thank you.

19 CHAIRMAN EWASUTYN: Ken Mennerich.

20 MR. MENNERICH: I have no
21 questions at this time.

22 CHAIRMAN EWASUTYN: No comments.

23 MR. BROWNE: I don't think I
24 have anything more at this point.

25 MS. CARVER: The plan says

1 Elkay Partners Development

2 there are 14 senior units. Where will
3 they be located in the three buildings?

4 MS. PRUSCHKI: We're not sure
5 which building, but they'll all be
6 together.

7 MS. CARVER: In one building?

8 MS. PRUSCHKI: Yes.

9 MS. CARVER: Thank you.

10 MR. WARD: What's the height of
11 the buildings now?

12 MS. PRUSCHKI: These would be
13 35 feet.

14 MR. WARD: Thank you.

15 CHAIRMAN EWASUTYN: Jim Campbell,
16 Code Compliance.

17 MR. CAMPBELL: Nothing at this
18 time.

19 CHAIRMAN EWASUTYN: Pat Hines
20 with MH&E.

21 MR. HINES: Our first comment
22 just reiterates what the applicant's
23 representative said, the change from
24 168 units to 156.

25 We did receive a revised long

1 Elkay Partners Development

2 form EAF.

3 We had previously circulated
4 this Board's intent for lead agency
5 in late November. It is a Type 1
6 action under SEQRA, so a coordinated
7 review is required. We had a question
8 of whether we should recirculate lead
9 agency. It is believed that the
10 lesser units doesn't require
11 recirculating.

12 We concur that the project needs
13 to go to DEC for a jurisdictional
14 determination on the wetlands. A
15 wetlands validation should be received.
16 Even with the revisions to the project,
17 a DEC permit will be required as a
18 portion of the parking and access
19 roads enter into the buffer as depicted.
20 Again, that buffer may change subject
21 to DEC's review. I don't believe it
22 will ever get smaller. It may get
23 larger. We'll leave that up to DEC.

24 We're recommending that the
25 adjoiners' notices be sent, there

1 E l k a y P a r t n e r s D e v e l o p m e n t

2 are many residential parcels
3 surrounding this, just to update all
4 the neighbors. The 500-foot radius
5 notices should be sent updating the
6 project to the reduced building --
7 reduced building count, the height of
8 the building changing and the reduced
9 count on the residential units.

10 We're looking for the plan to
11 be updated to show any improvement on
12 tax lot 39-1, lot 33, the Bolden
13 parcel, just to show any improvements
14 there. That parcel is kind of
15 surrounded by this.

16 Our previous comments dated 27
17 December remain. They haven't been
18 addressed, but the concept plan has
19 been updated.

20 At this point revised adjainer
21 notices should be sent out.

22 I think the important part is
23 DEC jurisdiction and where those
24 boundaries are going to land.

25 Eventually this Board will have

1 E l k a y P a r t n e r s D e v e l o p m e n t

2 to make a SEQRA determination on
3 whether or not the project will
4 require further environmental review.

5 CHAIRMAN EWASUTYN: Dominic Cordisco,
6 Planning Board Attorney.

7 MR. CORDISCO: I concur with Pat's
8 recommendations at this time.

9 CHAIRMAN EWASUTYN: I have two
10 later comments. One for the record,
11 the Town is revising the comprehensive
12 plan. We go on record to say that
13 you are proceeding at your own risk
14 currently. Would you acknowledge that?

15 MS. PRUSCHKI: Yes.

16 CHAIRMAN EWASUTYN: Thank you.

17 The second, for general education,
18 because it happens many times with
19 projects, and I think Pat will elaborate,
20 the circulation -- why don't you speak,
21 Pat, as far as the adjoiners' notices,
22 who gives us the list and how 500
23 feet is just 500 feet, it doesn't go
24 800 feet, 1,000 feet or what have you.

25 MR. HINES: There are sections

1 Elkay Partners Development

2 in the Town Code, the Zoning Code
3 that describe the process. Every
4 parcel within 500 feet will receive
5 that adjoiner's notice. We
6 coordinate with the assessor's
7 office. They generate the 500-foot
8 list. My office generates the
9 adjoiner's notice. The applicant's
10 representatives coordinate the
11 mailing of those with first-class
12 stamps. The Town physically mails
13 them. The applicant prepares them
14 and coordinates with the people in
15 the Town Hall here. The Town
16 physically mails them first-class
17 mail so we know they all went out. I
18 know the applicant's representative
19 is familiar with the process. The
20 important thing is that the assessor's
21 office gives us that 500-foot radius.

22 CHAIRMAN EWASUTYN: Thank you.

23 MR. WARD: John.

24 CHAIRMAN EWASUTYN: John Ward.

25 MR. WARD: I recommend a traffic

1 Elkay Partners Development

2 study, too.

3 MS. PRUSCHKI: Yes.

4 MR. WARD: Thank you.

5 CHAIRMAN EWASUTYN: So at this
6 point we'll work with Pat Hines as
7 far as the adjoiners' notices. We'll
8 move on from there.

9 MS. PRUSCHKI: Yes.

10 CHAIRMAN EWASUTYN: Do you have
11 anything to add?

12 MR. CORDISCO: Nothing.

13 CHAIRMAN EWASUTYN: Okay.

14 MS. PRUSCHKI: Thank you.

15

16 (Time noted: 7:08 p.m.)

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1 Elkay Partners Development

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

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 12th day of April 2025.

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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

SPARK CAR WASH
Project No. 2023-23
1227-1229 Route 300
Section 96; Block 1; Lots 4 & 5
IB Zone

----- X

SITE PLAN

Date: April 3, 2025
Time: 7:08 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: JENNIFER PORTER
PAUL MUTCH
JOHN CORAK

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

1 Spark Car Wash

2 CHAIRMAN EWASUTYN: The second
3 item of business this evening is
4 Spark Car Wash, project number 23-23.
5 It's a site plan located on Route 300
6 in an IB Zone.

7 For the record, you are?

8 MS. PORTER: Jennifer Porter with
9 CSG, here on behalf of the applicant,
10 Spark Car Wash, LLC.

11 Good evening, Board Members. Again,
12 Jen Porter. We're happy to be in front
13 of the Board again this evening. This
14 is a continuing application subject to
15 Planning Board review in connection
16 with the proposed car wash facility
17 for property that's located at 1227-1229
18 Route 300.

19 We last appeared in front of this
20 Board back in February at which time
21 the Board gave us some additional
22 ongoing comments with respect to
23 traffic and the site design. We took
24 the opportunity that the Board gave
25 us to meet with the Board's consultants

1 Spark Car Wash

2 at a workshop where we had productive
3 discussion on some of the open issues,
4 particularly as it related to traffic
5 and the overall design in terms of
6 addressing queueing.

