

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

- - - - - X  
In the Matter of

SPARK CAR WASH  
(2023-23)

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

- - - - - X

PUBLIC HEARING  
SITE PLAN & ARB REVIEW

Date: June 15, 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 C. BROWNE  
STEPHANIE DeLUCA  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JENNIFER PORTER  
PAUL MUTCH  
MATTHEW SECKLER  
OLIVER YOUNG  
ROBERT VALLARIO

- - - - - X

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Court Reporter  
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2 CHAIRMAN EWASUTYN: Good evening,  
3 ladies and gentlemen. The Town of  
4 Newburgh Planning Board would like to  
5 welcome you to their meeting of the 15th  
6 of May 2025. This evening we have five  
7 agenda items. We don't have anything  
8 listed under Board business.

9 We'll start by calling the meeting  
10 to order with a roll call vote.

11 MR. DOMINICK: Present.

12 MS. DeLUCA: Present.

13 MR. MENNERICH: Present.

14 CHAIRMAN EWASUTYN: Present.

15 MR. BROWNE: Present.

16 MR. WARD: Present.

17 MR. CORDISCO: Dominic Cordisco,  
18 Planning Board Attorney.

19 MS. CONERO: Michelle Conero,  
20 Stenographer.

21 MR. HINES: Pat Hines with MHE  
22 Engineering.

23 MS. LaROSA: Amanda LaRosa,  
24 Creighton Manning.

25 MR. CAMPBELL: Jim Campbell, Town

2 of Newburgh Code Compliance.

3 CHAIRMAN EWASUTYN: At this time  
4 we'll turn the meeting over to Planning  
5 Board Attorney Dominic Cordisco.

6 MR. CORDISCO: Please rise for the  
7 Pledge.

8 (Pledge of Allegiance.)

9 MR. CORDISCO: As a reminder,  
10 please silence or turn off your  
11 cellphones. It will be appreciated.

12 CHAIRMAN EWASUTYN: The first item  
13 of business this evening is Spark Car  
14 Wash, project number 23-23. It's here  
15 tonight for a public hearing on the site  
16 plan and ARB review. It's located at  
17 1229 Route 300. It's in an IB Zone.  
18 It's being represented by Jen Porter.

19 At this time Mr. Mennerich will  
20 read the notice of hearing.

21 MR. MENNERICH: "Notice of hearing,  
22 Town of Newburgh Planning Board. Please  
23 take notice that the Planning Board of  
24 the Town of Newburgh, Orange County,  
25 New York will hold a public hearing

2 pursuant to Section 274-A of the New  
3 York State Town Law and Chapter 185-57  
4 Section K of the Town of Newburgh  
5 Code on the application of Spark Car  
6 Wash, project 2023-23. The project  
7 proposes a 4,841 plus or minus square  
8 foot car wash facility. The project  
9 is located on two lots with a combined  
10 lot area of 1.18 acres. The project  
11 will access New York State Route 300  
12 with a full turning movement in and a  
13 right out only exit. The project  
14 site is served by proposed connections  
15 to the Town of Newburgh water and  
16 sewer systems located within New York  
17 State Route 300. Two existing structures  
18 are proposed to be demolished. The  
19 project is located in the Town's IB  
20 Zoning District. The project is  
21 designated on Town Tax Maps as  
22 Section 96; Block 1; Lots 4 and 5.  
23 A public hearing will be held on the  
24 15th day of May 2025 at the Town Hall  
25 Meeting Room, 1496 Route 300, Newburgh,

2            New York at 7 p.m. or as soon thereafter,  
3            at which time all interested persons  
4            will be given an opportunity to be  
5            heard. By order of the Town of Newburgh  
6            Planning Board. John P. Ewasutyn,  
7            Chairman, Planning Board Town of  
8            Newburgh. Dated 4 April 2025."

9            The public hearing process I'd  
10           like to just touch on. We're going  
11           to have two public hearings tonight.  
12           I'd like to explain how the Planning  
13           Board manages public hearings so as  
14           to have an orderly and productive  
15           hearing.

16           The project applicant or  
17           representative for the project will  
18           give an overview of the project. The  
19           Planning Board Chairman will then  
20           open the hearing with questions or  
21           comments on the project. At this  
22           point you can raise your hand and be  
23           recognized by the Chairman. Please  
24           give just your first name before  
25           asking questions or commenting. The

2 applicant or Planning Board technical  
3 representatives may respond to your  
4 questions. Once you have finished,  
5 you need to wait until all persons  
6 that want to speak have had a chance.  
7 Once everyone has had an opportunity  
8 to speak, the Chairman will recognize  
9 people that want to speak again. The  
10 Planning Board welcomes your comments  
11 and input on the issues pertaining to  
12 this project.

13 Thank you.

14 MS. PORTER: Good evening, Board  
15 Members. Jen Porter on behalf of  
16 CSG Law. I'm here on behalf of the  
17 applicant, Spark Car Wash, in connection  
18 with our proposed development of a  
19 brand new car wash facility. As you  
20 indicated previously, the property is  
21 located at 1229 New York Route 300.

22 This evening our intention is to  
23 proceed with our public hearing and to  
24 have some brief overview of the  
25 project presented by three of our

2 project team members. We will lead  
3 with Paul Mutch of Stonefield  
4 Engineering who will give you an  
5 overview of the proposed site plan  
6 and project, then we'll have a brief  
7 overview from Matt Seckler from  
8 Stonefield who will give comments  
9 with respect to the traffic aspects  
10 of the proposed application, and we  
11 will finish with Oliver Young who  
12 will give you a very brief overview  
13 of the proposed architecture for the  
14 benefit of the public who is with us  
15 this evening.

16 If the Board has no questions  
17 for me, I'd like to call Mr. Mutch.

18 CHAIRMAN EWASUTYN: Please. Thank  
19 you.

20 MR. MUTCH: Paul Mutch. For the  
21 benefit of the public, I will go through  
22 the aerial and kind of familiarize  
23 everybody with the site, and then we can  
24 go through the site plan as well.

25 So just a reminder to everyone,

2 this is the redevelopment of an existing  
3 developed site. There's kind of mixed  
4 retail located in the two buildings that  
5 are located on the site today with a mix  
6 of parking in and around those buildings.

7 It's important to note that there  
8 is a permanent buffer that is afforded to  
9 this site on the eastern and northern  
10 sides, or page right on the top of the  
11 page. There's a string that runs around  
12 the edge of the site, so there's that  
13 nice permanent vegetative buffer that  
14 will be maintained in perpetuity even  
15 after this development comes to fruition.

16 We've obviously had a very  
17 extensive and thorough process with this  
18 Board and the Board's professionals. The  
19 results of that are what we're going to  
20 go through now on the site plan and the  
21 presentation this evening.

22 What is displayed here is the  
23 latest site plan that we've worked in  
24 conjunction with this Board and the  
25 Board's professionals to amend and make



2 sure we've brought it to the state  
3 that it is this evening. We have the  
4 state-of-the-art 4,841 square foot  
5 car wash located pushed towards the  
6 rear of the site. There are wetlands  
7 in the rear of the site that we are  
8 not disturbing as part of this site.  
9 The entire development exists within  
10 the existing footprint of the  
11 existing development and pavement.  
12 There's no expansion of pavement into  
13 any green areas. We're actually  
14 enhancing the buffer to the stream  
15 along the northern side, now page  
16 right of this document, with  
17 additional plantings of trees and  
18 shrubs to kind of bring back that --  
19 it's beyond the top of the bank, but,  
20 you know, bring back that greenery  
21 along that stream, along that side to  
22 give a nice substantial buffer.

23 17 vacuum spaces are provided  
24 in front of the site for the  
25 convenience of customers. We talked

2 about it previously, but this is a  
3 membership-driven business. North of  
4 fifty percent of their customers are  
5 typically members of this, and the  
6 perks and the operation of that  
7 vacuum park are what bring people  
8 back. There are multiple heads to  
9 the vacuums, there are multiple tools  
10 you can use to clean the interior and  
11 exterior of your car once you leave  
12 the tunnel. The intention of that  
13 vacuum park is to be used after you  
14 use the tunnel. The access is  
15 striped as one way and affords people  
16 to move one way out of the tunnel and  
17 into the vacuum park. We don't  
18 really want people going into the  
19 vacuum park the other way just for  
20 operational reasons. It is striped  
21 in a manner that we can afford  
22 emergency vehicles, the delivery  
23 vehicle or the delivery van that's  
24 associated with this, and anything  
25 else that needs to get in there, but

2 is directed to do so by employees.

3 Speaking of those employees,  
4 there are three to four employees  
5 that are located onsite at any one  
6 time depending on business. They're  
7 kind of manning different areas of  
8 the site to make sure that the site  
9 operates efficiently. Again, this is  
10 a fully automated, modern car wash  
11 that we're looking at here, so you're  
12 not going to have the group of people  
13 at the end of the tunnel washing and  
14 drying the cars and doing things like  
15 that. You'll have your standard  
16 employee at the entrance to the  
17 tunnel that's using that prep gun or  
18 that prep wash and making sure you  
19 enter the tunnel in an efficient  
20 manner. There's another employee  
21 that's going to be manning the vacuum  
22 park, making sure it's clean, the  
23 garbage cans are emptied and  
24 everything is looking aesthetically  
25 pleasing, and also making sure

2 everyone onsite is enjoying their  
3 experience.

4 Talking about memberships, if  
5 you go to a Spark site, you'll see  
6 most of the time the employees have a  
7 big smile on their face. Very friendly.  
8 The next employee will be manning and  
9 kind of operating the drive-through  
10 area or those pay stations. There is  
11 a kiosk that's afforded in the first  
12 lane. The membership program, it  
13 will begin with one but can transition  
14 to two member lanes depending on the  
15 percentage. That is intended to keep  
16 that line moving as quickly as possible.  
17 It uses license plate reader technology  
18 to allow for -- you barely even have  
19 to stop as you go through. Those  
20 lanes do talk to each other, so there  
21 won't be the situation that if three  
22 cars pull up at the same time, three  
23 cars cannot exit at the same time.  
24 Again, the technology here is  
25 paramount.

2 We have a state-of-the-art  
3 reclaim system that is underneath the  
4 parking area that allows Spark to  
5 reuse their water in a very efficient  
6 manner to reduce their load on public  
7 utilities.

8 We've proposed a monument sign  
9 at the front of the site as well.  
10 You'll see that at all Spark sites  
11 that roll out. It's a very  
12 aesthetically pleasing monument sign.  
13 In previous conversations with the  
14 Board, we agreed to provide kind of a  
15 stone knee wall, a decorative aspect  
16 of that, to tie into the frontage  
17 landscaping as well as the sidewalk  
18 that we're providing as part of the  
19 site.

20 Our traffic engineer will get  
21 into kind of the logistics of things  
22 on traffic. We had considered a  
23 right-turn lane. After extensive  
24 discussions with your professionals  
25 as well as the DOT, that plan seemed

2            very much more beneficial to have the  
3            sidewalk, the aesthetics and the  
4            controlled access there rather than  
5            intermingle some traffic. We'll get  
6            deeper into that as we move through  
7            the application.

8            I did mention the wetlands and  
9            the stream. We received an e-mail  
10           from our reviewer at the DEC. He has  
11           confirmed that they will not be  
12           taking any jurisdiction over the  
13           wetlands. There were new rules  
14           passed in January. Those were  
15           reviewed against our development  
16           plan. They're taking no jurisdiction.  
17           No wetland permits are required for  
18           the wetland that we are not disturbing  
19           in the rear. Along the stream,  
20           because we are not impacting or  
21           encroaching on the stream bank itself  
22           or having any impact on the stream,  
23           they also are not taking jurisdiction  
24           of that feature and will not require  
25           a stream permit either. We got that

2 affirmative from the DEC prior to  
3 this meeting. That was forwarded to  
4 your Board engineer for record as  
5 well.

6 We'll get into the access and  
7 how the access plan came to be with  
8 our traffic engineer.

9 You can see on this site we're  
10 proposing what we consider to be a  
11 robust landscaping plan. We're going  
12 to green the site up with fresh trees,  
13 fresh shrubs, green areas, kind of a  
14 green band along the frontage where,  
15 if you drove past the site today,  
16 there's a lot of dead, diseased  
17 plants and trees. We're looking to  
18 refresh this overall. As we move  
19 into our architecture testimony to  
20 finish, you'll see how the investment  
21 that they make in their landscaping  
22 is equal to the investment that they  
23 make in their architecture.

24 That is my brief overview. I'm  
25 happy to answer any questions.

2 CHAIRMAN EWASUTYN: Any questions  
3 from Board Members?

4 MR. DOMINICK: No.

5 MR. WARD: No.

6 CHAIRMAN EWASUTYN: Thank you,  
7 Paul.

8 MR. SECKLER: Good evening. My  
9 name is Matthew Seckler, I'm the traffic  
10 engineer on this project. I'm with  
11 Stonefield Engineering.

12 Kind of highlighting or working off  
13 of what Paul left for me in terms of  
14 describing the site, one of the key  
15 aspects of the site, and kind of what  
16 we've seen as this project evolved, is  
17 the access point itself. Originally in  
18 July of 2024 we actually received  
19 approval, our stage 2 approval from NYS  
20 DOT for a full movement driveway, meaning  
21 left turns in and out of the driveway.  
22 Working with the Board and the Board's  
23 professionals, that driveway now has been  
24 modified to allow for left and right turn  
25 in, but only right turn out. You cannot



2 take a left turn out of this driveway.  
3 Pretty akin to the driveway just south of  
4 us, from the shopping center just south  
5 of us. A very similar style driveway.  
6 We made that modification. It kind of  
7 caused the clock to restart with NYS DOT.  
8 We re-filed our most recent plans with  
9 them about four weeks ago. Again, we  
10 anticipate getting a new approval from  
11 New York State DOT throughout that  
12 process as well.

13 As Paul mentioned, we do show the  
14 sidewalk along our frontage, along Route  
15 300. Again, that was also, in addition,  
16 compared to where we started with the  
17 project to today. That sidewalk is now  
18 included.

19 Paul did mention we did have a lot  
20 of discussions about should there be a  
21 right-turn lane into the site. Again,  
22 that would have eliminated the sidewalk,  
23 some of the buffering, but also there  
24 were concerns because about 100 feet  
25 north of the site is basically where you

2 go from three lanes to two southbound on  
3 this road. Again, just DOT was not too  
4 keen on the right-turn lane basically  
5 just leading into the site versus having  
6 it merge where it does today and have the  
7 two lanes southbound in front of our  
8 site. Again, that's all been worked out  
9 over the last year working with the Board  
10 and the Board's professionals, how we've  
11 changed the access point to the site.

12 Internally to the site, you heard  
13 Mr. Mutch's testimony about the efficient  
14 operations. Again, this car wash has the  
15 ability to service up to 120 vehicles an  
16 hour. That about doubles what we expect  
17 during our typical busiest hours due to  
18 the way the site operates and its  
19 efficiency. We have been working with  
20 the Board and the Board's professionals.  
21 We did prepare and provide an exhibit  
22 showing a contingency plan. Basically if  
23 we get so many more cars than we could  
24 ever imagine on the site, what would we  
25 do, what would be the contingency plan.

2 This is similar to what Splash had done  
3 as part of their review with this Board.  
4 Right now we can stack 27 cars within the  
5 site from the entrance to the car wash to  
6 basically the entrance from 300. That's  
7 27 currently. We can fit another 17  
8 internal to the site under this contingency  
9 plan, giving us the ability to stack 44  
10 cars on the site. Again, that contingency.  
11 plan would basically eliminate the use  
12 of the vacuum spaces. We would have an  
13 extra, basically, line of cars that would  
14 stack and queue and then be guided into  
15 an alternating entrance as they would  
16 enter the car wash facility. That  
17 exceeds the Splash facility. It exceeds  
18 any site that Spark currently operates  
19 in terms of the need for queueing.  
20 Again, we wanted to supply the Board  
21 that security in case we get that nice  
22 sunny day after months and months of  
23 snow, we can support that on the site.  
24 That was one of the changes on the  
25 design plans that we worked on with

2 the Board over these last few months.

3 Again, outside of that, again,  
4 New York State DOT has jurisdiction  
5 over the driveway. Again, we've  
6 already received one stage 2 permit.  
7 We're going to receive a new one  
8 shortly for the new design of the  
9 driveway.

10 I worked with the Board on the  
11 access management plan, the onsite  
12 contingency plan. This is a very  
13 efficient onsite operation that's  
14 been working all over with Spark's  
15 locations. Again, we know it can  
16 support the traffic we have here.

17 I'd be happy to answer any  
18 questions the Board may have.

19 CHAIRMAN EWASUTYN: We'll save our  
20 questions until after we hear from the  
21 public.

22 MR. SECKLER: Thank you.

23 MR. YOUNG: Good evening, everyone.  
24 My name is Oliver Young. I'm from gk+a.  
25 I'm the project architect for Spark Car

2 Wash.

3 Looking through the project  
4 history, we originally presented this  
5 building as a concept plan as part of the  
6 overall site development in December of  
7 2023. With the significant investments  
8 made in the site design as it's evolved,  
9 the building design has somewhat evolved  
10 as well. I'll present a brief summary of  
11 that, however, in essence, the building  
12 design remains the same if you compare  
13 what we started out with to what we have  
14 now.

15 The original design of the building  
16 was shorter. The footprint was a  
17 118-foot long tunnel. We're now at  
18 135-foot long tunnel.

19 Other than that, the floor plan  
20 layout itself stayed the same throughout  
21 the course of the project. The width of  
22 the building has stayed the same.  
23 However, we did mirror the building at  
24 one point.

25 The tunnel originally faced west,

2 which is the woods. We ended up  
3 mirroring that so the tunnel, which is  
4 the east elevation here, which presents  
5 the most opportunity for glazing for  
6 Spark, now faces the public road.

7 In terms of massing, the height of  
8 the building has not changed one bit.  
9 We're still looking at a very consistent  
10 height of 18 feet along one elevation and  
11 18'8" along the other elevation.

12 The original design had a tower  
13 element. We called it a wedge tower. It  
14 was triangular in both form and height  
15 with a peak. That's been simplified and  
16 also moved. It was originally on the  
17 north side of the building. Now it's on  
18 the south side of the building. It's now  
19 a blade element. It's a simple rectangle.  
20 It still tops off at 33 feet, which is  
21 what we had originally proposed.

22 In terms of materials and colors,  
23 the colors have remained consistent  
24 throughout the entire course of the  
25 project. If you allow me to rotate

2            the boards, please. In addition to  
3            our 2D colored elevations, we did  
4            some drone aerial views of the site  
5            and superimposed the Spark development  
6            onto those images to accurately  
7            reflect both the building and the  
8            site layout prepared by Stonefield  
9            Engineering & Design.

10                In terms of materials, while we  
11                kept the colors the same, we have  
12                swapped some materials. We originally  
13                presented the building with metal  
14                panels and a blue and white finish.  
15                However, throughout the course of  
16                time and building other Spark  
17                buildings, we've kept a portion of  
18                the color of those panels the same,  
19                but we switched the material to a  
20                high-end EFIS system with a glossy  
21                look. We also had a corrugated metal  
22                finish along the building at the  
23                tunnel. It wasn't working well in  
24                the field. It wasn't reading well.  
25                We actually transitioned that to an

2 EIFS finish with a metallic gray  
3 color on it, and we've exaggerated  
4 the look of the corrugated metal so  
5 you can see it from a further distance,  
6 which is important because with this  
7 site, as in most Sparks, the building  
8 is setback significantly from the  
9 road.

10 The one material that has  
11 remained consistent throughout the  
12 course of the project is a white  
13 exterior porcelain tile which you see  
14 framing the corrugated metal along  
15 the east elevation here. However,  
16 we've also now added a light gray  
17 exterior porcelain tile which sits  
18 below the white tile and acts as a  
19 base of the building on all four  
20 sides.

21 A more subtle change we made is  
22 to the cornice of the building. You  
23 might not see it here, but we  
24 originally had a flat cornice  
25 approximately a foot high. It's



2            still a foot high, but we added one  
3            little step to it to define the  
4            aesthetic a little better.

5            The signage design remained  
6            consistent throughout the course of  
7            the project. It's the same type of  
8            signage. We have five total signs on  
9            the building. We have a Spark logo  
10           at the tunnel entrance and the tunnel  
11           exit, then we have a Spark logo with  
12           the words Spark Car Wash on both  
13           sides of the blade element. The last  
14           sign is a very small sign for an  
15           element called the Spark Park which  
16           sits in the middle of the tunnel  
17           glazing. That's the area where you  
18           park to vacuum your car. It's a mat  
19           washing area. You can take your  
20           carpets or rubber mats there and pick  
21           up cleaning supplies. It's been  
22           branded the Spark Park. That signage  
23           is simply an identifier to the  
24           customer that wants to utilize that  
25           area.

2 That covers my presentation.  
3 I'd be happy to answer any questions  
4 you might have.

5 CHAIRMAN EWASUTYN: Thank you.

6 At this time we'll turn the meeting  
7 over to the public. As Mr. Mennerich had  
8 said, would you raise your hand and give  
9 your first name.

10 GLEN: My name is Glen. I was  
11 here, obviously, two years ago for the  
12 approvals for our car wash at 1295 Route  
13 300.

14 The biggest thing I know they  
15 talked about is no need for a turning  
16 lane. They talked to the DOT, the same  
17 thing I did. You said I need a turning  
18 lane. Two years in front of the DOT,  
19 \$400,000 to put the turning lane in.  
20 Even though the DOT said I didn't need  
21 it, you required me to have it.

22 I'm no attorney, but if you require  
23 me to have it, they should have it. That  
24 was a huge setback for us and a huge  
25 amount of money for me to spend to get

2 that turning lane.

3 I understand they're talking about  
4 grass and sidewalks. That was the same  
5 thing you made me do. I had to do the  
6 turning lane.

7 I'd like to know why I had to do it  
8 and they don't have to do it, because the  
9 DOT rep is the same DOT rep I had that  
10 they have. I've talked to her and she  
11 said the same thing, the Town required me  
12 to have it. Why are you not requiring  
13 them to have it?

14 CHAIRMAN EWASUTYN: Good question.

15 Jen, would you have someone to  
16 speak on that?

17 MS. PORTER: Our traffic engineer,  
18 Matt Seckler, can speak to that.

19 GLEN: What does it matter what he  
20 says?

21 CHAIRMAN EWASUTYN: Please.

22 GLEN: Sorry.

23 MR. SECKLER: Again, I can only  
24 speak to our discussions with DOT. I  
25 can't put myself in the Board's position

2 in terms of what they required on that  
3 application versus our application.

4 Again, somewhat unique about this  
5 site is the fact that we are just south  
6 of where it goes from three lanes to two.  
7 My belief is if this was a two-lane  
8 roadway all the way along our site, let's  
9 say from a quarter mile up the road until  
10 now where we didn't have this lane  
11 dropping right here, maybe adding a lane  
12 would be possible to create a right-turn  
13 lane into the site. Because this lane is  
14 basically dropping in front of our site,  
15 we basically have to tie into that which  
16 creates a very confusing condition for  
17 drivers when they're on a road and they  
18 think they're on a through lane, it all  
19 of a sudden becomes a right-turn lane  
20 into a very minor driveway. This is not  
21 a huge Home Depot shopping center. I  
22 think that's the reason why, at least  
23 from our standpoint, we don't think it  
24 makes sense. Again, it seems like this  
25 is a question almost for the Board, the

2 Board's professionals since they were  
3 involved in the other application.

4 CHAIRMAN EWASUTYN: Amanda, Ken  
5 Wersted isn't here. Can you speak on  
6 this?

7 MS. LaROSA: Yes. So we did review  
8 very closely concepts that were prepared  
9 showing a few different possibilities to  
10 create the turn lane into the site. The  
11 main issue here is that with that taper  
12 from the three-lane section down to the  
13 two-lane section, there are Federal  
14 guidelines on how long the taper lane has  
15 to be. Their hands are kind of tied. If  
16 you create the turning lane, it affects  
17 properties that are not the applicant's,  
18 which we can't put them in a position to  
19 do, and we really want to avoid a  
20 situation where we're creating a four-  
21 lane section in front of this site, which  
22 is essentially what would happen if we  
23 tacked on a turn lane onto the condition  
24 that's already there. It would be a lot  
25 for drivers looking over their left

2 shoulder, turning out of the site to  
3 contend with.

4 In the current configuration, the  
5 lane closest to the site does provide  
6 enough width for a driver to slow down  
7 and enter the site while a through moving  
8 vehicle can pass them. So just because  
9 of the situation where the site is  
10 located, we don't think it's beneficial.

11 GLEN: You don't think it's  
12 beneficial, right. Pat can attest to  
13 this. If you line up, which it will on a  
14 winter day, where are they going to line  
15 up? You're saying it's already a hard  
16 time because you're making a left turn  
17 in, and now all of a sudden you're going  
18 to have that packed with cars. That was  
19 why you made me have a turning lane. It  
20 doesn't make any sense at all. You're  
21 saying it's confusing and it's hard. It  
22 was confusing and hard for me to get that  
23 approved through the DOT, the money I had  
24 to spend to do it. There's a way to do  
25 it. You know, it costs money to do it.

2 I just can't believe that what I  
3 got put through with this Board, to have  
4 stacking through the vacuum area, to have  
5 the DOT lane. I was honest with you with  
6 everything, with my water numbers, how  
7 many cars I'm going to wash a minute.  
8 Everything that I've read online is total  
9 -- it's false. I'm shocked. I've lived  
10 here my whole life. I don't care there's  
11 another car wash going here, but we  
12 should all have to live by the same law.  
13 You made me have a turning lane. You  
14 made me stack through the vacuum area.  
15 Where is the stacking through the vacuum  
16 area here? Where is the program --

17 CHAIRMAN EWASUTYN: Do you want to  
18 speak on the stacking area?

19 MR. SECKLER: We testified to this.  
20 There's an exhibit that we prepared.  
21 This is our contingency plan that shows  
22 the stacking through the vacuums. It  
23 shows a total of 27 cars stacking in the  
24 normal queue, 17 vehicles stacking in  
25 basically the contingency queue. For

2 example, your site -- so again, that's  
3 27-17. We have this plan which I think  
4 you guys had prepared, which had, it  
5 looks like, 22 and 14. So you guys had  
6 about 36 and we have about 44 onsite.

7 GLEN: The difference between mine  
8 and yours and what you're leaving out,  
9 which I've been in the car wash business  
10 longer than anybody here, is you're not  
11 going before the kiosk. It doesn't even  
12 make any sense. Flip your plan back  
13 over. Go back to your plan. You're  
14 entering cars before they pay.

15 MR. SECKLER: Right. They have the  
16 ability to have a mobile pay system, so  
17 basically the iPad type pay system. If  
18 they end up needing --

19 GLEN: What would alert that? I  
20 had to have a controller that had to have  
21 loops in the ground, that had a fire  
22 controller. It's patent pending. What  
23 controller are you using to open these  
24 gates up to use this?

25 Also, you're saying you have iPads



2 to do that. You're going to void the  
3 kiosk, which it doesn't work like that.  
4 You would have to shut down all of your  
5 kiosks to run an iPad. It's a fact. I  
6 do it for a living.

7 So you have no controller, which  
8 this Board made me have a controller and  
9 show that I had it and that it worked.  
10 I'm building it right now, putting all  
11 the loops in the ground. There's no  
12 loops in the ground there. There's no  
13 gates that open. They're all before the  
14 kiosk. If you went on the iPads -- you  
15 can talk if you want.

16 MR. SECKLER: You're done with that  
17 question?

18 GLEN: You didn't answer the  
19 question.

20 CHAIRMAN EWASUTYN: Glen, please.

21 GLEN: It's just upsetting.

22 CHAIRMAN EWASUTYN: I understand  
23 it's upsetting you. Let's have dialogue.  
24 That's the purpose of a public hearing.

25 GLEN: You're right.

2                    MR. SECKLER: We do have loops in  
3                    the system. Again, how we tie that into  
4                    any type of need for this contingency  
5                    plan, obviously we could continue to work  
6                    with the Board, the Board's professionals  
7                    in terms of where the loop gets actuated.  
8                    If there's a vehicle waiting on the loop  
9                    for X amount of minutes, basically the  
10                   contingency plan gets put in place.

11                   Again, I can't speak to the  
12                   specific conditions that this Board  
13                   required you to do. I wasn't your expert  
14                   on that project. I do on this site.

15                   Again, we've designed it for 44  
16                   vehicles in the overriding condition and  
17                   the ability to have basically iPads for a  
18                   point of sales system for the override.

19                   GLEN: There's no system like you  
20                   made me have. I had to present  
21                   information from Alpha 1 that made the  
22                   controller for me specifically, actually  
23                   patent pending. They don't have the  
24                   Alpha controller. I know the owner of  
25                   the company.

2 I just don't understand why I had  
3 to jump through all these hoops. Again,  
4 another one that they didn't have to do  
5 that I had to do. It doesn't make any  
6 sense.

7 CHAIRMAN EWASUTYN: Again I'll turn  
8 to our traffic consultant, because the  
9 purpose of having consultants is to have  
10 them advise us.

11 GLEN: Okay.

12 CHAIRMAN EWASUTYN: In a general  
13 sense, for us to ask for something just  
14 for asking could turn out to be arbitrary  
15 and capricious. I'll go back to Amanda  
16 as far as Federal standards and the  
17 designs.

18 We're talking about two things  
19 here. I think we're talking about the  
20 improvements on Route 300 and the cost  
21 that it cost you, and we're also talking  
22 about the Alpha system which is wiring on  
23 the site itself that then triggers to a  
24 board that says to customers pass by, we  
25 can't accommodate more vehicles. Is that

2 not correct?

3 GLEN: That's two of the items I  
4 mentioned so far.

5 CHAIRMAN EWASUTYN: Right. Those  
6 are the items before us that we're  
7 discussing. Let's stay with that. If  
8 there's a third item, then we'll listen  
9 to that.

10 GLEN: Sure.

11 CHAIRMAN EWASUTYN: Let's stay  
12 focused on the two that you raised.

13 Let's go back to, we'll call it the  
14 deceleration lane on Route 300 comparing  
15 Splash to Spark. Thank you.

16 MS. LaROSA: The difference there  
17 is really just the existing conditions in  
18 front of the site. This is in the middle  
19 of a taper lane from the three lanes to  
20 the north of the site down to the two  
21 lanes. There's required distances.  
22 Basically any modification to provide the  
23 right-turn bay violates those conditions  
24 in some sort of undesirable way. It's  
25 very, very specific to exactly where this

2 site is located.

3 GLEN: The DOT says it's possible  
4 to do, because I talked to her the other  
5 day, which you guys know she's impossible  
6 to get a hold of. It is possible to do.

7 MS. LaROSA: Sure it's possible,  
8 but it creates a very confusing condition.

9 GLEN: So if it's possible, why did  
10 I have to do it? If it's possible, they  
11 should do it.

12 MS. PORTER: Mr. Chairman, Members  
13 of the Board, we had this back and forth  
14 with DOT over the course of months.  
15 We've been working with DOT for a year  
16 and a half with respect to this  
17 application. There have been many  
18 substantive discussions about what is and  
19 what was not needed. I think now we've  
20 heard twice from the Town's Traffic  
21 Consultant who specifically said that the  
22 existing site conditions here are  
23 different from that site. You're not  
24 comparing the same thing. There's a  
25 known, which our traffic consultant said,

2           taper in front of this site which makes  
3           the conditions different and would cause  
4           or create a potential conflict for  
5           drivers who could potentially worsen the  
6           condition which is not the same condition  
7           at that site, and that's the difference.  
8           They are different sites. It's not fair  
9           to compare them as the same site.

10                 We get it that they are both car  
11           wash facilities, but they are different  
12           roadways in terms of how you access the  
13           site in terms of that taper. That's a  
14           very important point. She's referring to  
15           specific Federal regulations that apply  
16           that you have to maintain certain  
17           distances. I think that's a very  
18           important distinguishing factor here,  
19           which ultimately led DOT to tell us  
20           specifically, through our consultant,  
21           that it was not necessary, and that's  
22           something we presented back to the Board.

23                 GLEN: She also said -- the DOT  
24           said it wasn't necessary for me to have a  
25           turning lane, but the Board demanded it.

2 She just said it is possible. The DOT  
3 says it's possible. I think we should  
4 definitely take a better look at it if  
5 it's possible. Everybody has to play in  
6 the same league or the same playground  
7 here, right. I mean, if I had to do it,  
8 they have to do it. If I have to have a  
9 controller to prove to you that that  
10 stacking system works, they should have  
11 to have one that proves that it works.  
12 What they are proving to you right now,  
13 it doesn't work. The key part is it's  
14 before the kiosk. I have iPads at our  
15 sites. They're so inconsistent and you  
16 have to shut down the pay lanes and  
17 everything. It would be a disaster.

18 Like I said, I do this every day.  
19 The DOT says it's possible to do.

20 CHAIRMAN EWASUTYN: I'll turn to  
21 Melissa again.

22 MS. LaROSA: Amanda. To that  
23 point, the Board has expressed an  
24 interest in having the applicant conduct  
25 a post-occupancy study to verify that

2 everything that they testified to is  
3 actually what happens when the site is  
4 operational.

5 This is also sort of in line with  
6 the comment that was provided by the DOT  
7 earlier. Mr. Seckler mentioned that in  
8 the approval last year that they had  
9 issued over e-mail, they said that full  
10 movement was okay, but they were going to  
11 ask the applicant to agree to a post-  
12 occupancy agreement of sorts, that if DOT  
13 saw any sort of issues with the ongoing  
14 at the site, they might modify the access.

15 GLEN: You're going back to the  
16 DOT. It didn't matter what the DOT said.  
17 The DOT said I didn't have to do it  
18 either. You guys said I had to do it. I  
19 don't understand why we keep going back  
20 to the DOT. It doesn't matter. They  
21 said we have no comment. That was good.  
22 When I came back here, you guys said I  
23 had to put a turning lane in. It is  
24 possible. I've talked to them myself.  
25 I've been going through the process for



2 two years. We just finished up. It is  
3 possible.

4 You're already saying it's  
5 confusing because they're turning left  
6 and somebody is going to be turning  
7 right. That's all DOT. Like you just  
8 said, you rely on your engineers, the DOT  
9 engineers that will make it work. I  
10 don't understand why we keep going back  
11 to -- no disrespect or anything. We're  
12 talking about engineers and DOT and what  
13 the DOT says. It didn't matter when I  
14 was here. It only mattered what you  
15 said, hey, you have to do a turning lane.  
16 It doesn't matter that the DOT is saying  
17 is fine. The DOT said I was fine. I  
18 don't get it. You're telling me the same  
19 thing I was told, but that wasn't okay,  
20 you know.