7 This evening we have two
8 witnesses to provide some updates
9 with respect to where we are in terms
10 of our civil design, and then specifically
11 to focus in on some of the traffic issues
12 that were outstanding in connection with
13 queueing, as well as to talk about the
14 sidewalk design.

15 CHAIRMAN EWASUTYN: Thank you.

16 MS. PORTER: I'm going to call
17 Paul Mutch.

18 MR. MUTCH: Good evening. I'm
19 standing in for Jeff tonight, Jeff
20 Martel. You've seen him. His kids'
21 spring break align differently than
22 mine do.

23 These plans were prepared under
24 my direct supervision, so I'm well
25 versed with the project.

1 Spark Car Wash

2 Since the last time --

3 CHAIRMAN EWASUTYN: Your name?

4 MR. MUTCH: Paul Mutch from
5 Stonefield Engineering.

6 CHAIRMAN EWASUTYN: Thank you.

7 MR. MUTCH: Since the last
8 meeting, we held a workshop with your
9 professionals that I believe was very
10 helpful in kind of discussing the
11 open comments and the open issues.
12 We mainly focused on traffic, which
13 you'll hear from our traffic engineer
14 as we move through. Certainly the
15 professionals were helpful. I think
16 we got to a general consensus. That's
17 relayed in the letters we received
18 preceding this meeting.

19 I'll be brief. The civil updates
20 are somewhat limited. I think the
21 traffic conversation will be a little
22 bit more detailed, just the conversations
23 that we've had.

24 Since the meeting, and to the
25 credit of your Board Engineer, the stream

1 Spark Car Wash

2 classification for that stream that
3 runs on the side and the rear of our
4 site, it was confirmed with the DEC
5 as being a classification A stream.
6 Fortunately, as you've heard, the
7 proposed development does not exceed
8 the footprint of the existing
9 development or have any impact on
10 the bank of that stream. There's no
11 change to the project scope or any
12 permits needed, just simply that the
13 classification has now been confirmed
14 and we've confirmed there are no
15 permits or any other kind of impacts
16 to that stream that this project
17 would bring to it.

18 We've also received notice
19 today that the City of Newburgh has
20 accepted our flows. Pat's office
21 submitted that request. That's a
22 good step forward on that occasion as
23 well.

24 We also had our environmental
25 consultant just take another look at

1 Spark Car Wash

2 the wetlands that are associated with
3 this project based on some conversations
4 with your Board Engineer. We feel that
5 the wetlands, regardless of the rule
6 changes that have occurred in the
7 last few months, the approach is the
8 same, Federal wetlands. We don't
9 believe any permits are going to be
10 required for what we're doing, only
11 because our development does not
12 impact those wetlands. I believe
13 that this application has been
14 forwarded to the DEC at this point.
15 They'll weigh in as their review
16 concludes as well.

17 There were a couple of comments
18 in the letter about any fire comments.
19 We'll obviously comply with any and
20 all fire comments that are received.

21 We made some modest site plan
22 changes as we moved through the
23 application. There was a do not
24 enter sign that was introduced at the
25 egress of the vacuums. Just to ensure

1 Spark Car Wash

2 that that trash enclosure doesn't
3 block the do not enter sig, it's a
4 little bit further back. Just to
5 make sure people aren't turning into
6 the queue lanes that are provided.

7 We clarified the routing of the
8 sanitary. We've separated the
9 bathroom effluent and the car wash
10 effluent from the water separator
11 in our plans to ensure that only the
12 appropriate effluent is going through
13 that. We've worked that out. It's
14 in a different location now, so a
15 step forward.

16 We've confirmed the sidewalk
17 along the frontage. We spent some
18 time talking about that and the
19 landscaping. It will require a
20 dedication to the DOT to move that
21 property line from where it is,
22 essentially in the road, today back
23 to accommodate that. The only real
24 result to that is that line moving
25 will adjust the variance that we got

1 Spark Car Wash

2 approved for the pay station canopy.
3 We're going to eventually have to go
4 back to the Zoning Board to have that
5 distance changed. The canopies
6 haven't moved any closer to the road
7 or the curb line. It's just
8 addressing what we'll call an
9 imaginary line on the paper. It
10 won't look any different. We'll look
11 to get that variance updated with the
12 Zoning Board.

13 As part of the workshop and a
14 lot of the conversations that we had,
15 and I'll just kind of elude to this
16 for our traffic engineer, we talked a
17 lot about what happens in the worst-
18 case scenario for the queueing and
19 how can we better improve that or
20 come up with a plan that addresses
21 the worst-case scenario. You will
22 hear extensive testimony from our
23 traffic engineer. Essentially what
24 we did is we looked at the Splash Car
25 Wash project. We looked at the

1 Spark Car Wash

2 strategies that they used to come up
3 with that kind of plan. We looked to
4 mimic it here. On the Splash Car
5 Wash plan there's a right-turn lane
6 introduced and then there's additional
7 queueing that's used in the vacuum
8 park. In our condition there isn't
9 going to be a turn lane, and you'll
10 hear from our traffic engineer on
11 that. Our onsite storage exceeds
12 what the Splash Car Wash provides.
13 We're going to use the vacuum area --
14 in those times where maybe an employee
15 identifies that the queue is backing
16 up, we can use this area for the
17 vacuums as extra storage for cars.
18 This is very similar to what we saw
19 with the Splash application.

20 Spark has the ability to have a
21 mobile pay station so they can process
22 cars through there. Again, their
23 employees are very highly trained and
24 motivated and they'll be able to
25 identify if there is an issue and

1 Spark Car Wash

2 direct cars to do that as a
3 contingency plan.

4 We have exhibits and some other
5 discussion that our traffic engineer
6 will bring up as well. I'll leave it
7 to him.

8 If there are any questions at
9 the conclusion of my direct, I'd be
10 happy to answer.

11 CHAIRMAN EWASUTYN: Dave Dominick.

12 MR. DOMINICK: Nothing at this
13 time.

14 MR. MENNERICH: Nothing.

15 CHAIRMAN EWASUTYN: No comment.

16 MR. BROWNE: Nothing.

17 MS. CARVER: Nothing.

18 MR. WARD: With your entrance
19 there, going in for signage, I'm
20 asking you to maybe put like a stone
21 sign, like a monument sign type there,
22 and work a little stonewall up along
23 the sidewalk on 300.

24 MR. MUTCH: You're talking about
25 specifically in conjunction with the

1 Spark Car Wash

2 sign. We can do a stone base on that
3 sign. Is that what you're saying?