21 CHAIRMAN EWASUTYN: I have no  
22 comment at this point.

23 GLEN: Where do we go from here?

24 CHAIRMAN EWASUTYN: We allow other  
25 people to talk.

2                    GLEN: I mean, I've read everything  
3 they put online here already. I mean, I  
4 think they said the maximum they're going  
5 to do is 300 cars a day. Correct?

6                    MR. SECKLER: Yes. That was what  
7 was the daily traffic from basically IT  
8 numbers.

9                    GLEN: Nobody is going to spend  
10 \$7,000,000 to \$8,000,000 on this site  
11 washing 300 cars a day. The girl scouts  
12 do that at McDonald's to wash cars for  
13 money. I mean, you're telling me that  
14 you're going to believe that they're  
15 going to spend that deep pocket  
16 investment and need that much stacking  
17 to wash 300 cars a day? Everything  
18 they're saying is false.

19                    I can't believe that I stood  
20 here two years ago and got such a  
21 different Board in front of me from a  
22 local person that was born and raised  
23 and -- born at the hospital in this  
24 Town. You guys put me through the  
25 DOT nightmare. Somebody else comes

2 in and it's not. I just cannot  
3 believe it. I can't believe it.

4 Pat, I mean, 300 cars a day.  
5 We've been through this before, you  
6 and I. Right?

7 MR. HINES: In a very different  
8 location.

9 GLEN: It's not going to be any  
10 different. A car wash is a car wash. We  
11 all said when it snows out, the cars --  
12 if they're only washing 300 cars a day,  
13 give them a half-inch water line. They  
14 already said they're recycling 80 percent  
15 of the water, which is impossible. To  
16 wash 300 cars a day, you could use a  
17 half-inch water line, that's fine, if you  
18 want to put some truth to their syrup  
19 there.

20 I just can't believe what I went  
21 through and what they're going through.  
22 It's two different Boards.

23 CHAIRMAN EWASUTYN: I think you've  
24 heard from Amanda. The suggestion was  
25 made during our work session to monitor

2 the site for the next year.

3 Dominic Cordisco, Planning Board  
4 Attorney, mentioned that it's becoming a  
5 standard procedure with car washes to  
6 monitor them for the first year to see  
7 what may have to be adjusted based upon  
8 the study.

9 Dominic.

10 MR. CORDISCO: That's correct.  
11 It's even broader than that. Many  
12 municipalities in the area are requiring  
13 a post-opening traffic analysis and that  
14 the board would retain jurisdiction over  
15 the project and a report would have to be  
16 made, reviewed by the board and  
17 additional mitigation measures may be  
18 required as appropriate by the board at  
19 that time.

20 GLEN: Why didn't you do that to  
21 me? Why did I have to do all the work up  
22 front?

23 MR. CORDISCO: The difference  
24 between -- I'm not sure, you know, that  
25 it's been adequately stressed. The

2 difference between your site and this  
3 site is not only do you have the taper,  
4 but you also have the constraints of the  
5 property next door which continues that  
6 taper towards the intersection. So in  
7 order to provide the turning lane as  
8 you're suggesting for this site, it would  
9 also likely require acquisition of  
10 additional property so that a private  
11 applicant would have to go out and obtain  
12 the property or a portion thereof in  
13 front of their -- we're talking about  
14 Cosimo's, right. So they would have to  
15 obtain a portion of that property from a  
16 private landowner in order to extend  
17 those lanes all the way to the  
18 intersection. It's different.

19 GLEN: It is what it is, right. If  
20 that's what you have to do to get the  
21 project done, to put the turning lane in,  
22 that's what it is then.

23 MR. CORDISCO: That's your opinion.  
24 I appreciate that you're providing it.  
25 The purpose of the public hearing is so

2 the public can provide their input to the  
3 Board. The Board, I'm sure, will take it  
4 under consideration. Each application  
5 has to depend on the constraints of what  
6 they are given as far as the Town is able  
7 to require.

8 GLEN: The problem is it's not my  
9 opinion. It's fact. It's what you put  
10 me through here. That's the part I'm not  
11 -- it doesn't matter what the DOT said.  
12 It doesn't matter what anybody's engineer  
13 said. You yourself said Glen, you have  
14 to do a DOT turning lane. Basically we  
15 knew when we left here it was a long  
16 battle.

17 In your first minutes with Spark  
18 Car Wash, you said we just approved the  
19 car wash that was two years in front of  
20 the DOT. It's in the minutes. They got  
21 back, no, it's not required, it's going  
22 to be a hassle to do this, it might  
23 require more land. It is possible to do.

24 I don't care if they build a car  
25 wash there. They should have to do what

2 I had to do. That's what I'm just blown  
3 away with this whole project.

4 To wash 300 cars a day. I mean, we  
5 wash 300 cars in an hour, you know, at  
6 our facility in the Town of Wawayanda,  
7 which Pat is very familiar with.

8 MR. HINES: Just on that point, how  
9 many cars do you project at your car wash  
10 per day?

11 GLEN: We're going to wash three  
12 cars a minute. We'll wash 1,000, 1,500  
13 cars a day. It has to for the investment  
14 that is there. That's what I told you  
15 when I came here originally. To say this  
16 thing is going to do 300 cars a day --

17 MR. SECKLER: For the record, the  
18 number that I was giving, that's the  
19 average day. If you're talking about,  
20 again, after snow, those obviously are  
21 going to be significantly higher than  
22 your average day of 300 cars. That could  
23 be 600, 700, 800 cars a day. That's why  
24 we have a stacking plan that you've seen  
25 here. Obviously we don't need this if

2 we're getting 300 on the busiest day.

3 GLEN: I thought in the minutes it  
4 said on their dream day it would be 300  
5 cars. That's what's on the minutes. Are  
6 we dreaming higher now?

7 MR. SECKLER: I was not the one  
8 that gave the testimony. I'd have to  
9 look back.

10 GLEN: It's on the minutes. I  
11 didn't lie to this Board.

12 MS. PORTER: With all due respect  
13 to the comment, which there are more  
14 comments than questions I think with  
15 respect to the public hearing, we have to  
16 recognize as well that this is a  
17 competing business in terms of some of  
18 the questions and the comments. I  
19 certainly -- we absolutely respect the  
20 fact that they run a similar business and  
21 so can speak to what their particular  
22 operational requirements are and whatnot.  
23 We have provided sworn expert testimony  
24 in the form of reports, in the form of  
25 oral testimony and in consultation with



2 the Board's consultants over the course  
3 of well over a year. To condense it that  
4 one statement was made or that it was a  
5 simplified process is completely untrue.  
6 I think that that's something important  
7 that has to be known and part of the  
8 record, that there was extensive  
9 testimony given.

10 This project started with our first  
11 appearance in December of 2023. The fact  
12 that their application took several  
13 years, so did this one, over the course  
14 of many, many months and many, many  
15 consultations with all of the interested  
16 and involved agencies with respect to  
17 this project.

18 To repeat it again, because it's  
19 worth repeating, I think, because it's  
20 the most important point, it's a  
21 different site, it has different site  
22 conditions and the taper is very, very,  
23 very important. The Board would have to  
24 go against Federal distance requirements,  
25 legal requirements in order to require

2 that in connection with this site. That  
3 is not the case with the other site that  
4 was approved.

5 Furthermore, the applicant would  
6 have to acquire property that is not  
7 within its control, not within the  
8 property owner's control and completely  
9 outside of the scope of this entire  
10 application in order to have that come  
11 into effect, which is an entirely  
12 different situation, again, factually  
13 from the other application.

14 I think that this applicant has  
15 shown that we've been willing --  
16 originally DOT approved full access, but  
17 because of the Board's concerns we  
18 limited those left turns out.

19 I think because the Board expressed  
20 a concern with regard to providing  
21 sidewalks, we figured out a way that we  
22 could do that as well and how that would  
23 work in terms of timing.

24 Everything that the Board has asked  
25 to us to consider, we have deeply and

2 truly considered how to incorporate to  
3 the maximum extent possible so that from  
4 a SEQRA standpoint or from a review  
5 standpoint we could adequately mitigate  
6 any and all impacts so that not only is a  
7 SEQRA determination warranted, but that  
8 this project as a whole as is proposed  
9 should be approved.

10 CHAIRMAN EWASUTYN: I think your  
11 comments are well stated.

12 GLEN: Can I add one thing?

13 CHAIRMAN EWASUTYN: If there's  
14 another --

15 GLEN: Yes.

16 CHAIRMAN EWASUTYN: -- facet of  
17 something. You said there were two and  
18 maybe a third. Is there a third comment  
19 that you want to bring to our attention?

20 GLEN: Can we talk about water for  
21 a second?

22 CHAIRMAN EWASUTYN: Let's talk  
23 about water.

24 GLEN: If you don't want to, it's  
25 fine.

2 CHAIRMAN EWASUTYN: I don't choose  
3 what to talk about and what not to talk  
4 about.

5 GLEN: I'll finish with this.  
6 Spark Car Wash -- my family has been in  
7 the car wash business for over fifty  
8 years. I've had competition and whatnot.  
9 They built their building and they just  
10 finished a car wash down the road from me  
11 in Nanuet and we're starting to build one  
12 there. Kind of like the opposite  
13 scenario right now. I didn't come to the  
14 board there. They did the same thing I  
15 had to do in Nanuet. There's going to be  
16 other times we're going to be in front of  
17 the boards together and whatnot. It's  
18 not against Spark Car Wash that I have  
19 this issue with, even though she's  
20 bringing up the DOT and that there's  
21 setbacks and stuff. That is false  
22 statements. The DOT says it is possible  
23 to do. I talked to her myself. Have Pat  
24 talk to her.

25 CHAIRMAN EWASUTYN: For the record,

2 when you say I spoke to her, who is her?

3 GLEN: My mind --

4 CHAIRMAN EWASUTYN: You can come  
5 back to it. I'm not looking to put you  
6 on the spot. That's not who John is.

7 GLEN: Who John is?

8 CHAIRMAN EWASUTYN: That's me. I'm  
9 John.

10 GLEN: Oh. I thought you meant who  
11 I talked to.

12 CHAIRMAN EWASUTYN: I'm not putting  
13 you under pressure.

14 GLEN: Zibbie is who I talked to.  
15 I wanted to say Izzy for some reason, but  
16 I knew that wasn't it.

17 That's all I have.

18 CHAIRMAN EWASUTYN: Let's talk  
19 about water.

20 GLEN: They said that they are  
21 recycling the water 90 percent. If they  
22 want to touch on that, we can have a  
23 quick conversation. I'll make it brief.  
24 That's what this says in all the minutes,  
25 that they're going to recycle 90 percent

2 of the water. Is that correct or -- you  
3 know, because not that it's impossible,  
4 but all of these car washes here use  
5 fresh water. They use spot free water.  
6 It takes multiple gallons to make that  
7 quality of water. To say they're only  
8 going to use 2 or 3 gallons of water a  
9 car -- think about it. How many gallons  
10 of water if you just rinsed your car off  
11 quick with the hose? You're going to use  
12 more than 2 or 3 gallons.

13 I've been reading the minutes  
14 through and there are huge discrepancies  
15 there, which I didn't lie to you when I  
16 came here. I said I'm going to recycle  
17 the water, I'm going to use the high  
18 pressure. Everything that I use, soap or  
19 rinsing the car, it's going to be fresh  
20 water. That's why I said to you before,  
21 if you are unsure, like you're saying  
22 you're going to monitor them for a year  
23 on their traffic, it's easy to monitor  
24 the water. Put a half-inch water line  
25 into there. That's all you need is a

2 garden hose if you're only using 3  
3 gallons a minute. Everything that --  
4 they're saying that I'm making false  
5 statements, but there's a million false  
6 statements here on their behalf.

7 If you just read through the  
8 minutes, just like the 300 car dream day,  
9 you know, now is up to 800, 900 cars.  
10 That's not even true.

11 I'll leave you with that.

12 CHAIRMAN EWASUTYN: Thank you.

13 GLEN: Have a good night.

14 CHAIRMAN EWASUTYN: Additional  
15 questions or comments from the public?

16 MR. MARIS: Good evening. I'm the  
17 traffic and parking consultant. Do you  
18 mind if I move forward, sir?

19 CHAIRMAN EWASUTYN: Without a  
20 doubt.

21 MR. MARIS: My name is Michael  
22 Maris. I'm the president of Michael  
23 Maris Associates. We're a traffic and  
24 parking consultant firm in Franklin  
25 Lakes, New Jersey. I don't believe I've

2            been in front of you, so if I may  
3            take a few minutes to tell you my  
4            qualifications. I have studied  
5            architecture and civil engineering  
6            and I have a degree in building  
7            sciences. However, since 1967,  
8            that's almost sixty years ago, I have  
9            been a traffic and parking consultant  
10           specializing in what you are looking  
11           at. Not a shopping center, residential,  
12           office, et cetera. I have worked on  
13           about a thousand projects throughout  
14           the United States. I have been to  
15           California, Texas, Maine, Florida and  
16           in between. I have testified in  
17           courts of law. I have represented  
18           municipalities as a traffic consultant.  
19           I believe I've been at about 1,000  
20           different hearings.

21                    On this particular project we  
22                    were asked to take a look at the  
23                    plans and this traffic study and give  
24                    an opinion. We looked at the traffic  
25                    and parking assessments submitted by



2            the applicant. We looked at their  
3            plan.

4            According to my experience, I  
5            went out and spent a couple of days  
6            looking at an existing Spark Car Wash  
7            in Woodland Park, New Jersey. The  
8            reason I picked that one is it  
9            happens to be near another existing  
10           car wash, it's within a half a mile,  
11           and it happens to be north Jersey. I  
12           know that they had pictures of queues  
13           at a car wash in south Jersey, and I  
14           just thought what's going on down  
15           there is quite different than what  
16           would be going on here in Newburgh.

17           I have written a memorandum that  
18           I can hand out, if you want me to,  
19           and you can look at it in more  
20           detail. I'd like to go through it  
21           if you don't mind.

22           CHAIRMAN EWASUTYN: When you say  
23           we, who are you working for? Who are you  
24           working for? Who are you working for?

25           MR. MARIS: I believe Splash Car

2 Wash, but I was going to tell you I take  
3 my direction from Mr. Jim Bacon.

4 CHAIRMAN EWASUTYN: Mister who?

5 MR. MARIS: James Bacon.

6 CHAIRMAN EWASUTYN: Who is James  
7 Bacon?

8 MR. MARIS: He's an attorney.

9 CHAIRMAN EWASUTYN: Okay.

10 MR. MARIS: He's the one that's  
11 been giving me direction.

12 If you don't mind, I'd like to go  
13 through some things. First the entrance.  
14 The first thing that concerns me is the  
15 location of the entrance. It's right  
16 next to an existing shopping center  
17 entrance. In that location where you go  
18 from three lanes to two lanes, they are  
19 right when they're saying that there are  
20 merging concerns over there, merging from  
21 three to two. Now there is an entrance  
22 to the shopping center. Now there will  
23 be an entrance right next to it. No  
24 separation between the two. You have  
25 everybody leaving the car wash that has

2 to make a right turn right against the  
3 traffic entering that particular shopping  
4 center. So that's a concern. I think  
5 that there has to be some separation.  
6 I believe I read somewhere that the  
7 New York State Department of Transportation  
8 had raised that concern and at one time  
9 suggested that there had to be a  
10 separation. I don't know what the  
11 outcome of that is. My opinion is they  
12 are too close and they are not safe.  
13 It will not be safe.

14 The next thing that we looked at  
15 is the traffic generations. The  
16 traffic generations that are in the  
17 traffic and parking study are based  
18 on a document or a publication by the  
19 Institute of Traffic Engineers. A  
20 good company, a good entity, great  
21 publication. However, the publication  
22 tells you some of the information is  
23 based on very limited data and you  
24 should supplement it. Well, the trip  
25 generations that have been quoted in

2 the traffic and parking study are  
3 based on three surveys during the  
4 week and the Saturday generations are  
5 based on one Saturday. My experience  
6 with car washes is that they're  
7 busier on Saturday than they are  
8 during the week. Based on the IT  
9 very limited data, it shows that  
10 Saturday is going to be much less  
11 than the weekday generations. That  
12 alone raised questions for me. I  
13 would just truly suggest that more  
14 surveys be done by the applicant at  
15 some of the Spark Wash places. See  
16 how close they come to it.

17 I can tell you that when I went  
18 to visit on a Saturday, it was May 3rd  
19 that I went and visited the Woodland  
20 Park, and it was between 10 and 12.  
21 When I was observing, I also counted  
22 all the cars that were coming in.  
23 The results were quite different than  
24 what the IT says. In fact, there  
25 were so many cars coming in, that

2 between 10 and 11, 13 cars -- 13  
3 drivers -- by the way, that is in a  
4 shopping center and access is from  
5 the shopping center. 13 drivers came  
6 up to get in line and then made a  
7 U-turn and left between 10 and 11 and  
8 14 between 11 and 12. So the  
9 generations are not as light as I  
10 think has been identified by the IT.  
11 In fact, what we counted was 99 cars  
12 arriving between 10 and 11 and 99  
13 departing, and 89 arriving and 89  
14 between 11 and 12. That's 198 trips  
15 and 178 trips. The weekday -- the  
16 Saturday trips are five times as high  
17 as what the IT data shows. The  
18 weekday trips are twice as high. All  
19 I'm saying is, this is an indication  
20 that more surveys are needed. You  
21 can't just come up with one survey  
22 that was done by somebody who gave it  
23 to the ITE and said this is what is  
24 going to be generated. Their existing  
25 car wash shows quite different numbers.

2           The other thing is the  
3           comparison. The trip generations  
4           indicated by the ITE in the traffic  
5           and parking study were compared to  
6           numbers that were given by the New  
7           York State Department of Transportation.  
8           Those numbers are southbound Route 300,  
9           northbound Route 300. No turning  
10          vehicles, no nothing. No indication  
11          of when the counts were done. They  
12          were done in 2023, but what day?  
13          What hours? There's no indication as  
14          to the exact location. Was it here?  
15          Was it north of here? South of here?  
16          It just says DOT says it's so many  
17          cars southbound, so many cars northbound.  
18          That's not a comparison. To suggest that  
19          a simple comparison of one-hour volumes  
20          to one-hour volumes without any analysis  
21          whatsoever indicates that there won't  
22          be an impact, that's not right because  
23          there are turning cars. Those turning  
24          cars have to be considered. While  
25          both driveways will not permit the

2 exiting left turn, both driveways  
3 permit the entering left turn. There  
4 are conflicts there. In addition to  
5 the two driveways being close to each  
6 other, there are turning conflicts.  
7 The left-turn lanes are going to  
8 conflict with the southbound 300  
9 driveway. That has to be considered.  
10 Again, it's my opinion that new counts  
11 have to be done and an analysis  
12 performed.

13 We looked at the vehicle queues  
14 at that location. On Saturday between  
15 10 and 11 we counted the vehicle  
16 queues five different times. They  
17 ranged from 26 cars waiting to get a  
18 car wash to 29 cars. That's a lot more  
19 than the 6 cars indicated again by  
20 the survey down in south Jersey.

21 I mentioned before that that car  
22 wash has access from the shopping center  
23 ring road. Those cars back out and  
24 block the ring road. I think the  
25 shopping center had to find a different

2            way to get there because that  
3            particular location can accommodate  
4            20 cars before they block the ring  
5            road. When there were 29 cars, it  
6            was a problem.

7            Another problem. The fact is  
8            over there there are two lanes. One  
9            lane was for members only and the  
10           other one was for non-members, and I  
11           guess members can go there. There  
12           were about 5 or 6 cars nonstop on the  
13           ring road. Another line was short  
14           and somebody tried to get into that  
15           line. There were some people not  
16           very happy. They thought they were  
17           cutting them off. There was a little  
18           bit of noise made a few times.

19           The generation and the location  
20           is critical. If you're going to get  
21           queues like that over here, you're  
22           going to have a problem.

23           I'll get into the vacuums. We  
24           looked at the vacuum location. That  
25           has 17 or 18 vacuum pumps. They were



2            -- from the minute we got there until  
3            the minute we left, we were there for  
4            more than two hours, almost all of  
5            them were busy. What happens there  
6            is you come out of the tunnel and you  
7            make a right turn. If you want to  
8            leave, you go straight. If you want  
9            to wash your car, you make a U-turn  
10           -- excuse me, not wash your car. If  
11           you wanted to vacuum and clean, you  
12           make like a U-turn and you get into  
13           the vacuum stations. At one of those  
14           vacuum stations we noted it was the  
15           same person there all the time we  
16           were there. More than two hours the  
17           same car was there. I don't know if  
18           they were detailing it. I don't know  
19           what they were doing. We didn't want  
20           to interrupt their operations and go  
21           on their site. The vacuum stations  
22           were so busy that people were waiting  
23           to get in there. As I said, you come  
24           out of the tunnel, you want to go  
25           into the vacuum station, you have to

2 wait until there's a vacancy. Some  
3 people actually were trying to clean  
4 their cars and windows and everything  
5 in the aisle. What happened is they  
6 backed up on the exit lane from the  
7 car wash, from the tunnel. Twice I  
8 saw customers get out of their cars  
9 to direct traffic. There was nobody  
10 there to direct traffic. If there  
11 was, he or she wasn't doing their  
12 job. Customers got out and got  
13 people to move out of the way so that  
14 they could move around them, otherwise  
15 they would have to shut down the car  
16 wash. The queueing was substantially  
17 worse. The vacuuming was substantially  
18 worse and just didn't operate as  
19 smoothly.

20 These are observations on one  
21 day at one location. What I'm saying  
22 is this is the reason I am suggesting  
23 that more surveys have to be done.  
24 Somebody has to go and take a look at  
25 this thing before -- you know, in

2 theory, it's very nice. We have  
3 people here, they're going to direct  
4 traffic. Well, people did not direct  
5 traffic at Woodland Park the two hours  
6 we were there. It fell on the  
7 customers to have to get out and  
8 direct traffic. I really think you  
9 have to take a look at that.

10 I'm not suggesting my approval  
11 or disapproval. That's not my  
12 position. My position is that more  
13 surveys need to be done to be sure  
14 that it works.

15 CHAIRMAN EWASUTYN: Would you be  
16 kind enough to give a copy of your report  
17 to the applicant?

18 MR. MARIS: I'll give anybody a  
19 copy. That's fine.

20 CHAIRMAN EWASUTYN: Again, I want  
21 to go procedurally in a format. Would  
22 you give a copy to Amanda with Creighton  
23 Manning?

24 How many additional copies do you  
25 have with you? Give one to Pat Hines.

2 MR. HINES: I'll take the rest and  
3 distribute them to the Board after, if  
4 you'd like.

5 MR. MARIS: I have a bunch of them.  
6 There's about seven or eight if anybody  
7 needs it.

8 Unless you have any questions --

9 CHAIRMAN EWASUTYN: Not at this  
10 particular time.

11 MR. SECKLER: I just have a couple  
12 of comments regarding the expert's  
13 testimony.

14 A couple things regarding the  
15 specific site that he studied in Woodland  
16 Park. That site was previously another  
17 car wash that Spark bought and basically  
18 put their brand up. It was not designed  
19 ground up, brand new with this technology.  
20 It existed before, I think, Spark was  
21 even a brand. The operation inside that  
22 car wash is different than this one in  
23 terms of the processing speed.

24 Also, the tunnel itself, which is  
25 a major component in terms of how many

2 vehicles you can process an hour, how  
3 many vehicles you can have in at one  
4 time, is much smaller. That site has  
5 a 90-foot tunnel. This tunnel is 135  
6 feet. It's about 50 percent longer  
7 which means it could basically  
8 process 50 percent more cars an hour  
9 than that site.

10 In terms of some of the concerns  
11 that were raised in terms of how that  
12 specific site operates, again it's  
13 not a Spark original model, it's a  
14 smaller tunnel which limits your  
15 efficiency. In this tunnel you can  
16 fit -- the one we're building, you  
17 can fit between 5 and 6 cars in the  
18 tunnel at a time. That site in  
19 Woodland Park fits about 3 at a time.  
20 Very different in terms of that  
21 nature.

22 He site location also matters in  
23 terms of trip generation, or can  
24 matter in terms of trip generation.  
25 That site on Route 46 in New Jersey

2 carries between 110,000, 120,000  
3 vehicles per day versus this site  
4 which is about 25,000 vehicles per  
5 day. In terms of eyes that drive by  
6 there, much more on the Woodland Park  
7 site than this one. I would agree  
8 that that site is a divided highway,  
9 you can't make lefts. We have 60,000  
10 people that drive by that site on our  
11 side in Woodland Park, which is double  
12 what you have here in both directions.

13 I do recognize -- again, I  
14 appreciate the expert's testimony.  
15 Yes, he agrees it was only one site.  
16 That one site is probably, I would  
17 say, not akin to a brand new build  
18 Spark on a roadway of this size.

19 I do think, and Ms. LaRosa had  
20 mentioned, they requested, and I  
21 think your Board is making this a  
22 condition, that we have to do these  
23 post-occupant studies. I think that  
24 is the Board's security. That is  
25 their security blanket. If something

2 is off, something doesn't seem to be  
3 working right because we're overwhelmed  
4 with cars, that's their ability. You're  
5 not giving up control, basically, of  
6 this site. You have the ability to  
7 have that lookback. Again, if this  
8 is a busier site, if this ends up  
9 operating at levels that we see at  
10 Woodland Park -- we can process more  
11 vehicles at Woodland Park -- you have  
12 the ability to cut back. Again, we  
13 do have 25, 26, 27 cars that can fit  
14 onsite, which is -- I didn't get a  
15 chance to read the report that was  
16 just handed to me. From the testimony,  
17 that generally is the max, max  
18 capacity at a less efficient site  
19 with more cars driving by for  
20 comparison purposes.

21 Again, I stand by the analysis  
22 we provided. This was the same  
23 analysis that was provided to NYS DOT  
24 as part of their review. Obviously  
25 you have your own Town Board Engineer

2 reviewing this application.

3 Again, I think the fact that you  
4 have that security blanket, you have  
5 that lookback means if we say it's  
6 going to be 60 cars an hour and it's  
7 85 cars an hour, if that still works  
8 right, we're fine. If it doesn't  
9 work right, mitigation measures are  
10 required to be put in. I think that's  
11 the Board's security.

12 CHAIRMAN EWASUTYN: Thank you.

13 Additional questions or comments  
14 from the public? Sir.

15 JASON: Good evening. My name is  
16 Jason and I am the senior vice president  
17 of operations with Splash Car Wash. You  
18 heard from a lot of us tonight. I am a  
19 competitor. I am also an expert in the  
20 car wash industry. I have 32 years  
21 experience in operating, building,  
22 designing, repurposing car washes, both  
23 full service, express. I also have a lot  
24 of experience in water treatment. In the  
25 five years of my adult life that I was



2 not in the car wash industry, I was in  
3 the medical field in a dialysis unit  
4 where we had a lot of experience with  
5 some water treatment systems that have  
6 been mentioned in past meetings here in  
7 regards to the reclaim and reuse of  
8 water, which I'll get to in a little bit.  
9 I just wanted to give you some background  
10 into who I am.

11 I'd like to just comment a little  
12 bit on some of the traffic comments that  
13 were just made and readdressed. Yes,  
14 this was a one-day snapshot that the  
15 traffic engineer went to one location and  
16 looked at, but I think the greater  
17 meaning behind that here and why we had  
18 that addressed tonight is that data has  
19 been presented to this Board since  
20 October or December of 2023 in a way that  
21 minimized significantly the amount of  
22 cars that were projected to be washed at  
23 this site. I sat in this room on  
24 February 6th of this year in the back and  
25 just listened. I'm not sure who spoke

2            that night, but it's in your minutes  
3            where they talked -- I think Glen Sheeley  
4            had mentioned before about if they could  
5            ever possibly imagine being as successful  
6            as getting this location to 300 cars a  
7            day, they would be overwhelmingly happy  
8            with that result. I know tonight that  
9            number changed to, I believe we heard  
10           700. So if that was what the site was  
11           really designed to do, things have been  
12           portrayed differently throughout the  
13           course of the meetings up until this  
14           point when we brought some of these  
15           things forward.

16                        I agree with the traffic  
17           engineer. I think this site is going to  
18           generate a lot more trips. The fact that  
19           they have presented information to the  
20           Board of having common stacks in their  
21           car washes of two, three, four or maybe  
22           six cars in their stacking at any  
23           given time, in the one day we happened  
24           to send somebody there to evaluate the  
25           site at one of their locations,

2 regardless of if it was new or not,  
3 an acquisition or a new build, they  
4 had no less than 26 vehicles in their  
5 queue. That's not a day after a  
6 catalyst or a wintertime snowstorm.  
7 That was May 3rd I believe. That  
8 would lead me to believe there would  
9 be a lot more cars than that queued  
10 up and stacked.

11 We all have the same type of  
12 processes and procedures. Most of  
13 the car wash tunnels wash within a  
14 decent range of each other. Some  
15 manufacturers have a 130-foot tunnel  
16 that will wash 150 cars an hour.  
17 Some of them will wash up to 200 cars  
18 an hour. The speeds of those can be  
19 adjusted.

20 The fact that information has  
21 been presented in a way that  
22 significantly minimized the impact to  
23 the site I think really should be  
24 looked at both in terms of how many  
25 cars they think they're going to wash

2 and some of the water recycling,  
3 which I'll also get to.

4 To address some of the comments  
5 with the turn lane, and I know Glen  
6 spent a lot of time on it so I'll try  
7 to be brief. I appreciate the  
8 response from the traffic consultant  
9 and from their traffic engineers.  
10 This commission has set a precedent  
11 that you believe for the use of the  
12 car wash purpose, that that turn off  
13 lane and slow down lane was needed to  
14 protect the community because you  
15 have a fiduciary responsibility to do  
16 so as the Board, right. You have to  
17 look at this project and you have to  
18 say, okay, we have to do what's right  
19 for the community. You've set a  
20 precedent that you believe that that  
21 is needed. I can understand and  
22 appreciate the fact that there are  
23 Federal regulations that might  
24 prohibit that from happening at this  
25 location, but it doesn't change the

2 fact that if it's something that is  
3 believed to be needed, then maybe  
4 this site just isn't the right site  
5 to build a car wash on if the  
6 regulations say that we can't do what  
7 needs to be done. I was going to  
8 spend a little more time talking on  
9 that, but I think Glen kind of said  
10 everything that needed to be said on  
11 that.

12 We have locations with a very  
13 similar traffic count, with a very  
14 similar demographic. On a 25,000  
15 car traffic count with a population  
16 density in the five-mile radius like  
17 this area has of 50,000 to 70,000  
18 people, these car washes wash a lot  
19 of cars. That is why we wanted to  
20 build here. I'm sure that's why they  
21 want to build here. To portray the  
22 fact that they think they're going to  
23 wash 300 cars a day is really  
24 preposterous. As Glen stated, it takes,  
25 depending on property acquisition costs

2 and site work and other build costs,  
3 like we had to put a retaining wall  
4 up which cost a lot more money, you're  
5 going to spend between \$6,000,000 and  
6 \$10,000,000 to build one of these car  
7 washes. I've seen people spend more  
8 than that. To wash 300 cars a day,  
9 if 50 percent of those people are  
10 members that are paying on a regular  
11 basis, that would be 150 people a  
12 day, they average 2.5 washes per  
13 month, that would generate roughly  
14 \$800,000 a year in revenue. If the  
15 other 50 percent of the people were  
16 paying customers that weren't members,  
17 that's another 150 cars a day. Being  
18 generous, saying that they are going  
19 to wash those 300 cars a day 300 days  
20 a year with a minimum price of \$11  
21 and a top price of \$20, being  
22 generous again and saying 50 percent  
23 of those people are going to buy the  
24 most expensive car wash, 25 percent  
25 will buy the middle package and 25

2 percent will buy the bottom, that  
3 would be another \$800,000. You're  
4 talking about \$1,600,000 in annual  
5 revenue. Another generous number  
6 would be a 30-percent return on your  
7 investment. So to say that we're  
8 going to spend \$7,000,000 or \$8,000,000  
9 to get a return of \$400,000 a year,  
10 no investor is going to do that in  
11 this business. They're looking for a  
12 5-year payback. Those numbers would  
13 suggest a 15 to 17-year payback. They  
14 are going to wash a lot more cars.

15 To say that we don't need that  
16 turning lane because we can't have it  
17 because of Federal regulations really  
18 may just mean that it doesn't work  
19 and maybe another piece of property  
20 would have to be the right one.

21 Water reclamation Glen started  
22 to touch base on. There have been  
23 numbers -- in three different meetings  
24 they've given you three different  
25 numbers with what they're planning on

2 recycling for water. They've said 75  
3 to 80 percent, they've said 80 to 90  
4 percent and 75 to 85. In the minutes  
5 at one of those meetings, when they  
6 said 80 to 90 percent, they also said  
7 they would use 50 percent fresh water  
8 on each vehicle. If you do the math  
9 on that, if you use 30 gallons of  
10 water to wash your car and 50 percent  
11 of it is going to be clean, fresh  
12 water from the water line, that's 15  
13 gallons. If you're recycling and  
14 reusing 80 to 90 percent of the water  
15 that you're using of the 30 gallons,  
16 given that 16.7 percent is the  
17 national average for evaporation and  
18 carry out, that's water that isn't  
19 reintroduced in the system because it  
20 carries out on the vehicle and drips  
21 on the ground and evaporates, that's  
22 26 gallons. So if we're reusing 15  
23 gallons -- if we're using 15 gallons  
24 of fresh water on the car or 50  
25 percent, it doesn't matter what the



2           gallonage is, and we're recycling 90  
3           percent, the math doesn't work. At  
4           some point the tanks would overflow,  
5           because if you're not discharging it,  
6           you're recycling it, but you're  
7           introducing more and more and you're  
8           not reusing all of what you're  
9           recycling, where does that extra  
10          water go? From their calculations,  
11          there's 6.1 extra gallons a car that  
12          they haven't explained where it's  
13          going to go.

14                 Also, they use some buzz words  
15                 in their application to talk about  
16                 their recycle system. One of those  
17                 buzz words that came up three times  
18                 was reverse osmosis. That is what I  
19                 have a lot of experience working  
20                 with. In the medical industry in  
21                 1998 to 2001 I used reverse osmosis  
22                 in dialysis units. It's used to  
23                 purify clean water. When you take  
24                 tap water or water from a well, it  
25                 has minerals in it like copper, iron.

2 When water evaporates off the vehicle,  
3 that copper or iron, or whatever else  
4 is left in it, doesn't evaporate and  
5 it leaves water spots on the car.  
6 You cannot use this system with  
7 recycled water. The membranes would  
8 clog in a matter of minutes because  
9 you cannot get the microns down to a  
10 small enough particle level that --  
11 it would just clog the membranes up.  
12 It uses very high pressure to push  
13 nothing but pure H2O through the  
14 membrane. For every 1 gallon of  
15 fresh water, you get 2 to 3 gallons  
16 of reject water. They haven't  
17 addressed what they're going to do  
18 with that. If they're using reverse  
19 osmosis, not in the recycle system  
20 but in the fresh water treatment  
21 system to rinse the cars, it's  
22 creating additional water that -- if  
23 they're recycling the water like  
24 they're saying, where is that going  
25 to go?