4 MR. WARD: Yes. Make it attractive.

5 At the same time, if you have to,
6 a stonewall along the sidewalk on 300.

7 MR. MUTCH: Okay. I think that's
8 something we're agreeable to.

9 MR. WARD: At 24 inches.

10 MR. MUTCH: Just kind of dress
11 up the entrance area a little bit.

12 MR. WARD: And protect the sidewalk,
13 too.

14 MR. MUTCH: That's a good thought.
15 I think we're very open to it.

16 CHAIRMAN EWASUTYN: Jim Campbell,
17 do you have any comment at this point?

18 MR. CAMPBELL: Not at this point.

19 CHAIRMAN EWASUTYN: Pat, do you
20 want to comment now or wait until
21 afterwards?

22 MR. HINES: We just talked about
23 the signage and the stonewall. It's
24 probably not going to be a very large
25 stonewall because of the narrow --

1 Spark Car Wash

2 the parcel narrows there with the
3 sidewalk. There may be just a short
4 section where it's wide enough.

5 MR. WARD: Taper it in.

6 MR. HINES: Dress up the entrance.
7 The Town design guidelines want to
8 screen parking. You're really not
9 parking there. Your queue lane and
10 pay lane are there. I think as long
11 as the Board finds it acceptable. That
12 entrance drive with the stonewall
13 feature we often see to address the
14 Town's design guidelines.

15 CHAIRMAN EWASUTYN: Do you want
16 to bring your traffic consultant forward?

17 MR. MUTCH: Certainly.

18 MR. CORAK: Good evening. John
19 Corak, also with Stonefield Engineering.
20 My colleague, Nick Tortorella, also
21 unfortunately could not be here this
22 evening. I'm filling in for him.
23 I've worked on, at this point, dozens
24 of Spark Car Wash applications. I'm
25 very familiar with the operation's

1 S p a r k C a r W a s h

2 layout and the like for these
3 projects.

4 So getting into sort of the
5 heart of the recent traffic discussion
6 and what Mr. Mutch was eluding to, I'm
7 going to go right to an exhibit that
8 we prepared and submitted that outlines
9 essentially this contingency plan for
10 an excessive queueing event which we
11 think is going to be extremely rare,
12 very few and far between, but we do
13 want to make this as part of the
14 record, as part of the operational
15 documents for this development in
16 order to be able to accommodate the
17 maximum amount of vehicles onsite and
18 not impact the Route 300 right-of-way.

19 In the standard configuration
20 where the vacuums are open and
21 operating, starting at the tunnel and
22 working back toward the pay lanes,
23 the three pay stations and then back
24 towards the driveway, we can accommodate
25 a queue of 27 vehicles. By no means

1 Spark Car Wash

2 is this a standard queue that we'd
3 see at a Spark Car Wash operation.
4 That's a very healthy distance
5 provided for those vehicles. Like
6 the Splash Car Wash application,
7 we're coming in with a contingency
8 plan where we're able to use the
9 vacuum spaces and able to use an
10 opening at the end of the vacuum area
11 to have a connection into the queue
12 lane and then through the tunnel
13 itself and exit.

14 There would be an employee
15 located at that location that can
16 take that mobile order. Essentially
17 they would merge in with the remainder
18 of the queue through there.

19 With that queueing area, we're
20 able to provide an additional 17
21 vehicles within the queue. That
22 brings us to a total of 44 stacked
23 vehicles at a maximum on the site
24 itself. That 44 allows for the
25 egress as you depart the tunnel. The

1 Spark Car Wash

2 vacuums would not be available, but
3 as you depart the tunnel you have a
4 clear path of travel out to that
5 right out driveway to exit the site
6 without encumbrance from the queue.
7 With that, I think we've really
8 provided a way to maximize the
9 queueing onsite. The Splash site
10 provides 36 on their onsite development.
11 If you add in stacking in the right-
12 turn lane, which I don't think right-
13 turn lanes are meant for that stacking,
14 but if you accommodated that, their
15 site provides 42, we're in excess of
16 that stacking just on our site
17 itself. I think that this represents
18 an optimal solution for what we'll
19 call the worst-case scenario.

20 That brings us to some of the
21 other discussion about right-turn
22 lanes. There are a few exhibits to
23 show on that as well. There was
24 prior discussion regarding implementation
25 of a right-turn lane, similar to the

1 S p a r k C a r W a s h

2 Splash application, along Route 300.
3 There are a few reasons why we think
4 the sidewalk is a better option. Of
5 course, first and foremost is really
6 starting a pedestrian network and
7 accommodating that sidewalk across
8 the frontage where the right-turn
9 lane would essentially be in conflict
10 with that maneuver. We're also
11 located along a taper where we go
12 from the three lanes shown in the
13 orange, green and pink. Along the
14 site frontage it tapers down to two
15 lanes. Introducing a third lane with
16 the right turn only lends itself to a
17 little bit of motorist confusion. If
18 you're in that middle lane, as the
19 taper comes you think you're in the
20 right lane. It could be a little bit
21 of a weave issue with motorists. We'd
22 like to keep that as a single lane.
23 Not introduce a third lane of confusion.
24 The next sheet will kind of show
25 that weave condition on the plan itself.

1 Spark Car Wash

2 Essentially in red, if you have a
3 vehicle traveling in that lane and
4 then looking to get over as they
5 merge down from this three-lane
6 section down to two, while this
7 vehicle in blue is looking to
8 continue to merge over to the left as
9 the lane is ending, it creates
10 complications along the site. We
11 think it is better suited just to
12 provide that sidewalk there and not
13 have the right-turn lane.

14 Outside of those considerations,
15 we also looked at providing a drop
16 lane or essentially that right-turn
17 lane -- the through lane. The through
18 lane becomes the right-turn lane. As
19 we move forward, the distances that
20 are provided along the state highway
21 here just simply aren't long enough
22 to provide adequate merge, adequate
23 notice. Vehicles, if they were in
24 the right lane and then their lane
25 became the right-turn lane, you would

1 Spark Car Wash

2 have an inadequate merge condition
3 and a very tight weaving area that's
4 not appropriate for the site.

5 With that, and with the traffic
6 engineer's review letter, I think
7 we've come to a bit of a consensus
8 where providing the sidewalk over the
9 right-turn lane makes the most
10 operational sense.

11 With the queueing area and the
12 stacking that we're able to achieve
13 onsite, we've basically come up with
14 a contingency plan that can essentially
15 accommodate all of the queueing
16 conditions that would ever be expected
17 for the Spark Car Wash.