2 I have some information that I  
3 can leave. I can leave one with the  
4 applicant as well. I can leave the  
5 rest and they can be distributed to  
6 you. It's got car counts on there  
7 showing very similar locations. I've  
8 redacted our financial information  
9 from it.

10 They wash 1,200, 1,300, 1,400,  
11 1,500 cars on a regular basis, multiple  
12 days.

13 I've also given you some  
14 information in regards to the tunnels,  
15 the lengths and how many cars they  
16 can wash.

17 CHAIRMAN EWASUTYN: Jason, thank  
18 you.

19 I'd like to pause for a second.  
20 Michelle Conero, do you want to stop for  
21 a minute?

22 MS. CONERO: I'm okay. Thank you.

23 MR. MUTCH: If I can clarify  
24 quickly. It might not have been coming  
25 through clearly on the record because

2 we've had multiple consultants on that  
3 reclaim system. A lot of what he said is  
4 correct. I think just the numbers in the  
5 minutes probably didn't come across  
6 clearly.

7 When we're representing a number,  
8 75 to 80 or 80 to 90 percent, that's the  
9 amount of water that is getting into the  
10 reclaim system. So about 90 percent of  
11 the water -- somewhere between 80 and 90  
12 percent of the water from the overall car  
13 wash is getting into that reclaim system.  
14 That reclaim system is only three 2,000  
15 gallon tanks. If that water level gets  
16 to the top of those, it's not an enclosed  
17 system, it would discharge to the  
18 sanitary sewer system as designed.

19 He's correct, we are using 50  
20 percent fresh water for each wash, which  
21 we have an estimate of about 20 gallons  
22 of fresh water per wash. That's actually  
23 in our documentation that we sent for the  
24 flow acceptance letter to the City of  
25 Newburgh.

2           Then finally, the reverse osmosis  
3           is -- he was correct again. You cannot  
4           use that reverse osmosis system on  
5           reclaimed water. It doesn't work. There  
6           are tanks that store fresh water that's  
7           used for that final rinse. That 20  
8           gallons that we're referencing for each  
9           wash, it's overall. It's the reclaim  
10          going into the initial system, and then  
11          the final rinse comes from that fresh  
12          water as well.

13           I think the numbers are all kind of  
14          general because the technology is always  
15          being tweaked as Spark advances their  
16          technology. I just wanted to make sure  
17          we were clarified on that. A lot of what  
18          he said is correct, just the numbers that  
19          came up in the minutes probably weren't  
20          as clear as they should have been.

21           JASON: Again, I can appreciate  
22          that. I wanted to present the  
23          information as to the way it was  
24          presented. I read the minutes, I sat  
25          here for one of the meetings. The way it

2 was presented was they said that the  
3 reverse osmosis was used as part of the  
4 recycling system.

5 They said that 300 cars a day was a  
6 hope and a dream number.

7 My testimony was just to point out  
8 the fact that things might not have been  
9 portrayed as they're being portrayed now.  
10 We've raised some questions. It just  
11 kind of speaks volumes to the fact of  
12 what the traffic engineer said in regards  
13 as to maybe some more deeper dive is  
14 needed into some of the things that  
15 people outside of our industry just  
16 wouldn't understand or know.

17 CHAIRMAN EWASUTYN: Thank you,  
18 Jason.

19 JASON: Thank you.

20 CHAIRMAN EWASUTYN: Mr. Bacon.

21 MR. BACON: Thank you, Mr. Chairman.  
22 I think it's been about 10 or 15 years  
23 since I've been here last. Here I am  
24 again. I represent Mr. Sheeley and  
25 Mr. Frank.

2 Mr. Maris talked about looking  
3 at that other site.

4 I'd like to talk a bit about  
5 SEQRA. We talked about or we heard a  
6 lot of testimony about the 135-foot  
7 tunnel and how many cars that might  
8 generate per hour, from 300 to 700  
9 cars. I think what SEQRA really  
10 requires in this type of circumstance  
11 is, just imagine if you were going to  
12 build any type of theater, whether it  
13 was a 100-seat theater, a 200-seat  
14 theater, a 300-seat theater, you're  
15 going to look at the parking and the  
16 traffic generation based on the  
17 number of seats in the theater. The  
18 same thing with this type of tunnel.  
19 Mr. Frank submitted some data that  
20 talks about how many cars a 135-foot  
21 tunnel could produce. I think it's  
22 150 to 200 cars an hour.

23 JASON: Depending on which  
24 manufacturer, yes.

25 MR. BACON: From a SEQRA

2 standpoint, the Board really is  
3 required to look at the equipment and  
4 see what the generation maximum is  
5 going to be, because if that wasn't  
6 reasonable for the applicant to  
7 proceed with, then they would have  
8 gone with a 70-foot tunnel which  
9 still had 98 cars an hour, or some  
10 type of smaller tunnel, but they  
11 decided, it was their choice to go  
12 with the 135-foot tunnel. That has  
13 some objective standards, and those  
14 are, I think, the ones that have to  
15 be applied under SEQRA.

16 You heard Mr. Sheeley talk a lot  
17 about what he was required to do by  
18 the Board. From a fairness standpoint,  
19 obviously, and from a legal standpoint,  
20 you have to really scrutinize that to  
21 see why a different set of circumstances  
22 might be applied to this new applicant.  
23 Just from a layperson's viewpoint, if  
24 you have the three lanes that are  
25 going down to two, there's obviously



2            signage, probably 1,500 feet, 1,000  
3            feet, before you get to the end of  
4            that lane that says you're going to  
5            merge and you're going to have to  
6            merge into two lanes so the driver  
7            is put on notice. All that would  
8            really happen is that you're allowing  
9            a distance of, I don't know how long  
10           that would be, 200 feet or something,  
11           where you would have signage that  
12           says right turn only, you know,  
13           ahead. So the signage would really  
14           take care of that taper, and it would  
15           give drivers actually an extra amount  
16           of time -- instead of a hard stop  
17           with a concrete curb stopping the  
18           traffic, they'd have actually a  
19           little bit more time to get over to  
20           the left-hand side, and the cars that  
21           want to go to that car wash have the  
22           opportunity to have that designated  
23           lane. So from that standpoint it  
24           seems as though a dedicated turn  
25           lane would really help this project.

2 Again, from an equity standpoint  
3 from the Board's precedent, we think  
4 that's the fair way to go.

5 You can understand Mr. Sheeley  
6 saying well, if I didn't have to do  
7 that, then maybe I would have \$400,000.  
8 I put that money out and I spent two  
9 years with the DOT. The DOT didn't  
10 require me to do it, the Board  
11 required me to do it. From that  
12 standpoint I think it's fair to have  
13 him stand up and say well, what's  
14 good for this applicant is good for  
15 the second applicant. You can  
16 understand his frustration as well.  
17 I would say that we're going to be  
18 looking at that very closely,  
19 Mr. Chairman.

20 As Mr. Maris said, I think  
21 additional surveys are needed.

22 We would ask that the public  
23 hearing be extended and that those  
24 surveys be completed and be released  
25 to the public so we can see them and

2 comment on them, and at the very  
3 least have the public comment -- the  
4 written comment period extended so  
5 that these items can be -- the issues  
6 can be flushed out. Hopefully the  
7 Board will look at these documents  
8 that we've submitted and take a hard  
9 look, as the Board is required to do  
10 under SEQRA, and think about its  
11 precedent, because this is an  
12 applicant that's going to generate --  
13 I mean, their business model is going  
14 to try to generate the maximum amount  
15 of vehicles and business, obviously,  
16 to get a comeback on their investment,  
17 as Mr. Frank said. With the 135-foot  
18 tunnel, that's what you would do.  
19 That's what the business model calls  
20 for.

21 So again, under SEQRA I think  
22 it's required for the Board to look  
23 at that from that standpoint. Thank  
24 you.

25 CHAIRMAN EWASUTYN: Out of

2 curiosity, Mr. Bacon, 15 years ago when  
3 you appeared before the Planning Board,  
4 what was the action before the Board?

5 MR. BACON: It was the project on  
6 9W with the gas station being too close  
7 to the other Stewart's gas station. I  
8 think that's what it was.

9 MR. HINES: QuickChek?

10 MR. BACON: No. It was a different  
11 one. A consolidation on 9W.

12 CHAIRMAN EWASUTYN: Good. Thank  
13 you.

14 Jennifer, would you like to respond  
15 to Mr. Bacon's comments?

16 MS. PORTER: Yes, I would, just  
17 with respect to the comments in general.

18 With regard to the SEQRA analysis  
19 that has been done and that has been  
20 ongoing throughout the entirety of this  
21 process, obviously at the beginning of  
22 this process the Board declared its  
23 intent to serve as lead agency and  
24 distributed copies of the application  
25 materials to all interested and involved

2 agencies. Of course one of the most  
3 critical involved agencies has been DOT.  
4 You've heard about the extensive  
5 correspondence that's been done between  
6 the applicant and DOT since last summer  
7 specifically and over the course of this  
8 application, so much so that a permit was  
9 issued and it was taken back as a result  
10 of further comments that were generated  
11 by this Board in connection with the  
12 application and additional concessions  
13 made by the applicant so that a thorough  
14 review of the traffic issues could be  
15 done.

16 Furthermore, you heard from our  
17 traffic consultant in terms of ITE data,  
18 the industry accepted standard that's  
19 accepted by all boards within this state  
20 and other states in terms of traffic  
21 generation for this particular kind of  
22 use, and that was backed up with actual  
23 specific data taken by counts in  
24 connection with this site.

25 You did hear from the objector

2 about one site that they looked at on  
3 a day in May during pollen season in  
4 terms of the counts that they  
5 observed. However, you heard from  
6 this applicant in terms of what they  
7 anticipate. When they talked about  
8 the 300, we talked about ideal in an  
9 every day situation. Again, they're  
10 taking snippets of information from  
11 specific testimony and it's being  
12 twisted, arguably, in my opinion, to  
13 serve the needs with respect to that  
14 testimony.

15 I think that this Board has sat  
16 here and heard from the applicant and  
17 asked many questions and required  
18 much feedback in terms of the specific  
19 traffic to be generated, with the  
20 most important points being what we  
21 iterated before with respect to  
22 traffic, that the applicant -- it's a  
23 different site here that we fully  
24 explored. We actually did specific  
25 conceptual plans showing what that

2 turning lane would look like, how it  
3 would work on the site and what  
4 potential type of conflict it would  
5 resolve. If the Board wants to rely  
6 upon the fact, oh, let's just put up  
7 a sign, there's not going to be any  
8 conflict. The fact that it's  
9 inconsistent with the Federal  
10 regulations should weigh heavily  
11 upon the Board's decision here as to  
12 whether these two sites are identical  
13 in nature that it would be appropriate  
14 and warranted to cause that type of  
15 conflict situation by requiring it at  
16 this site.

17 Also, they talked about the  
18 distance between the driveways. That  
19 was specifically examined by a sister  
20 board, the Zoning Board of Appeals,  
21 which granted specific relief to this  
22 applicant in terms of the appropriate  
23 distance required, and DOT looked at  
24 that issue as well.

25 This application has been

2 thoroughly vetted, and the most  
3 important takeaway that this Board  
4 should rely upon is the fact that the  
5 applicant wholeheartedly, willingly  
6 and voluntarily agrees to be subject  
7 to ongoing monitoring and continuing  
8 jurisdiction of this Board, that if  
9 the site conditions don't meet our  
10 testimony, you have the power to  
11 bring us back or to require us to  
12 mitigate further. So that is an  
13 absolute security that this Board  
14 has, that if we don't -- if the  
15 operations don't match what the  
16 testimony says, we come back. I  
17 think that that's a very important  
18 point to be made, that we stand  
19 behind our testimony, we're willing  
20 to commit to it and we're willing to  
21 do the post-occupancy considerations  
22 that are necessary to validate that  
23 data.

24 CHAIRMAN EWASUTYN: Thank you.

25 JASON: I'd like to respond to



2 her comment about responding to my  
3 testimony, if I can.

4 I'm not twisting any data or taking  
5 snippets. I'll read a couple of  
6 sentences here from the minutes from page  
7 16 of the February 6th meeting. They did  
8 not say in general 300 cars. I quote,  
9 "They anticipate that they can wash  
10 around or just upwards of 300 total cars  
11 per day on that type of peak day after a  
12 winter storm." There's no twisting or  
13 manipulation of any information. That's  
14 what was presented. That's how it was  
15 said. I understand your aggravation and  
16 your frustration, but I'm not manipulating.  
17 You are.

18 Thank you very much.

19 CHAIRMAN EWASUTYN: Any additional  
20 questions?

21 MR. TIRADO: Ernie Tirado. I don't  
22 have the credentials or expertise on car  
23 washes like most of the people here, but  
24 my comments for your consideration are  
25 basically my personal observation and

2 experience.

3 Unless the square footage on that  
4 site was increased -- I used to go to  
5 that repair shop and they used to have  
6 six cars on each end and either two or  
7 three bays where they did repairs. Any  
8 additional cars in that area was too  
9 much. I heard a number of 44, which I  
10 cannot visualize.

11 My main question is the traffic and  
12 how it adversely affects the restaurant  
13 right next to them whose entrance and  
14 exit is right on 300, and how that  
15 queueing is going to affect customers  
16 coming in and out. That's not even  
17 taking into account the red light.

18 Thank you.

19 CHAIRMAN EWASUTYN: Mr. Bacon, you  
20 raised your hand.

21 MR. BACON: Thank you, Mr. Chairman.  
22 Very quickly. As Mr. Frank said, that's  
23 a significant change from 300 cars back  
24 in February to 700 or 800. I would  
25 go again with what that equipment is

2 designed to do. The 135 tunnel has a  
3 number, and that number is the one  
4 that should be guided -- the Board  
5 should be guided by.

6 If there is some Federal standard,  
7 I'd like to know what that citation  
8 is.

9 DOT is not the lead agency here.  
10 This Board is lead agency. This  
11 Board is the one that decides whether  
12 the mitigation is sufficient, whether  
13 the applicant has mitigated the impacts  
14 to the maximum extent practicable  
15 regardless of whether they have to go  
16 to another property owner and get  
17 that property. That is their problem.  
18 This is a site they chose, and so if  
19 that's a hardship, that is their  
20 problem. That is not this Board's  
21 problem.

22 That's what I have to say.  
23 Thank you.

24 CHAIRMAN EWASUTYN: Thank you.

25 Any additional questions from the

2 public, or comments?

3 (No response.)

4 CHAIRMAN EWASUTYN: Jim Campbell,  
5 do you have any questions or comments?

6 MR. CAMPBELL: No comments.

7 CHAIRMAN EWASUTYN: Amanda,  
8 anything you'd like to state at this  
9 point?

10 MS. LaROSA: No. I've said  
11 everything.

12 CHAIRMAN EWASUTYN: Pat Hines with  
13 McGoey, Hauser & Edsall.

14 MR. HINES: I think I'm going to be  
15 afraid to go through a car wash anymore.  
16 Technology amazes me.

17 We have provided the applicant with  
18 our comments. A lot of our comments have  
19 been addressed to date.

20 We have a City of Newburgh flow  
21 acceptance letter.

22 We did receive the e-mail from the  
23 applicant from Mr. Fratz, the DEC wetland  
24 stream biologist, stating that they would  
25 not take jurisdiction of that small area

2 that was delineated as Federal wetlands  
3 on the site to the rear.

4 We have reviewed the stormwater.

5 DOT approval, obviously, is  
6 required.

7 The Board got a wealth of  
8 information tonight. I'm aware of Mr.  
9 Sheeley's car washes in many locations. I  
10 think he speaks very well on car washes.  
11 I don't know, the Board may want to take  
12 some additional time. I would be  
13 interested in the water use that was  
14 identified as being higher. We do have a  
15 City of Newburgh flow acceptance letter.  
16 I can't find it in my file right now. I  
17 think it was 600 gallons per day. I'd  
18 like to check that against the  
19 information that we received tonight.

20 That's the extent of our comments.

21 The project currently disturbs less  
22 than 1 acre of property. It's at .98  
23 acres.

24 We did require the applicant to do  
25 a full stormwater pollution prevention

2 plan as the project is located in the  
3 City of Newburgh watershed. That has  
4 been incorporated into the plans.  
5 Typically at that limit of disturbance,  
6 it wouldn't be required. Because of its  
7 location and our unwritten agreements  
8 with the City of Newburgh, that's what  
9 was prepared for the project.

10 With that, I think the Board has a  
11 wealth of information to consider.

12 CHAIRMAN EWASUTYN: John Ward.

13 MR. WARD: How many employees did  
14 you say you're going to have?

15 MR. MUTCH: Eight to twelve total,  
16 but three to four on a daily basis on the  
17 site.

18 MR. WARD: Worst-case scenario, how  
19 quick can you get extra help? You've got  
20 somebody taking the money, you've got  
21 somebody spraying. All of a sudden it  
22 backs up and you get all your overflow.  
23 You get everybody in your vacuum area.  
24 Who is going to guide the people going  
25 into the flow? We brought this up

2 before. It's not like we haven't said  
3 stuff.

4 The bottom line is the numbers  
5 don't match with what we're saying. That  
6 is commonsense. You can bring up any  
7 number. Anybody can do that.

8 What I'm saying is, going through a  
9 car wash, I see three people at the front  
10 taking the money and doing whatever.  
11 When it's overflow, there's not enough  
12 people or staff to take care of everything.

13 MR. MUTCH: Obviously Spark has  
14 their operation down to a science. I  
15 won't speak on their behalf.

16 Just to rehash where the employees  
17 are. On a typical day, what we're  
18 talking about, we're not in that peak  
19 period where the contingency is in play,  
20 typically three employees are onsite, as  
21 we talked about, one at the entrance to  
22 that tunnel making sure that operates  
23 efficiently, there's one that's dedicated  
24 to the pay stations, making sure that is  
25 operating efficiently, and there's

2 another monitoring the vacuum park,  
3 making sure the overall site is clean,  
4 operating efficiently, helping customers  
5 and the like.

6 As peak periods are identified, not  
7 only just typically, we heard Saturday  
8 day and things like that, also after  
9 pollen events, after snow events and  
10 other things, Spark will be able to  
11 strategize in a way to have that fourth  
12 employee there for expected times and  
13 expected busy periods, and that fourth  
14 employee is going to be doing exactly  
15 what you were kind of referencing. If  
16 there's a contingency plan, you probably  
17 pull the attendant that's dedicated to  
18 the vacuum park and place them on one end  
19 and then you place that fourth employee  
20 on the other end. There will be someone  
21 on call for that fourth employee if it  
22 becomes an unexpected situation where  
23 that contingency plan has to come into  
24 play. Their employees are very highly  
25 trained, they're dedicated to positions,



2 but their entire focus is making sure the  
3 entire site operates efficiently. If you  
4 need somebody at the end of the tunnel  
5 but if the vacuum and pay stations are  
6 going, you can mix and match and make  
7 sure that the site operates efficiently.  
8 We don't have the dryers at the end.  
9 Those are very flexible employees onsite  
10 making sure each section is efficient.

11 MR. WARD: When they're in the  
12 vacuum area, who is going to guide them  
13 going into the flow of traffic?

14 MR. MUTCH: As far as that  
15 contingency plan that we talked about?

16 MR. WARD: Yes.

17 MR. MUTCH: That's going to be done  
18 as part of --

19 MR. WARD: Right behind you, I'm  
20 talking.

21 MR. MUTCH: This one is still up.  
22 From that, likely in a contingency  
23 situation you'll have that fourth  
24 employee onsite. They'll be at the end  
25 of this, guiding the operations there.

2 As was stated in some of the other  
3 testimony, this contingency plan is  
4 different and the operation at Spark is  
5 different where there will be a mobile  
6 order station. That fourth employee will  
7 be guiding these vehicles as well as  
8 working that mobile order station to  
9 house these cars, and then the employee  
10 that would formally be dedicated to that  
11 vacuum area is going to make sure that  
12 this operation of taking cars away from  
13 here or directing cars into this area as  
14 it clears up, that will be their  
15 responsibility to make sure that's  
16 operating efficiently.

17 It's always important to note that  
18 this contingency plan is not something  
19 that's expected to be used often, but it  
20 is an option. Employees will be trained  
21 to use it if, in the case that we talked  
22 about throughout this process, that you  
23 do end up with 44 cars on the site.

24 MR. WARD: Did you fill out an ARB  
25 form?

2 MS. PORTER: We did as part of our  
3 initial application.

4 MR. WARD: We usually see the  
5 materials and all. You didn't show the  
6 signage.

7 MS. PORTER: We did as part of our  
8 architectural plans that were previously  
9 submitted to the Board. We do have  
10 materials with us this evening that we  
11 could show the Board, if the Board so  
12 desires. I'm happy to recall our  
13 architect to walk you through some of the  
14 materials specifically.

15 MR. WARD: How about the sign out  
16 by the entrance?

17 MR. YOUNG: The monument sign I  
18 believe you're referring to.

19 MR. WARD: Yes.

20 MR. YOUNG: I believe you can see  
21 it on our sheet 3.1 which is a view  
22 looking towards the Spark development  
23 across State Route 300. The monument  
24 sign is right here where I'm pointing  
25 with my finger. The site entrance and

2 exit is right there.

3 In terms of the building signs,  
4 they're all depicted on the colorized  
5 elevations. We submitted black and white  
6 drawings with all the dimensions, square  
7 footages and notations for how the signs  
8 are constructed.

9 We don't formally have a materials  
10 board with us. My apologies. I do have  
11 a binder with me that has actual samples  
12 of the materials used on the building.  
13 I'd be happy to hand it out if the Board  
14 would like to flip through it.

15 MR. WARD: That's up to the Board  
16 with that.

17 Another scenario. When they come  
18 out, they're going to turn right into the  
19 parking lot next to you because it's  
20 going to be backed up with the light.  
21 They're going to go through Cosimo's  
22 parking lot just to keep the flow going  
23 when they come out, making a right to the  
24 next driveway. It's like a U-turn.

25 MR. MUTCH: I just want to make

2 sure I understand the comment there. Are  
3 we talking about the driveway here?

4 MR. WARD: Yes.

5 MR. MUTCH: Customers from us just  
6 immediately making this U-turn in?

7 MR. WARD: Yes. It's going to be  
8 backed up by the light.

9 MR. HINES: That's right turn  
10 restricted, too.

11 MR. MUTCH: If you come in, you  
12 have to make the right. You'd just be  
13 doing a redundant movement.

14 Are you saying traffic throughout  
15 the shopping center?

16 MR. WARD: Yes.

17 MR. MUTCH: I didn't study that.  
18 If we need more testimony. It seems like  
19 it's pretty far out of the way for that  
20 maneuver, to go all the way through the  
21 shopping center.

22 MR. WARD: If it's backed up from  
23 the light to your car wash, they're going  
24 to do it.

25 MR. HINES: That would take them

2 out to Orr Avenue, the light at Orr  
3 Avenue or Little Britain and 300. It's a  
4 rather circuitous route.

5 MR. WARD: Thank you.

6 CHAIRMAN EWASUTYN: Do you want to  
7 speak?

8 MS. PORTER: Yes, Mr. Chairman. I  
9 just wanted to see if our vice president  
10 from Spark could address some of the  
11 comments just with respect to operations.  
12 I think there was some testimony provided  
13 by our engineer, but I think it would  
14 also be helpful to hear some additional  
15 from Mr. Vallario, if that would be  
16 acceptable to the Board, just to further  
17 explain in terms of the cars, and the  
18 contingency plan, and how our operations  
19 work specific to the Spark model.

20 MR. VALLARIO: My name is Bob  
21 Vallario. I happen to be the vice  
22 president of store development for Spark.  
23 I've been to every meeting for the last  
24 two or three years, so I've been here  
25 observing and watching and guiding if I

2 can.

3 I'd like to address some of the  
4 things that have been said. First of  
5 all, if I may, there was testimony put  
6 forth about a store we have in Woodland  
7 Park, New Jersey which happens to be our  
8 second store. It was a conversion, a  
9 remodel. It's a very short tunnel with  
10 very short stacking, okay. The problem  
11 there is we inherited the equipment that  
12 was in there, we didn't change it out, so  
13 it operates less effectively than this  
14 would possibly.

15 The other thing is there's been a  
16 lot of testimony about will we make  
17 money, won't we make money and so on and  
18 so forth. With all due respect, they  
19 have no idea what my expenditures are,  
20 what I paid for the land, how much it's  
21 going to cost me to build, so on and so  
22 forth. We took a look at this. We feel  
23 like, given consideration to the new  
24 Spark, their car wash which will open up  
25 before us, we factored that in as well,

2 because obviously it's going to be a  
3 competitor. We feel like we are capable  
4 of making money here at this point.

5 The other argument is you've heard  
6 about 300 cars per day on average. The  
7 reality of it is that will change,  
8 obviously, depending on the time of the  
9 year and the season. The study that was  
10 presented by the competitors, the traffic  
11 expert, was done in May which happens to  
12 be the height of car washing because of  
13 the pollen. So yes, there's going to be  
14 a lot. The most we've ever processed in  
15 that store, which happens to be our  
16 highest volume store, I'll just share  
17 that with you, is 1,000 cars in a day.  
18 That's 83 cars an hour. We feel like --  
19 and that has a stacking capacity probably  
20 somewhere between 8 and 10 cars. We've  
21 designed this now, knowing from what  
22 we've learned, how to be more accommodating  
23 to our customers and being able to  
24 accommodate them in such a way that we  
25 can make it effective, efficient and



2 a good experience for the consumer.

3 The other thing is, and which I  
4 think is the most important thing, or  
5 one of the most important things  
6 because they are the competitor. The  
7 argument started off with why don't  
8 they have a turning lane. You've  
9 heard all the arguments about why yes  
10 and why no. We've listened very  
11 carefully to the Board. We tried to  
12 incorporate all the things that were  
13 asked of us, including the sidewalk  
14 and so forth. Just think about this.  
15 If we were to go back and actually  
16 put that turning lane in and so on,  
17 everything shifts. When everything  
18 shifts, I lose one whole line of  
19 vacuum parks.

20 I think their deep motivation is  
21 to limit my ability to accommodate my  
22 customers, because then I'd be down  
23 to these lines here.

24 I think everything that's been  
25 stated, the studies that have been

2 done, the analysis, the overanalysis  
3 and continuation, I think does  
4 support the way this has been  
5 designed. I think it's something  
6 that can be effectively and  
7 efficiently operated, and I think  
8 that -- I think I ask you as a Board  
9 to consider that as well.

10 CHAIRMAN EWASUTYN: Thank you.

11 Excuse me, Jason. The Planning  
12 Board is now speaking. I want to keep an  
13 order to that.

14 JASON: Okay.

15 CHAIRMAN EWASUTYN: I don't want to  
16 digress. Cliff Browne is the next one to  
17 speak. I'd like to keep that continuity.

18 JASON: Okay.

19 CHAIRMAN EWASUTYN: Thank you.

20 MR. BROWNE: When this project came  
21 before us, the primary issue was traffic.  
22 We spent, as Jennifer mentioned, much  
23 time -- the majority of our time on  
24 traffic. That's been our major focus  
25 because of the location and the whole

2 scenario.

3 Some of the numbers that we've  
4 heard tonight are new to us.

5 What they presented so far, I think  
6 prior to the last meeting we were  
7 supplied with scenarios of -- the  
8 different scenarios of a third lane, no  
9 lane, sidewalks and all the different  
10 scenarios with that third lane  
11 possibility, what could happen, what  
12 couldn't happen, the way it worked, the  
13 stacking as a result and all of that.  
14 Looking at all of that information that  
15 was supplied to us previously, I  
16 personally appreciated having that data  
17 so I could look at it, so I could try to  
18 make an intelligent decision what's going  
19 on with this.

20 However, along with all that  
21 information, we've heard new information  
22 this evening that does warrant more  
23 looking, more attention to look into  
24 things a little bit deeper in some  
25 aspects.

2 Again, traffic has been the primary  
3 issue with this project, and that's what  
4 we really spent most of our time on with  
5 this.

6 Thank you.

7 CHAIRMAN EWASUTYN: Ken Mennerich.

8 MR. MENNERICH: I agree with what  
9 Cliff said concerning the traffic and the  
10 fact that it has been the center focus.

11 The two sites are different  
12 resulting in how the two sites should be  
13 developed. It should very well be  
14 different. I guess there may be more  
15 data we need to look at.

16 That's it. That's all I have to  
17 say.

18 CHAIRMAN EWASUTYN: Stephanie DeLuca.

19 MS. DeLUCA: I have to agree also  
20 with my other constituents in regards to  
21 the traffic. My mind is just going poof  
22 right now. There is a lot of other  
23 information that we have to consider.

24 I think competition is wonderful,  
25 but I have a lot to think on.

2 I also want to just address the  
3 point of how many workers you're going to  
4 have. Most of the car washes that I'm  
5 familiar with have the same amount that  
6 you do. That was not an issue for me.

7 There's a lot to think about.

8 CHAIRMAN EWASUTYN: Dave Dominick.

9 MR. DOMINICK: First I'd like to  
10 thank the public for the comments and  
11 providing that information to me and my  
12 fellow Board Members. We really  
13 appreciate hearing your concerns.

14 I do agree with Cliff and Ken,  
15 what they said about how traffic was  
16 our primary target and concern for  
17 this project.

18 It is two different sites, A and  
19 B -- sites A and B. There's a lot  
20 of information here.

21 Also, I love car washes. I go  
22 every day. With your business and  
23 your business, that's going to be  
24 five within a two-mile radius. I  
25 wish you both luck, honestly. I hope

2 you both are prosperous.

3 With that, though, I do want to  
4 see, Mr. Chairman, when we get to  
5 that point, a post-traffic, post-  
6 occupancy study done down the road so  
7 we know, in a year's timeframe if  
8 that's appropriate, how this site is  
9 doing and do any mitigation changes  
10 need to be made.

11 We didn't get into it much about  
12 the aesthetics of the building and so  
13 forth. Just to mention, when we do  
14 get to that part, Paul or Matt,  
15 mirroring the wall next door, Cosimo's,  
16 mirroring that, kind of the same size,  
17 type and material, if that's appropriate.  
18 The Chairman brought that up in just  
19 passing conversation. I think that  
20 would look nice on that site.

21 Oliver, I have a question on  
22 your sign. Are you going to be able  
23 to see that from 300? It looks like  
24 it's tucked back in the corner.  
25 Wouldn't it be better off, instead of

2 a fin, more of a wedge where your  
3 sign is out so people can see it?

4 MR. YOUNG: We feel strongly about  
5 the blade design. When we originally  
6 looked at this building, the first  
7 iteration of the building was shorter,  
8 the blade was a wedge. It still  
9 protruded the same amount and was the  
10 same height, however it was over here  
11 which we believe afforded us even less  
12 visibility. Based on where this building  
13 sits in proximity of the road, there will  
14 be limited visibility to the sign,  
15 although it will be visible at certain  
16 points. We are relying on the monument  
17 sign as well for adequate visibility and  
18 identification.

19 MR. DOMINICK: Okay. If that's how  
20 you feel, okay.

21 Lastly, a question on your  
22 contingency plan and vacuum area. As  
23 Mike said, I've been to plenty of car  
24 washes and I've seen that guy sit there  
25 for two hours vacuuming his car. If you

2 have three or four people vacuuming their  
3 cars, when you have to go to contingency  
4 operations, they're not going to leave  
5 right away. They're going to stay there,  
6 they're going to finish what they're  
7 doing and then get out of there. Going  
8 from plan A to plan B is not going to  
9 happen very quickly. We know that.  
10 You're going to have some time lapse  
11 there to get traffic moving again or get  
12 the queue moving again. You're  
13 portraying it like, oh, you've just got  
14 to turn your direction, everybody is  
15 going to go to the vacuum area. That's  
16 not going to happen so quickly. I think  
17 we can agree on that. Correct?

18 MR. MUTCH: Yeah, there's going to  
19 be a time when the transition has to  
20 happen. What we're hoping is with this  
21 plan being part of the plan, as well as  
22 the training for the employees, that you  
23 start to anticipate that. You've heard  
24 extensive testimony about the car wash  
25 business. You know when those busy days



2 are going to be, those busy moments. As  
3 that queue fills up, the employees will  
4 be trained to be on alert and looking for  
5 that contingency plan.

6 Really the main goal is to keep  
7 people off the state highway. That's  
8 going to be the primary focus.

9 This is the fully built-out  
10 contingency plan. Potentially there's  
11 one lane where you can afford some time  
12 to allow someone to finish their vehicle  
13 before it fills up with two. I think  
14 there are multiple iterations of this  
15 plan. This is kind of the busiest peak.  
16 We have flexibility to make it happen.

17 MR. DOMINICK: I think your tunnel  
18 timing is the only factor you can control  
19 here. Other than that, every other  
20 factor is unknown. You don't know how  
21 many cars are going to show up to your  
22 spot. Five can come at one time or two  
23 can come at one time.

24 I've never seen anyone control the  
25 speed of the tunnel. You might push them

2 in quicker, but they never speed things  
3 up, that minute and a half or the time to  
4 go in the tunnel to the exit of the  
5 tunnel.

6 Also remember, they have to get out  
7 of the site. If you've got 17 cars in  
8 the queue waiting, 17 cars have to come  
9 out onto 300. We've got to keep that in  
10 mind.

11 MR. MUTCH: Certainly.

12 CHAIRMAN EWASUTYN: Jason, you had  
13 something you wanted to say?

14 JASON: Yes. I just wanted to  
15 address two of the responses to things  
16 that I brought up.

17 One was water. I believe Mr. Hines  
18 said that there was a letter from the  
19 City Water Department that referenced 600  
20 gallons a day. Tonight we heard testimony  
21 of 20 gallons of freshwater per vehicle.  
22 That would mean they could wash 30 cars  
23 at 20 gallons if they have 600 gallons  
24 a day.

25 The other response would be to

2 their vice president's testimony that  
3 our motivation would be to inhibit  
4 their property, and it's not. We are  
5 pointing that out because we had to  
6 take space from our property to put  
7 in the turn lane that this commission  
8 felt was necessary to slow traffic  
9 down enough to turn into a car wash  
10 with how many vehicles were going to  
11 be entering and exiting that property.  
12 I have no motivation to want to  
13 change their design. There's just  
14 been a precedent set. As we've said  
15 multiple times, we're just looking  
16 for that to be carried on.