18 With that, I'd be happy to answer
19 questions.

20 CHAIRMAN EWASUTYN: Dave Dominick.

21 MR. DOMINICK: John, thank you
22 for that. I appreciate your due
23 diligence on that. Traffic on 300
24 has always been an issue. We're
25 trying to mitigate it.

1 S p a r k C a r W a s h

2 I think with your contingency
3 plan, you're going to implement that
4 a lot. You will after a snowstorm.
5 There's not a car wash around that
6 doesn't get an influx of cars to be
7 cleaned.

8 You said 27 is the magic number
9 and you go up to 44. If I'm car 27,
10 it's going to take me 12 minutes to
11 get my car washed, to go through your
12 system and out. It backs up. 27
13 come in, 27 have to come out.

14 You compared your Sicklerville
15 store with the Newburgh store.
16 Sicklerville has a population of
17 about 50,000. Newburgh and the Town
18 of Newburgh are about 60,000. That's
19 apples to apples. The roads are
20 different. There's a three-lane
21 highway on each side, two lanes to a
22 single lane in New Jersey. That was
23 a little different.

24 I think you're going to have
25 some queueing in key critical areas

1 Spark Car Wash

2 during those times. You said you'll
3 open up the vacuum section, but
4 you're going to have customers
5 vacuuming. It's not going to be as
6 quickly or as smoothly to shutdown
7 that area to alleviate the congestion.
8 It's probably going to be a gradual
9 process, not an instant process.
10 Right? Correct?

11 MR. CORAK: Correct. So if I
12 can opine on that a little bit. As
13 the business grows throughout the
14 day, say following a snowstorm or
15 following a rainstorm with a large
16 pollen event or otherwise, that queue
17 -- we're going to see a repeated --
18 if it's backing up that way, it's
19 going to back up and there will be
20 time for employees who are boots-on-
21 the-ground workers to address that.
22 You can close off the vacuum area
23 preemptively if we're getting into
24 that type of situation. That would
25 allow us to finally open up that

1 Spark Car Wash

2 vacuum area. If there weren't
3 employees onsite at all times and you
4 had to call someone in and have them
5 come to the site to run this kind of
6 operation, I would share that concern.
7 Just with the boots-on-the-ground
8 operation, highly trained employees,
9 I think that we'll be able to mitigate
10 and manage this. You think it happens
11 fast, but it's a gradual buildup that
12 can be seen and can be handled.

13 MR. DOMINICK: Okay. For the
14 record, I just wanted to mention that
15 there will be critical choke points
16 and there will be queueing on 300.

17 Thank you.

18 CHAIRMAN EWASUTYN: Ken Mennerich.

19 MR. MENNERICH: I like the idea
20 of the sidewalk and having the right-
21 turn lane not -- not having the
22 right-turn lane there. I think it's
23 going to be less confusing for the
24 traffic there in that section.

25 CHAIRMAN EWASUTYN: Ken Wersted

1 Spark Car Wash

2 with Creighton Manning, our Traffic
3 Consultant, is in favor of the
4 sidewalk. That's why we have a
5 consultant on board.

6 We have had a car wash before
7 us within the last two or three
8 years. They had mentioned that the
9 way their process works is when the
10 car first goes through the car wash,
11 that the undercarriage is washed. By
12 the time it goes through the tunnel,
13 the majority, if not all, of the
14 water is removed from the undercarriage.
15 The main function of something like
16 that is you don't have a discharge on
17 the state road.

18 Does this operation, this tunnel,
19 function the same way?

20 MR. CORAK: Yes.

21 CHAIRMAN EWASUTYN: Thank you.
22 That's all I wanted to know.

23 MR. BROWNE: I'm kind of a road
24 warrior. I'm all over the country, a
25 lot of traveling. One of the things

1 Spark Car Wash

2 I've always found disturbing is a mix
3 master situation. With not putting
4 that right-turn lane in, you are
5 eliminating that mix master as we
6 call it. Traffic just goes all over
7 and people go bonkers trying to get
8 where they have to go. I think it's
9 a benefit to not put that lane in.
10 As you mentioned, it's very, very
11 confusing for people trying to make
12 that transition in a short period of
13 time. I think that's a positive
14 thing to look at.

15 I am still concerned, though,
16 with the queueing. I have personal
17 questions with how the stacking of
18 the vacuum area would work from a
19 business standpoint, but that's your
20 business standpoint. If you're
21 making it work on paper, it looks
22 good, it's appropriate.

23 The other, kind of, concern I
24 would have is that from a daily
25 operational standpoint, having the

1 Spark Car Wash

2 employees preemptively make that
3 transition to use that vacuum area
4 for queueing, that's -- how can I say
5 -- great on paper. Hopefully it will
6 work.

7 MR. CORAK: There will be
8 extensive training on it. This is
9 typically a post weather event, so
10 there will be some foresight to it
11 for sure.

12 CHAIRMAN EWASUTYN: Lisa Carver.

13 MS. CARVER: My question was
14 asked. Dave asked the same question
15 I had. I'm good.

16 MR. WARD: Worst-case scenario,
17 with the vacuum area, how are they
18 going into the line coming out? If
19 they are on line waiting to go in to
20 get in the car wash, can you show the
21 direction --

22 MR. CORAK: So they enter from
23 the driveway and then they would
24 either be directed into the regular
25 line or up toward the vacuum area.

1 Spark Car Wash

2 That would create a two car wide line
3 approaching this open area that's
4 striped off. It would typically be
5 coned off so you can't jump the line.
6 There would be an employee at that
7 location.

8 MR. WARD: That's what I wanted
9 to know. You're going to have fights
10 and they're going to cut each other
11 off.

12 MR. CORAK: That's why we have
13 the employee on the ground. At the
14 McDonald's drive-through line, it's
15 one after the other. That's just
16 going to have to be the way it
17 operates.

18 MR. WARD: Thank you.

19 CHAIRMAN EWASUTYN: Jim Campbell,
20 Code Compliance.

21 MR. CAMPBELL: I have nothing
22 additional at this time.

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

25 MR. HINES: The stormwater report

1 Spark Car Wash

2 is under review by my office.

3 You did identify that you have
4 submitted to DEC under their new
5 regulations. The majority of the
6 Town of Newburgh is in an urban area.
7 DEC most likely will exercise
8 jurisdiction over the Federal
9 jurisdictional wetlands based on
10 their January new regulations being
11 in effect. That's something that
12 we're going to need to have addressed.

13 We discussed the Town's design
14 guidelines for front yard landscaping.
15 The Board has mentioned the implementation
16 of a stonewall type feature along with
17 the sign to provide some screening along
18 there.