17 Then in regards to the fact that  
18 we counted the location that isn't  
19 one of the new locations, if it's  
20 their busiest location and it has the  
21 capacity to wash 100 cars an hour,  
22 which is what we counted it doing, 98  
23 and 99 cars per hour, and there were  
24 still 26 vehicles in the queue, I  
25 know that's a higher traffic count

2 road, but there's some dissimilarities  
3 where that one they have to enter  
4 through a plaza which changes  
5 customer habits and behaviors versus  
6 pulling in off a road.

7 These car washes -- these  
8 express car washes with these free  
9 vacuums have been all the craze in  
10 the car wash industry. It's why  
11 they're being built all over the  
12 place. There is a major desire from  
13 consumers to want to use and  
14 experience these types of new washes  
15 with the new equipment, the vacuums.

16 Traffic count plays a part in  
17 that, but we see plenty of locations  
18 with 25,000 car traffic counts  
19 washing 150, 160, 170 cars per hour.

20 I would agree that if that's  
21 their busiest location and it's the  
22 place that's old, it's the place  
23 that doesn't have the new equipment  
24 and it's washing 98 cars an hour,  
25 what's the new, great, grand place

2 going to do? Far more than the one  
3 that was portrayed, and they probably  
4 don't have the water to wash.

5 Thank you.

6 CHAIRMAN EWASUTYN: Thank you.

7 Pat, would you elaborate upon your  
8 comments as far as water consumption. I  
9 think what you originally said was there  
10 was an estimate of 600 gallons of  
11 consumption per day.

12 MR. HINES: Yes. As part of the  
13 approval process we go through, there's  
14 an inter-municipal agreement between the  
15 City of Newburgh and the Town of  
16 Newburgh. The Town of Newburgh does not  
17 treat sewage in this area. We had asked  
18 the applicant to prepare a hydraulic  
19 loading -- estimated hydraulic loading  
20 from the site. I don't have that with  
21 me. I can't find it. I believe,  
22 shooting from the hip, it was 600 gallons  
23 per day. With the testimony we heard  
24 tonight, it may be higher than that. I  
25 want to confirm that flow rate and

2 gallons per day -- gallons per wash to  
3 confirm that. It seems some of the  
4 information we heard at 20 gallons per  
5 car is maybe an issue. Unfortunately  
6 it's not in my file. I did provide it to  
7 the Board and the applicants for the City  
8 of Newburgh flow acceptance letter. I  
9 want to confirm those numbers.

10 MR. MUTCH: We're happy to work  
11 with Pat on that.

12 CHAIRMAN EWASUTYN: Bill Fedder  
13 had a comment.

14 BILL: Bill, Rockwood Drive.  
15 What accommodations are there for  
16 those drivers that are going to want  
17 to go north when they leave? Where  
18 are they going to turn around? They  
19 have to go into Cosimo's parking lot  
20 or to the Wal-Mart parking lot? How  
21 is that going to be facilitated, that  
22 somebody can eventually go north?  
23 They would have to cross two or three  
24 lanes of traffic to turn onto Old  
25 Little Britain Road or turn onto Orr

2 Road and make a U-turn in there.

3 What provisions have been made for  
4 those people, or are there any?

5 CHAIRMAN EWASUTYN: Good question.

6 MR. SECKLER: Matt Seckler, for the  
7 record.

8 There is no U-turn area specifically  
9 delineated for this traffic. Similar to  
10 other businesses in the area that have  
11 the turn restriction, vehicles have to go  
12 out of their way, turn down another side  
13 street and work themselves back up and  
14 around. Unfortunately the way the  
15 highway system works here, not every  
16 street goes through. We went in with a  
17 full-movement driveway design. That was  
18 one of the reasons, for driver ease.  
19 Again, obviously listening to the Board,  
20 the sacrifice was made to make this right  
21 out only. Again, that is obviously part  
22 of -- the driver experience can be a  
23 little bit more difficult leaving our  
24 site for that reason.

25 CHAIRMAN EWASUTYN: At this point

2 we'll turn the questions, comments to  
3 Dominic Cordisco, Planning Board  
4 Attorney.

5 MR. CORDISCO: Thank you, Mr.  
6 Chairman. Certainly there's been a  
7 lot of information that's been brought  
8 to the Board for its consideration  
9 tonight.

10 One recommendation that the Board  
11 might want to consider would be to ask  
12 the applicant to respond to the points  
13 raised tonight in writing, including  
14 review of the traffic report that was  
15 provided tonight as well, so that the  
16 Board could consider that, the Board's  
17 consultants could consider not only  
18 information provided tonight but also  
19 a response from the applicant.

20 As Mr. Bacon pointed out, the  
21 Board's responsibility is to identify  
22 potential environmental impacts, take  
23 a hard look at them, and also,  
24 importantly, provide a reasoned  
25 elaboration to as to any Board decision.



2            Those are the three major components  
3            of SEQRA that's drilled into every  
4            attorney that practices environmental  
5            law in New York.

6            So as a result, given the  
7            substantial information provided  
8            tonight, it would be best to have the  
9            applicant provide their responses and  
10           then that could be vetted by the  
11           Board.

12           As for the public hearing, it is  
13           typically this Board's practice not  
14           to extend a public hearing just for  
15           the sake of extending the public  
16           hearing. That said, given the fact  
17           that there are substantial issues  
18           that have been brought out tonight,  
19           one thing that the Board could  
20           consider would be closing the public  
21           hearing but continuing to accept  
22           written comment, including written  
23           comment based on any resubmission  
24           that's received by the applicant.  
25           That would, in my mind, provide a

2 full and fair opportunity for those  
3 that are interested to continue to  
4 provide communication to the Board  
5 without the need to continue on to  
6 have a verbal public hearing going  
7 back and forth.

8 CHAIRMAN EWASUTYN: Questions and  
9 comments from Planning Board Members,  
10 having heard from Dominic Cordisco,  
11 Planning Board Attorney. John Ward.

12 MR. WARD: I agree.

13 CHAIRMAN EWASUTYN: Cliff Browne.

14 MR. BROWNE: I think it's  
15 appropriate to close the public hearing  
16 at this point here, leave the comment  
17 open for an extended period, because,  
18 again, there is a considerable amount of  
19 information we do need to consider based  
20 on a lot of the testimony that we heard  
21 tonight. I think that would be the  
22 appropriate way.

23 CHAIRMAN EWASUTYN: Ken Mennerich.

24 MR. MENNERICH: My only concern is  
25 if we're getting additional information,

2 how does the public get to see that  
3 information?

4 MR. CORDISCO: Any submission made  
5 by the applicant is posted to the  
6 website.

7 MR. MENNERICH: The public would  
8 have to go on the Town's website?

9 MR. CORDISCO: That's correct,  
10 which I believe they actually have  
11 already been doing based on their review  
12 of the information that they have been  
13 providing to the Board tonight based on  
14 prior submissions made by the applicant.

15 MR. MENNERICH: Okay.

16 MR. BROWNE: Also I'll mention with  
17 that, all of our conversations and any of  
18 the follow up will also be on the website,  
19 our minutes. They're all public also.

20 MS. DeLUCA: I agree to close it  
21 and then allow for the responses.

22 MR. DOMINICK: I do, too. Close  
23 the public hearing.

24 Do we have a timeframe of when  
25 you'll accept responses?

2 MR. CORDISCO: My suggestion would  
3 be to leave it open ended, only because  
4 we don't know the timing of the applicant  
5 as far as when they make their submission,  
6 when they would be on an agenda. It  
7 will be driven in large part by whenever  
8 their materials are ready, and also to  
9 provide an opportunity for the public  
10 to be able to provide responses. So  
11 for instance, if material shows up on  
12 the website on a given day, it would  
13 be, in my mind, unreasonable to say  
14 well, that is the cut-off time from  
15 providing a response. I think the  
16 Board will have to have some leeway.  
17 Not an unending process, but,  
18 nonetheless, provide some leeway. I  
19 realize that's not hard and fast, but --

20 MS. DeLUCA: More than ten days?

21 MR. CORDISCO: Yeah. I mean,  
22 there's no rule that would prohibit the  
23 Board from accepting written public  
24 comment in the normal course of business  
25 in any event. I think this is consistent

2 with that. There have been times on a  
3 variety of different projects when  
4 someone has raised concerns outside the  
5 scope of a public hearing and sent either  
6 e-mails or letters to the Board. The  
7 Board has always considered those. I  
8 think that this is consistent with your  
9 practice.

10 MS. DeLUCA: Okay. Thank you.

11 CHAIRMAN EWASUTYN: Jen Porter, do  
12 you want to comment?

13 MS. PORTER: I think that the  
14 applicant is perfectly fine with the  
15 Board closing the hearing and allowing  
16 for additional written comment.

17 We also are fine with providing  
18 written responses to the Board to all of  
19 the questions and the information that  
20 was presented this evening so that the  
21 Board can have that as part of the record  
22 and as part of its further analysis,  
23 SEQRA review and ultimate determination.

24 CHAIRMAN EWASUTYN: Having heard  
25 from Planning Board Attorney Dominic

2 Cordisco, having received comments from  
3 Planning Board Members, I'll ask now the  
4 Planning Board Attorney, Dominic  
5 Cordisco, to give us the verbiage for  
6 closing the public hearing and for the  
7 Board then to act on approving that.

8 MR. CORDISCO: Mr. Chairman, just  
9 to reiterate, it would be a motion to  
10 close the public hearing but to accept  
11 written public responses to any  
12 additional materials that are provided  
13 by the applicant within that timeframe  
14 that they are provided, consistent  
15 with the Board's prior practice.

16 Just also to be clear, there are  
17 no timeframes that are running as a  
18 result of this. The Board has not  
19 taken any action under SEQRA at this  
20 point. By virtue of closing the  
21 public hearing, there are no default  
22 approvals or any of the like that  
23 would be in play.

24 CHAIRMAN EWASUTYN: Having heard  
25 from Planning Board Attorney Dominic

2 Cordisco, would someone move for a motion  
3 to close the public hearing subject to  
4 the recommendations of Dominic Cordisco,  
5 Planning Board Attorney.

6 MR. DOMINICK: I'll make that  
7 motion.

8 MS. DeLUCA: Second.

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

13 MR. WARD: Aye.

14 MR. BROWNE: Aye.

15 CHAIRMAN EWASUTYN: Aye.

16 MR. MENNERICH: Aye.

17 MS. DeLUCA: Aye.

18 MR. DOMINICK: Aye.

19 CHAIRMAN EWASUTYN: Motion carried.  
20 Thank you.

21 MR. BACON: Mr. Chairman, I have a  
22 quick question or clarification. If the  
23 applicant takes, let's say, thirty days  
24 to go through comments and submit their  
25 comments, then the public would have an

2 opportunity to respond to those?

3 MR. CORDISCO: That's correct.

4 MR. BACON: Dominic, it's open  
5 ended at this point?

6 MR. CORDISCO: I mean, if I was to  
7 provide you with advice, which I'm not,  
8 but my suggestion would be if this  
9 project returns to the Planning Board and  
10 shows up on an agenda, I would suggest  
11 that you get your written comments in  
12 prior to that meeting so the Board can  
13 consider them.

14 MR. BACON: We would assume the  
15 applicant would respond. They're not  
16 going to respond the day before the next  
17 time they're on an agenda. Hopefully it  
18 will be sometime when we're able to have  
19 some time to put something in.

20 Thank you.

21 CHAIRMAN EWASUTYN: At this point  
22 I'd like to have a ten-minute recess  
23 break.

24

25 (Time noted: 8:58 p.m.)



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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 29th day of May 2025.

  
\_\_\_\_\_  
MICHELLE CONERO

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

- - - - - X  
In the Matter of

NPA SITE PLAN  
(2017-03)

NYS Route 747  
Section 96; Block 1; Lots 6.2 & 11.1  
IB Zone

- - - - - X

PUBLIC HEARING  
SITE PLAN & ARB REVIEW

Date: June 15, 2025  
Time: 9:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: WILLIAM SPARKMAN  
MARK DOMBAL

- - - - - X

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

2 CHAIRMAN EWASUTYN: Can I have a  
3 motion to reconvene from the motion to  
4 have a ten-minute recess, to reconvene  
5 the meeting.

6 MR. DOMINICK: So moved.

7 MR. MENNERICH: Second.

8 CHAIRMAN EWASUTYN: I have a motion  
9 by Dave Dominick. I have a second by Ken  
10 Mennerich. Can I have a roll call vote  
11 starting with John Ward.

12 MR. WARD: Aye.

13 MR. BROWNE: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. MENNERICH: Aye.

16 MS. DeLUCA: Aye.

17 MR. DOMINICK: Aye.

18 CHAIRMAN EWASUTYN: The next item  
19 on the agenda is NPA Site Plan, project  
20 number 17-03. It's located on New York  
21 State 747 in an IB Zone. It's being  
22 represented by Bill Sparkman of Langan  
23 Engineers. It's here for a public  
24 hearing on a site plan and ARB review.

25 Ken Mennerich will read the notice

2 of hearing.

3 MR. MENNERICH: "Notice of hearing,  
4 Town of Newburgh Planning Board. Please  
5 take notice that the Planning Board of  
6 the Town of Newburgh, Orange County, New  
7 York will hold a public hearing pursuant  
8 to Section 274-A of the New York State  
9 Town Law and Chapter 185-57 Section K of  
10 the Town of Newburgh Code on the  
11 application of Newburgh Park Associates  
12 Site Plan (NPA), project number 2017-03.  
13 The project proposes the construction of  
14 a 2,304 square foot convenience store  
15 with gasoline dispensing canopy. Five  
16 pumps, ten gas filling locations are  
17 proposed. Access to the site is via New  
18 York State Route 747. Access will be at  
19 the existing residential driveway which  
20 will be modified for the site. An  
21 existing garage structure is proposed to  
22 be removed. The project is proposed to  
23 be served by an onsite well and subsurface  
24 sanitary sewer disposal system. A  
25 stormwater pollution prevention plan has

2           been prepared. The project site is a  
3           1.44 acre combined parcel. The project  
4           is located in the Town's IB Zoning  
5           District. The project is known on the  
6           Town of Newburgh Tax Maps as Section 96;  
7           Block 1; Lots 6.2 and 11.1. A public  
8           hearing will be held on the 15th day of  
9           May 2025 at the Town Hall Meeting Room,  
10          1496 Route 300, Newburgh, New York at 7  
11          p.m. or as soon thereafter, at which time  
12          all interested persons will be given an  
13          opportunity to be heard. By order of the  
14          Town of Newburgh Planning Board. John P.  
15          Ewasutyn, Chairman, Planning Board Town  
16          of Newburgh. Dated 28 April 2025."

17                   CHAIRMAN EWASUTYN: Thank you.

18                   Bill.

19                   MR. SPARKMAN: Thank you, Mr.  
20          Chairman. Ladies and gentlemen of the  
21          Board, thank you as well. My name is  
22          Bill Sparkman from Langan Engineering.

23                   Just for the interest of the public  
24          hearing, I'm going to give a really brief  
25          overview of the project. This convenience

2 store and gas fueling station, as  
3 mentioned, is located at the  
4 intersection of New York 747 and  
5 Interstate 84 on the northeast quadrant.

6 The way that the site is currently  
7 situated -- this used to be a residential  
8 parcel before the interstate was  
9 constructed to service the airport itself.  
10 There was an existing residential parcel  
11 here which is kind of split due to the  
12 configuration of the NYC Department  
13 of Environmental Protection parcel  
14 directly to the east and also the DOT  
15 taking to the west. They kind of  
16 split up the pieces. There was an  
17 agreement between the parties to allow  
18 for future development of this site  
19 to utilize this commercial kind of  
20 entrance during the time of the taking.  
21 The only structure that's left on the  
22 site right now is, as mentioned, kind  
23 of like a two-door garage structure  
24 which will be demolished as part of  
25 the project.

2 As mentioned, the convenience  
3 store is about 2,300 square feet. We  
4 brought some representative kind of  
5 pictures of kind of a property that  
6 was developed by the applicant.

7 Mark, do you want to introduce  
8 yourself?

9 MR. DOMBAL: Mark Dombal, D-O-M-B-A-L,  
10 from S&K Petroleum Wholesalers.

11 This is a site that we recently  
12 completed in Yonkers, New York. This  
13 is more of a modern building. We're  
14 building more of a colonial here.

15 The stonework will be the same,  
16 Eldorado Stone, Dark Rundle. I've got  
17 some samples right here if you'd like  
18 to take a look at them. I've got  
19 Hardie board backer which will be the  
20 siding. This had a metal. Now, to  
21 make it colonial more in there, it's  
22 Boot Bay Blue. It's more like a  
23 gray. Also we've got the shingles.  
24 They're the same shingles. It's brown  
25 wood shingles.

2 MR. SPARKMAN: We provided these  
3 to the Board just to give a more kind  
4 of a character feel for the proposed  
5 development to help with the  
6 architectural review of the project.

7 Also requested during the last  
8 meeting, we have provided an  
9 additional egress location for the  
10 building located on page right at the  
11 side. Instead of just the primary  
12 entrance in the front, there will  
13 also be a secondary entrance off to  
14 the side which can be utilized,  
15 obviously, for just getting in and  
16 out in case of any emergencies. We  
17 did go through the code. It's not  
18 code required, but obviously it  
19 functions well and we wanted to kind  
20 of address that.

21 Other items for the project. As  
22 mentioned in the notice, the water  
23 will be provided by an onsite well  
24 and the sanitary will be treated by  
25 an onsite subsurface disposal system.