19 We did submit to the City of
20 Newburgh for their flow acceptance letter
21 which has been received.

22 I did circulate to the Board
23 and the applicants. There will be a
24 requirement for stormwater and landscaping
25 security in the future, once the project

1 Spark Car Wash

2 has moved forward. Those amounts
3 require Town Board approval to be
4 established.

5 You are working with DOT on
6 your stage 2 highway work permit.

7 Ken Wersted did issue a memo to
8 the Board in favor of not having the
9 right-turn lane and implementing the
10 sidewalks, which was just discussed.

11 We do want to hear from the
12 jurisdictional fire department as to
13 whether they have any access concerns.

14 We noted that a work session
15 was held on March 6th. The results
16 of that work session were placed into
17 a memo which was circulated to the
18 Board as well.

19 The Tree Preservation Ordinance
20 has been complied with. There are
21 six trees to be removed on the site.
22 The site currently has two former
23 residential structures that I think
24 are or were in commercial use, so
25 there was not a lot of trees on the

1 Spark Car Wash

2 site to begin with.

3 We circulated lead agency to
4 Orange County Planning. We have
5 received back a lead agency decision,
6 however they are not offering --
7 their quote is, "We are not offering
8 a decision at this time, however we
9 would like to offer the following
10 advisory comments." We'll have to
11 resubmit to the County for a final
12 239 review. They did respond to the
13 lead agency, but we need to follow
14 up.

15 The Board would be in a position
16 now to address whether they want to
17 have a public hearing.

18 We can submit to the County as
19 early as tomorrow, which would allow
20 a thirty-day timeframe for that review.
21 If a public hearing was established,
22 it should be past that timeframe.

23 CHAIRMAN EWASUTYN: Dominic Cordisco,
24 Planning Board Attorney.

25 MR. CORDISCO: I have nothing at

1 Spark Car Wash

2 this time.

3 CHAIRMAN EWASUTYN: Excuse me?

4 MR. CORDISCO: Nothing at this
5 time.

6 CHAIRMAN EWASUTYN: Having heard
7 from Pat Hines with MH&E, we'll
8 circulate to the Orange County Planning
9 Department tomorrow which will give
10 us the time, if the Board so desires,
11 to schedule a public hearing for
12 Spark Car Wash, project number 23-23,
13 for the 1st of May.

14 Would someone move --

15 MR. HINES: We were going to
16 put that one out.

17 CHAIRMAN EWASUTYN: We went
18 back and forth on that. Thank you.

19 Would someone move for a motion
20 to schedule a public hearing for
21 Spark Car Wash, project number 23-23,
22 for the 15th of May.

23 MR. WARD: So moved.

24 MR. MENNERICH: Second.

25 CHAIRMAN EWASUTYN: I have a

1 Spark Car Wash

2 motion by John Ward. I have a second
3 by Ken Mennerich. Can I have a roll
4 call vote starting with Dave Dominick.

5 MR. DOMINICK: Aye.

6 MR. MENNERICH: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MR. BROWNE: Aye.

9 MS. CARVER: Aye.

10 MR. WARD: Aye.

11 CHAIRMAN EWASUTYN: Your office
12 will work with Pat Hines as far as --

13 MS. PORTER: Yes, we will in
14 terms of notice requirements for the
15 hearing.

16 CHAIRMAN EWASUTYN: Anything
17 else?

18 MS. PORTER: I just have one
19 quick question. In light of the fact
20 that we do have to go back to the
21 Zoning Board, because I believe the
22 consensus now is a preference for the
23 sidewalk which would then necessitate
24 us revising that variance. Because
25 the SEQRA review is uncoordinated and

1 Spark Car Wash

2 we've already previously obtained the
3 variances, that wouldn't impact the
4 ability of the Board, once it has its
5 public hearing, to make a decision
6 before the Zoning Board or is that
7 something we should apply to right
8 now in order for that to concurrently
9 wrap up at or around the same time
10 this Board may be in a position in
11 terms of SEQRA and in terms of the
12 application?

13 CHAIRMAN EWASUTYN: Dominic Cordisco?
14 Jim Campbell?

15 MR. CAMPBELL: I was going to defer to
16 Dominic.

17 MR. CORDISCO: We actually touched
18 on this briefly during the work session,
19 as to whether or not you would need to
20 return to the Zoning Board of Appeals.
21 This would be an area that -- it would
22 increase the -- what would increase
23 the nonconformity is the fact that
24 you're actually making a --

25 MS. PORTER: Correct. That is

1 Spark Car Wash

2 being driven by the decision to make
3 the sidewalks.

4 MR. CORDISCO: It wasn't clear
5 to me that you would actually need to
6 return to the ZBA. I was wondering
7 if Pat had any additional thoughts on
8 that.

9 MR. HINES: I was checking to
10 see who the circulation went to. We
11 did not include the ZBA because they
12 had done a previous review. We have
13 since done a coordinated review
14 without the ZBA. I think we should
15 wait to see what -- I don't think you
16 know now what DOT is going to request
17 for the dedication. I think we could
18 move forward at such time when DOT
19 does decide, otherwise you could end
20 up before the ZBA several times.

21 MS. PORTER: That's a valid
22 point. That's why we were curious as
23 to the time, because there are still
24 potential variables.

25 MR. CORDISCO: To answer your

1 Spark Car Wash

2 question, though, if I may, is that I
3 don't see --

4 MS. PORTER: One affects the
5 other.

6 MR. CORDISCO: Correct.
7 Whether or not you need to return to
8 the ZBA or not doesn't affect this
9 Board's ability to move forward with
10 the public hearing and also consider
11 the environmental impacts.

12 MS. PORTER: Perfect. Because
13 it's an uncoordinated review, I just
14 wanted to make sure that the Board
15 was okay with that as well. Okay.
16 Great.

17 CHAIRMAN EWASUTYN: That is on
18 the record now.

19 MS. PORTER: Perfect. Thank
20 you so much. Have a good evening.

21

22 (Time noted: 7:35 p.m.)

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S p a r k C a r W a s h

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of April 2025.

MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

AVION VENTURES - WAREHOUSE
Project No. 2024-16

Pomarico Drive
Section 96; Block 1; Lot 37.222
IB Zone

----- X

SITE PLAN - WAREHOUSE

Date: April 3, 2025
Time: 7:35 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: JUSTIN DATES

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

1 Avion Ventures - Warehouse

2 CHAIRMAN EWASUTYN: Our third
3 item of business this evening is
4 Avion Ventures. It's a warehouse,
5 project number 24-16. It's a site
6 plan and warehouse located on
7 Pomarico Drive. It's zoned IB. It's
8 being represented by Justin Dates of
9 Colliers Engineering.

10 MR. DATES: Good evening, Mr.
11 Chairman and Members of the Board.
12 Justin Dates, Colliers Engineering &
13 Design.

14 I figured I'd give the Board an
15 update since our last appearance in
16 February. We've advanced several
17 engineering reports and designs since
18 the last meeting, one of which was
19 the design of the sanitary pump
20 station.

21 If you'll recall, the project
22 site is at the end of Pomarico Drive,
23 a private road. To service with the
24 sanitary sewer, we have a pump station
25 on the southern end or southern side

1 Avion Ventures - Warehouse

2 of the building here that would fire
3 a two-inch force main out towards 17K
4 where there is an existing sanitary
5 manhole at that location. We have
6 provided an engineer's report for the
7 design of the pump station to MHE on
8 the prior submission.

9 We also received our flow acceptance
10 letter from the City of Newburgh just
11 April 1st. That was for acceptance of
12 612 gallons per day for this facility.

13 We prepared an application to
14 the Orange County Department of Health
15 for water service for the proposed
16 facility. Pomarico Drive does have
17 an existing water main that extends
18 right before our parcel here. We
19 look to tap into that main and extend
20 it into the site for potable and fire
21 service to the building. We made
22 that submission to DOH. The response
23 is pending on that application.

24 We have also made an application
25 to the New York State DEC for an

1 Avion Ventures - Warehouse

2 encroachment into the 100-foot
3 wetland adjacent area. We do have,
4 on the northwestern/north side here,
5 existing wetlands onsite that are
6 under DEC's jurisdiction. We did
7 receive the validation for that
8 towards the end of last year which
9 was previously provided to the Board.
10 We are looking to encroach into that
11 adjacent area for development and
12 construction of our stormwater
13 management facilities. We did make
14 that submission back towards the end
15 of February. DEC had some comments
16 on the application form itself. We
17 have subsequently resubmitted that.
18 I checked the DEC website before
19 coming here tonight and it was still
20 not yet posted. Those documents are
21 with the DEC at this point for review.

22 We have completed the field
23 work for our tree survey in accordance
24 with the Tree Preservation law of the
25 Town. That was completed last week.

1 Avion Ventures - Warehouse

2 We're now working to put together a
3 tree preservation plan. That will be
4 in a forthcoming submission to the
5 Board.

6 Also with this application we
7 provided a conceptual left-hand turn
8 lane plan on Route 17K. As I
9 mentioned at the prior meetings, in
10 accordance with our traffic impact
11 study, we would be proposing the
12 installation of a left-hand turn lane
13 for eastbound on 17K. For the most
14 part it's kind of a re-striping
15 exercise. On the south end there is
16 some expansion and widening of 17K
17 that we need to accommodate the
18 proper widths of drive aisles and the
19 transition of the turn lane. That
20 was provided in our last submission
21 to the Board.

22 Lastly, we did circulate -- the
23 Board did circulate to Orange County
24 Planning at the last meeting. We're
25 looking for responses -- 239 review

1 Avion Ventures - Warehouse

2 responses from them, which we did
3 receive forwarded from MHE. There
4 are no substantive comments that I
5 see from that Orange County Planning
6 review. There are two that the
7 applicant is currently reviewing.
8 One has to do with their comment
9 about the cool roof or putting a
10 reflective roof on the building,
11 then the comment regarding solar
12 panels. The applicant is reviewing
13 those and entertaining that. We'll
14 provide a point-by-point response to
15 all of those comments from Orange
16 County Planning under the next
17 submission.

18 I think at the last meeting I
19 requested or we talked about a
20 potential public hearing for the
21 project. The Board was looking to
22 get feedback from Orange County
23 Planning before they would entertain
24 that. We have received that response
25 back from them. I'm curious if the

1 Avion Ventures - Warehouse

2 Board is looking to have a public
3 hearing for this project at this
4 time, or to schedule one. I'm sorry.

5 CHAIRMAN EWASUTYN: Thank you.
6 Questions from Board Members. Dave
7 Dominick.

8 MR. DOMINICK: No. Justin,
9 thank you.

10 MR. MENNERICH: I have no questions.

11 CHAIRMAN EWASUTYN: No comment.

12 MR. BROWNE: No questions.

13 MS. CARVER: Nothing further.

14 MR. WARD: I think the left-
15 turn lane is a must. That's a big
16 issue with this one.

17 MR. DATES: Understood.

18 MR. WARD: Thank you.

19 MR. DATES: You're welcome.

20 CHAIRMAN EWASUTYN: Jim Campbell,
21 Code Compliance.

22 MR. CAMPBELL: Your parking lot
23 striping detail has to match the
24 Town's detail.

25 MR. DATES: Boxed out.

1 Avion Ventures - Warehouse

2 MR. CAMPBELL: Then just keep
3 in mind that the signage in the
4 future is part of ARB.

5 MR. DATES: Understood. I
6 think we still don't -- the applicant
7 doesn't have a tenant at this point.
8 I'm anticipating we would look to
9 move ahead to gain approvals from the
10 site plan aspect and we'd be back
11 before the Board for any final
12 signage approval.

13 MR. CAMPBELL: Okay.

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

16 MR. HINES: As Mr. Dates mentioned,
17 the Tree Preservation Ordinance compliance
18 needs to be done. The sample plot
19 locations were previously approved.
20 We're awaiting that.

21 We concur that they need an Article 24
22 wetlands permit from the DEC for the
23 stormwater improvements in the buffer.

24 We have provided a separate
25 stormwater pollution prevention review

1 Avion Ventures - Warehouse

2 for technical comments on the
3 stormwater plan.

4 The Coldenham Fire District has
5 previously signed off on the location
6 of the hydrants and the access.

7 The City of Newburgh flow
8 acceptance letter was outstanding
9 when we did these comments but was
10 received on April 1st.

11 Health Department approval for
12 the water main extension is required.

13 DOT approval for any improvements
14 in the 17K right-of-way is also required.

15 We did receive back County Planning
16 comments, so the Board would be in a
17 position to determine whether and when
18 to hold a public hearing at this point.

19 That's the extent of our comments.

20 CHAIRMAN EWASUTYN: Talking about
21 a public hearing, would this be a
22 public hearing on both the site plan
23 and the ARB approval?

24 MR. DATES: Yes. I'm sorry.
25 For the building, yes.

1 Avion Ventures - Warehouse

2 CHAIRMAN EWASUTYN: Dominic Cordisco,
3 Planning Board Attorney.

4 MR. CORDISCO: Nothing further at
5 this time.

6 CHAIRMAN EWASUTYN: Are we at
7 that point where we will be making a
8 SEQRA determination?

9 MR. CORDISCO: My suggestion
10 would be for this matter, since it is
11 a site plan rather than a subdivision,
12 that you wait until the --

13 CHAIRMAN EWASUTYN: Excuse me?

14 MR. CORDISCO: I would suggest
15 that you wait until after the public
16 hearing to do so.

17 CHAIRMAN EWASUTYN: Having heard
18 from Pat Hines with MH&E, having heard
19 from Jim Campbell, Code Compliance,
20 and having heard from Dominick Cordisco,
21 Planning Board Attorney, would someone
22 move to schedule a public hearing for
23 Avion Ventures - Warehouse for the --
24 in this case, Lisa, the 1st of May?

25 MS. CARVER: Yes.

1 Avion Ventures - Warehouse

2 MR. DOMINICK: So moved.

3 MS. CARVER: Second.

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

9 MR. DOMINICK: Aye.

10 MR. MENNERICH: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MR. BROWNE: Aye.

13 MS. CARVER: Aye.

14 MR. WARD: Aye.

15 CHAIRMAN EWASUTYN: Motion
16 carried.

17 MR. DATES: Thank you.

18

19 (Time noted: 7:45 p.m.)

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1 Avion Ventures - Warehouse

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 12th day of April 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

JPJR HOLDINGS, LLC
Project No. 2011-19

Rockwood Drive
Section 75; Block 1; Lot 36.2
R-3 Zone

----- X

SUBDIVISION - 11 RESIDENTIAL LOTS

Date: April 3, 2025
Time: 7:45 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

APPLICANT'S REPRESENTATIVES: MICHAEL BODENDORF

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

1 JPJR Holdings, LLC

2 CHAIRMAN EWASUTYN: Our fourth
3 and last item of business this evening
4 is JPJR Holdings, LLC. It's project
5 number 11-19. It's a subdivision of
6 eleven residential lots. It's located
7 on Rockwood Drive in an R-3 Zone.
8 The representative is Hudson Land
9 Design.

10 MR. BODENDORF: Good evening.
11 Mike Bodendorf, Hudson Land Design,
12 filling in for Dan, the engineer for
13 the project.

14 Let me first start by
15 apologizing for my appearance
16 tonight. We didn't know we were
17 going to be on this agenda. Dan has
18 a conflict and I had site visits all
19 day and didn't have a chance to
20 change. That won't happen again. I
21 apologize.

22 We're here before you tonight
23 to request conditional final approval
24 on this eleven-lot subdivision
25 located on Rockwood Drive, just off

1 JPJR Holdings, LLC

2 the intersection with Chestnut Lane.

3 This project received
4 conditional final approval on the 5th
5 of December in 2013 and then again in
6 July of 2018. At the time of both of
7 those -- the first re-approval, there
8 were legal documents that still
9 needed to be worked out with the
10 stormwater easement and so forth. We
11 believe that we're nearly at the
12 finish line now, as confirmed by the
13 attorney for the Town. We're ready
14 to move forward again in attempting
15 to get this all finalized.

16 We need to post a bond for the
17 stormwater infrastructure.

18 We did receive some new
19 comments from the engineer. That has
20 some homework for us to do as well.
21 That's generally it.

22 I could go through the
23 conditions of the resolution and just
24 kind of give you an update of where
25 we are with each of them.

1 JPJR Holdings, LLC

2 CHAIRMAN EWASUTYN: Please.

3 MR. BODENDORF: Condition 1 is
4 addressing the engineer's comment
5 letter from 2013. We will add the
6 March 2025 comment letter to that.

7 Condition 2 relates to the
8 drainage district. Those documents
9 have been submitted, have been
10 reviewed, and the Town attorney, I
11 believe, is ready to present those to
12 the Town Board along with the offer
13 of dedication for the stormwater lot.

14 Condition 3 has to do with
15 driveway locations and confirming
16 them with the highway superintendent
17 at the time of construction. I don't
18 think that's something that needs to
19 be done before the signature.

20 Condition 4 has to do with the
21 Town drainage easements. Those have
22 been submitted as well and have been
23 reviewed. We believe they're in a
24 position to approve those.

25 Condition 5 talks about

1 JPJR Holdings, LLC

2 stormwater improvements, that they
3 must be completed before any
4 driveways are built. That certainly
5 will be done.

6 Condition 6, clearing limits
7 must be clearly delineated, and if
8 anything encroaches outside of those
9 clearing limits, there must be
10 replacement landscaping for any areas
11 that are outside of those. That's a
12 construction issue.

13 Condition 7 is related to
14 common driveway easement and
15 maintenance agreements. I'll have to
16 revisit that with an update. I'm not
17 sure where we are with those. If we
18 don't have those in the queue, we
19 will definitely get those in the
20 queue.

21 Condition 8 talks about some of
22 the houses being very close to the
23 building envelopes. That's just
24 going to require the foundations to
25 be staked out before we build those

1 JPJR Holdings, LLC

2 houses, and verified by the building
3 inspector.

4 Condition 9 talks about ARB
5 review. We will be submitting house
6 plans for ARB review prior to any
7 building permits first for any
8 houses.

9 Condition 10 has to do with the
10 performance bond for the stormwater
11 improvements. That will be posted
12 once we have approval on the
13 easements and the offer of
14 dedication.

15 Condition 11 speaks to the
16 offer of dedication for the
17 stormwater lot. That is in the
18 process of being reviewed. We intend
19 to go to the Town Board for that.

20 Condition 12 talks about the --

21 MR. HINES: Parkland fee.

22 MR. BODENDORF: -- parkland
23 fee. Those fees will be posted as
24 well.

25 Just moving forward, we did

1 JPJR Holdings, LLC

2 have a subsequent public hearing back
3 in 2018. I'm not sure if we need to
4 do that again for this round. We
5 will certainly be open to it if the
6 Board sees that's fit.

7 CHAIRMAN EWASUTYN: At this
8 point we'll turn the meeting over to
9 Pat Hines with MH&E.

10 MR. HINES: We'll jump to that
11 public hearing comment. Because that
12 2018 approval lapsed, this will
13 require a new public hearing as well
14 as a resubmission to Orange County
15 Planning. This is basically
16 considered a new application because
17 the previous approval has lapsed.

18 Certainly there's a lot of background
19 here from 2011, 2018 to today. I did
20 provide the Board with a copy of the
21 2018 approval. I know the minutes
22 from 2013 were circulated to the Board
23 as well.

24 Since 2018 the Town adopted the
25 Tree Preservation Ordinance. Compliance

1 JPJR Holdings, LLC

2 with the Tree Preservation Ordinance is
3 going to have to be documented. In
4 an R-3 Zone it's limited to 50 percent
5 of the various protected tree species.
6 There are three different categories
7 within there. That will need to be
8 addressed.

9 Since 2018 the DEC stormwater
10 management regulations have changed.
11 We'll need an updated stormwater
12 pollution prevention plan in compliance
13 with the 2025 DEC permit requirements.

14 We need to confirm. DEC's wetlands
15 regulations have also changed. There
16 was what was previously identified as
17 isolated wetlands on the site. This
18 project is located in an urban area
19 and DEC may exert jurisdiction on
20 that. You'll have to submit the
21 plans to the DEC. I believe initially
22 they go to Albany for an initial
23 screening and are referred back to
24 the region. That seems to be
25 becoming a time consuming process.

1 JPJR Holdings, LLC

2 DEC has not staffed up for their new
3 regulations. It's important that you
4 get that done to make sure that if
5 DEC asserts jurisdiction, what impacts
6 that will have on the eleven-lot
7 subdivision.

8 You discussed the common driveway
9 access agreement.

10 I have anecdotal evidence that
11 the City of Newburgh has issued a
12 flow acceptance letter. I don't have
13 that letter in my file. Hopefully
14 you do. I saw it referenced in a
15 2018 filing. That would continue to
16 be valid because that's just a check
17 the box at the City of Newburgh for a
18 flow authorization. We'll need a
19 copy of that if you have it.

20 Security for stormwater improvements
21 will also be required. The changes
22 in the regulations are the driving
23 force for the additional information
24 that we're going to need due to the
25 passage of time.

1 JPJR Holdings, LLC

2 CHAIRMAN EWASUTYN: Jim
3 Campbell, Code Compliance.

4 MR. CAMPBELL: Nothing
5 additional.

6 CHAIRMAN EWASUTYN: Dominic Cordisco,
7 Planning Board Attorney.

8 MR. CORDISCO: I would
9 recommend that the applicant resubmit
10 to address the comments prior to the
11 Board processing the application any
12 further at this time. There may be
13 plan changes or other considerations
14 that need to be addressed.
15 Scheduling the public hearing at this
16 point could result in changes to the
17 plans that would happen subsequent to
18 the public hearing.

19 MR. BODENDORF: Regarding the
20 Town Board, can we proceed with the
21 Town Board proceedings over the offer
22 of dedication if we choose to do
23 that?

24 MR. HINES: There's always the
25 danger that you go through that

1 JPJR Holdings, LLC

2 process and something changes and
3 then you need to change that. Even
4 establishing the drainage district.
5 Typically we like to see those as
6 conditions of approval that then you
7 would complete because we don't want
8 to establish a drainage district on a
9 project that is not going to get
10 built or going to change
11 substantially. It's very hard to
12 undo -- I'll defer to Dominic, to
13 undo a district. It's cumbersome at
14 best.

15 MR. CORDISCO: Yes, That's
16 absolutely correct.

17 What I would suggest, and it's
18 not necessarily stopping that
19 process, but taking it to a point
20 prior to actual decisions being made
21 in connection with it.

22 MR. BODENDORF: Okay.

23 CHAIRMAN EWASUTYN: Pat,
24 procedurally we'll do an adjoiners'
25 notice and then --

1 JPJR Holdings, LLC

2 MR. HINES: Yes.

3 CHAIRMAN EWASUTYN: -- we'll be
4 following up at that point or a later
5 date with a public hearing?

6 MR. HINES: Actually, we'll do
7 the adjoiners' notice. We need that
8 additional information to create the
9 complete application to submit to
10 Orange County Planning. This being a
11 subdivision,
12 we need to hear back from County Planning
13 prior to scheduling the public hearing.
14 I'll defer to Dominic on that. I believe
15 that's correct.

16 MR. CORDISCO: What's that?

17 MR. HINES: We have to submit
18 to County Planning before we can
19 schedule a public hearing for a
20 subdivision.

21 MR. CORDISCO: Yes. It's this
22 Board's practice to complete the
23 SEQRA process for subdivisions prior
24 to scheduling the public hearing.
25 Before we can do that, the condition

1 JPJR Holdings, LLC

2 precedent is the referral to County
3 Planning as well.

4 CHAIRMAN EWASUTYN: You'll work
5 with Pat Hines as far as the
6 adjoiners' notice.

7 MR. BODENDORF: Yes.

8 CHAIRMAN EWASUTYN: Anything
9 else?

10 MR. HINES: I think that's all
11 we can do tonight.

12 Some of the Board Members
13 weren't here in 2011 or 2018.
14 Hopefully they've been brought up to
15 speed at the work session and
16 tonight.

17 MR. BODENDORF: Great. Thank
18 you very much.

19 CHAIRMAN EWASUTYN: Do you have
20 a question?

21 MR. WARD: In reference to the
22 resolution in 2013, will it be in the
23 final resolution requiring the
24 construction of the swale along
25 Rockwood Drive must be completed

1 JPJR Holdings, LLC

2 before any driveways are built,
3 before any building permits are
4 habitable? Is that on the resolution
5 for 2018? That's important.

6 MR. HINES: I believe that was
7 repeated. I'm familiar with that.
8 The idea is to get those improvements
9 in so the stormwater generated from
10 those driveway culverts can get to
11 the stormwater management facility
12 that's located generally behind the
13 Bell's Ethan Allen facility on
14 Chestnut and 32.

15 MR. BODENDORF: Of course.
16 That with the basin and any
17 stormwater conveyance that brings the
18 majority of the stormwater to that
19 basin must be completed before any
20 driveways can be built. We're aware
21 of that.

22 MR. WARD: Thank you.

23 CHAIRMAN EWASUTYN: Okay.

24 Thank you.

25 MR. BODENDORF: Thank you.

1 JPJR Holdings, LLC

2 CHAIRMAN EWASUTYN: Would
3 someone move for a motion to close
4 the Planning Board meeting of the 3rd
5 of April.

6 MR. DOMINICK: So moved.

7 CHAIRMAN EWASUTYN: Motion by
8 Dave Dominick.

9 MR. WARD: Second.

10 CHAIRMAN EWASUTYN: Second by
11 John Ward. Can I have a roll call
12 vote starting with Dave Dominick.

13 MR. DOMINICK: Aye.

14 MR. MENNERICH: Aye.

15 CHAIRMAN EWASUTYN: Aye.

16 MR. BROWNE: Aye.

17 MS. CARVER: Aye.

18 MR. WARD: Aye.

19

20 (Time noted: 8:02 p.m.)

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J P J R H o l d i n g s , L L C

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of April 2025.

MICHELLE CONERO