2 That will be permitted and approved  
3 through the Orange County Department  
4 of Health.

5 Site access from 747 will be  
6 approved by New York State DOT.  
7 Really the only thing that we're  
8 proposing right there is just to  
9 improve the sweeps, obviously kind of  
10 repave it, and then we're going to  
11 have to do a break through the median  
12 adjacent just to access in and out of  
13 the site.

14 We'll provide the DOT with an  
15 analysis of the trips to kind of show  
16 how the in and out functionality of  
17 the site will be maintained.

18 That's about it.

19 The other main concern or the  
20 main component of the property is the  
21 New York City DEP's Catskill Aqueduct  
22 which provides clean drinking water  
23 from the reservoirs up north down to  
24 the city. That aqueduct runs basically  
25 right next door. It's about 100 feet

2 off the property line. We're  
3 currently going through some  
4 correspondence with the DEP to kind  
5 of go on property, do a little bit of  
6 reconnaissance work, just to show  
7 where their infrastructure is on  
8 their site as relates to some of the  
9 things that we're proposing on our  
10 site, and then we're going to go  
11 through some kind of coordination  
12 with them to augment the plans, show  
13 some setbacks and offsets that they  
14 require and then show some additional  
15 considerations. For instance, they're  
16 requiring that we provide a security  
17 fence along our perimeter so that we  
18 can kind of -- I'm not going to say  
19 it's not going to prevent access to  
20 the site because I think it's open  
21 in other places, but at least for  
22 our sake it will provide a little bit  
23 of additional security.

24 Also we're going to show them  
25 how we're maintaining this stormwater

2 discharge throughput through the site  
3 which is existing. We're just going  
4 to kind of beef it up and repair it a  
5 little bit. They would like to see  
6 how that functions. They're mainly  
7 concerned about how water runoff from  
8 their property will be able to go  
9 through our site.

10 I think that's about it in terms  
11 of just the overall description.

12 CHAIRMAN EWASUTYN: Any questions  
13 or comments from the public? Raise your  
14 hand and give your name.

15 DAWN: Hi. My name is Dawn. I'm a  
16 resident of the area.

17 My concern is there's a lot of  
18 wetland there. Extreme wetlands. With  
19 Amazon in there, we've already had water  
20 issues.

21 MR. SPARKMAN: You're talking about  
22 across the highway?

23 DAWN: I live right next door to  
24 that property. We have a lot of water.  
25 Amazon is over there. They had a lot of

2 property, a lot of edging on that water.  
3 I have my own well so it's all going to  
4 combine. It's literally right next door  
5 to me. I'm concerned about all that  
6 going on.

7 MR. HINES: You're across the  
8 street, ma'am, from this project?

9 DAWN: The one existing next door.

10 MR. SPARKMAN: We're at the  
11 northeast corner of the intersection. I  
12 think the wetlands and the Amazon site  
13 that you're talking about is on the  
14 northwest side.

15 DAWN: That's across the street?

16 MR. SPARKMAN: On the other side.

17 MR. HINES: We have another project  
18 before the Board that's looking at the  
19 existing building where the electrical  
20 equipment company is. I think you're  
21 near that.

22 DAWN: So that's not the same one?

23 MR. HINES: This is up the hill,  
24 across the street.

25 DAWN: My apologies. There's a lot

2 going on with Amazon and everything.

3 Thank you.

4 MR. SPARKMAN: Just to address that  
5 comment, for our site, as required by  
6 just State regulations, we had to  
7 maintain kind of the stormwater runoff  
8 that's coming from the site as it is  
9 right now. It's all just grass right  
10 now, so there's not a lot. We actually  
11 have a pretty robust system just to meet  
12 those requirements to kind of hold the  
13 stormwater onsite and treat it and  
14 release it at a low rate. That water  
15 would release, there's kind of like a  
16 roadside swale, a ditch on the side of  
17 747. That's where our stormwater would  
18 discharge to. Honestly, I think that  
19 ditch does drain across the street to  
20 that wetland area, but it would be at a  
21 lower rate and it would be controlled.

22 DAWN: Thank you.

23 CHAIRMAN EWASUTYN: Additional  
24 questions or comments from the public?

25 (No response.)

2 CHAIRMAN EWASUTYN: At this time  
3 we'll turn the meeting over to Jim  
4 Campbell, Code Compliance.

5 MR. CAMPBELL: The only comment I  
6 had was previously stated. The parking  
7 lot striping, you have to use the Town  
8 detail.

9 The freestanding sign, we still  
10 need the information on that, and any  
11 proposed additional signage.

12 MR. SPARKMAN: Yes. So for the  
13 striping, we'll definitely use the Town  
14 standard. Is that available?

15 MR. HINES: I can provide that. I  
16 have the detail.

17 MR. SPARKMAN: Okay. And then  
18 there is no other additional signage  
19 proposed for the building or the canopy.  
20 Is that right?

21 MR. DOMBAL: Correct.

22 MR. SPARKMAN: It would only be  
23 that freestanding sign. We know we have  
24 to push it back a little bit from the  
25 property line. Our next updated plan set

2 will show that.

3 CHAIRMAN EWASUTYN: Amanda, do you  
4 have any comments?

5 MS. LaROSA: I just want to point  
6 out that there was a traffic study  
7 submitted with their most recent  
8 submission that I have reviewed. The  
9 findings basically show that there are no  
10 impacts off of the site.

11 The only thing that I do ask is  
12 that a left-turn lane warrant is  
13 performed to see if any modifications to  
14 that actuary in front of the site are  
15 warranted. It might lend itself really  
16 nicely to a left-turn lane into the site.  
17 You would have to coordinate with DOT.  
18 I would ask you to copy me on any  
19 correspondence that you do have with  
20 DOT.

21 MR. SPARKMAN: Absolutely.

22 CHAIRMAN EWASUTYN: Thank you.

23 Pat Hines with MH&E.

24 MR. HINES: Procedurally they've  
25 addressed a majority of our comments.

2 We did have a very productive  
3 technical work session a couple months  
4 ago with Mr. Sparkman.

5 The Orange County referral has been  
6 completed. It was a Local determination.

7 The SWPPP was revised per our  
8 comments and is acceptable.

9 The municipal authorization will be  
10 required to get a construction SPDES  
11 permit.

12 Again, DOT approval for the access  
13 drive.

14 We note DEP wrote a letter.  
15 Originally you had an approval letter  
16 from them, but they subsequently sent  
17 another one when we did the lead agency  
18 circulation. I know you're working  
19 through their comments.

20 There will be a requirement for  
21 security for the stormwater and  
22 landscaping.

23 The sanitary sewer disposal system  
24 is at the County Health Department for  
25 review.



2           You previously issued a negative  
3           declaration. We provided a written  
4           elaboration of that and provided that to  
5           the other involved agencies so their  
6           permitting can move forward.

7           CHAIRMAN EWASUTYN: Thank you.

8           John Ward, questions or comments?

9           MR. WARD: Is there any update with  
10          the DEP?

11          MR. SPARKMAN: We're going through  
12          a fairly rigorous screening process to  
13          get onto the property. That's taking a  
14          little bit of time to go through the DEP  
15          police. We should be -- our surveyor  
16          should be onsite within the next two or  
17          three weeks, I'd say, just to get out  
18          their with the DEP surveyors just to  
19          assess the site. At that point we will  
20          have to update the plan set to show that  
21          new information and then to show  
22          additional kind of improvements that the  
23          DEP wants to see. I'd say that would  
24          probably be within the next couple  
25          months.

2 MR. WARD: With the ARB, it's  
3 beautiful. Thank you for bringing the  
4 materials.

5 MR. DOMBAL: You're welcome.

6 CHAIRMAN EWASUTYN: Cliff Browne.

7 MR. BROWNE: I don't have anything  
8 additional. You presented very well so  
9 far. Thank you.

10 CHAIRMAN EWASUTYN: No comments.  
11 Ken Mennerich.

12 MR. MENNERICH: No questions.

13 MS. DeLUCA: Nothing additional.  
14 Thank you.

15 MR. DOMINICK: I love gas stations.  
16 Just kidding. Thank you.

17 This is a very attractive, very  
18 sleek building. It looks very nice.

19 My only concern, Bill, is now that  
20 you added that emergency exit, I think  
21 you're going to need a sidewalk.

22 MR. SPARKMAN: That's fine.

23 MR. DOMINICK: When it's February,  
24 March, you know, snowfall, you're not  
25 going to be able to go anywhere. There

2 will be accumulating snow on the ground.

3 MR. SPARKMAN: We did have kind of  
4 like a landscaped edge on that side. We  
5 can maybe convert it -- I want to make  
6 sure that the circulation still works  
7 okay. I think we can probably sneak at  
8 least a minimal width.

9 MR. DOMINICK: I prefer a sidewalk  
10 because that way whoever is going to  
11 maintain the property is going to shovel  
12 it and it will give you a clear path of  
13 egress.

14 MR. SPARKMAN: Yes.

15 MR. DOMINICK: Thank you.

16 CHAIRMAN EWASUTYN: At this time  
17 we'll turn to Dominic Cordisco.

18 MR. CORDISCO: The Board should, at  
19 this point, consider closing the public  
20 hearing, and then you can decide whether  
21 or not you want to take additional steps  
22 at this time.

23 CHAIRMAN EWASUTYN: Can I have a  
24 motion from the Board to close the public  
25 hearing on NPA Site Plan, project number

2 17-03, which is before us tonight for a  
3 public hearing on site plan and ARB.

4 MR. WARD: So moved.

5 MS. DeLUCA: Second.

6 CHAIRMAN EWASUTYN: I have a motion  
7 by John Ward. I have a second by  
8 Stephanie DeLuca. Can I have a roll call  
9 vote starting with John Ward.

10 MR. WARD: Aye.

11 MR. BROWNE: Aye.

12 CHAIRMAN EWASUTYN: Aye.

13 MR. MENNERICH: Aye.

14 MS. DeLUCA: Aye.

15 MR. DOMINICK: Aye.

16 CHAIRMAN EWASUTYN: I think we're  
17 in the position this evening to grant ARB  
18 approval for the NPA Site Plan, project  
19 number 17-03. Would someone move for  
20 that motion.

21 MR. MENNERICH: So moved.

22 MR. WARD: Second.

23 CHAIRMAN EWASUTYN: I have a motion  
24 by Ken Mennerich and a second by John  
25 Ward. Can I have a roll call vote

2 starting with John Ward.

3 MR. WARD: Aye.

4 MR. BROWNE: Aye.

5 CHAIRMAN EWASUTYN: Aye.

6 MR. MENNERICH: Aye.

7 MS. DeLUCA: Aye.

8 MR. DOMINICK: Aye.

9 CHAIRMAN EWASUTYN: Can we talk  
10 about conditional final approval, if  
11 we're ready for that, for NPA Site Plan,  
12 17-03. Pat Hines, Dominic Cordisco.

13 MR. CORDISCO: Before you reach  
14 that, the Board has not yet adopted a  
15 SEQRA negative declaration for this  
16 project.

17 MR. HINES: We did.

18 MR. CORDISCO: You did?

19 MR. HINES: I did a written  
20 elaboration because DOT was involved.

21 MR. CORDISCO: My apologies. Do  
22 you know the date of that?

23 CHAIRMAN EWASUTYN: I looked up the  
24 records, too. I didn't write the date  
25 down.

2 MR. CORDISCO: I can certainly get  
3 it from Pat.

4 MR. HINES: The negative declaration  
5 was on 17 April 2025. We circulated the  
6 written negative declaration on 25 April  
7 2025.

8 MR. CORDISCO: Thank you. That's  
9 helpful.

10 Given that, the Board could  
11 consider, in addition to granting ARB  
12 approval as well, site plan approval for  
13 the project.

14 The conditions that you want to  
15 consider would be the standard conditions  
16 which include addressing any outstanding  
17 engineering comments, obviously the  
18 applicant has to obtain all outside  
19 agency approvals, which includes the  
20 Department of Health, Department of  
21 Transportation for the highway work  
22 permit, which of course has to be issued  
23 before the site plan is signed. DEC  
24 stormwater coverage is required as well  
25 as a municipal authorization for same, as

2 well as confirmation from the DEP. There  
3 is security that will be required for  
4 both landscape and stormwater improvements  
5 on the site, as well as a stormwater  
6 facilities maintenance agreement. The  
7 applicant will need to comply with the  
8 terms and conditions of the decision  
9 for the variances that were granted  
10 for the project. The other standard  
11 conditions, which typically include  
12 the fact that only that which is  
13 shown on the plan is allowed to be  
14 constructed and any modifications to  
15 the site would require an amended  
16 approval from the Planning Board.

17 MR. SPARKMAN: Can I raise a  
18 question regarding that last point,  
19 Dominic? I know for a fact that we will  
20 be updating the site plan set, at a  
21 minimum, to address the DEP comments that  
22 we know are forthcoming.

23 Regarding that last point, would we  
24 then need to, once that kind of revision  
25 is made, come back to the Board for an

2 amended site plan approval at that time?  
3 Would that be the one that's kind of  
4 approved and signed?

5 MR. HINES: I would suggest it's  
6 based on whether there are substantive  
7 changes. If you're adding the fence, I  
8 think that could be reviewed by my  
9 office. If there's something that moves  
10 the building or something, that would  
11 have to come back. I'll defer to the  
12 Board.

13 MR. CORDISCO: I think that course  
14 of action would be fine as long as it's  
15 acceptable to the Board. If it's a  
16 de minimus change that doesn't change  
17 the location of the building or site  
18 circulation in general, then I think  
19 the Board could defer any further  
20 review to the Town's Engineer.

21 MR. SPARKMAN: Okay.

22 CHAIRMAN EWASUTYN: Amanda, did you  
23 have anything you wanted to add?

24 MS. LaROSA: Nothing further.

25 CHAIRMAN EWASUTYN: Jim Campbell.



2 MR. CAMPBELL: Nothing additional.

3 MR. HINES: For the DOT comment,  
4 typically we can make that a conceptual  
5 approval from the DOT with no building  
6 permit issued until --

7 MR. CORDISCO: That's what I meant.  
8 I misspoke. It's conceptual approval for  
9 site plan. The building permit requires  
10 the actual highway work permit.

11 MR. HINES: You need your  
12 contractor on board.

13 MR. SPARKMAN: The same thing for  
14 the DEC? Does the Town of Newburgh  
15 require an actual SPDES permit in hand or  
16 is that --

17 MR. CORDISCO: Typically it's  
18 required for site plan.

19 MR. HINES: For DEC you would need  
20 a stormwater permit.

21 MR. SPARKMAN: The general permit.  
22 Are we required to file the NOI?

23 MR. HINES: Yes. The NOI would be  
24 filed prior to stamping of the plans.

25 CHAIRMAN EWASUTYN: Any additional

2 questions or comments from Planning  
3 Board Members?

4 (No response.)

5 CHAIRMAN EWASUTYN: Having heard  
6 from Dominic Cordisco, Planning Board  
7 Attorney, subject to the conditions  
8 of approval for NPA Site Plan,  
9 project number 17-03, would someone  
10 move for that motion.

11 MR. WARD: So moved.

12 MR. DOMINICK: Second.

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

17 MR. WARD: Aye.

18 MR. BROWNE: Aye.

19 CHAIRMAN EWASUTYN: Aye.

20 MR. MENNERICH: Aye.

21 MS. DeLUCA: Aye.

22 MR. DOMINICK: Aye.

23 MR. SPARKMAN: Thank you.

24

25 (Time noted: 9:30 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 29th day of May 2025.

  
\_\_\_\_\_  
MICHELLE CONERO

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

- - - - - X  
In the Matter of

GERACI SUBDIVISION  
(2025-03)

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

- - - - - X

FOUR-LOT SUBDIVISION

Date: June 15, 2025  
Time: 9:30 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

- - - - - X

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

2 CHAIRMAN EWASUTYN: The third item  
3 of business this evening is Geraci  
4 Subdivision, project number 25-03. It's  
5 a four-lot subdivision located on 272  
6 Frozen Ridge Road in an AR Zone. It's  
7 being represented by Messina Associates.

8 MR. MESSINA: Good evening. Carmen  
9 Messina.

10 This is a four-lot subdivision of a  
11 14.2 acre parcel located on Frozen Ridge  
12 Road.

13 This is a revision of the project  
14 that we presented last time. The main  
15 revision is to lot 3 which we had  
16 proposed to have access to Firemen's  
17 Lane Extension, but now we are  
18 proposing a flag shaped lot. Their  
19 access would be from Frozen Ridge  
20 Road.

21 Lot number 1 has an existing  
22 house.

23 We have been to the ZBA to get  
24 the required zoning variances. Do  
25 you have that on file?

2 MR. CAMPBELL: Yes.

3 CHAIRMAN EWASUTYN: Questions or  
4 comments. Jim Campbell, do you have any  
5 questions or comments?

6 MR. CAMPBELL: The variances were  
7 granted back in February, at the February  
8 ZBA meeting.

9 Now with this revised plan, there  
10 are some requirements for the Fire Code  
11 to be met.

12 MR. MESSINA: I have your --

13 MR. CAMPBELL: You have my comments.

14 MR. MESSINA: Yes.

15 CHAIRMAN EWASUTYN: Comments from  
16 Board Members.

17 MR. WARD: No comments.

18 MR. BROWNE: Nothing more.

19 MR. MENNERICH: Nothing.

20 MS. DeLUCA: Nothing.

21 MR. DOMINICK: Nothing.

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

24 MR. HINES: This is here for  
25 revised concept, again eliminating the

access off Firemen's Lane. All lots will access off Frozen Ridge.

Lot 3 will require an access easement across lot 4. That access easement will need Dominic's approval.

We need the subsurface sanitary sewer disposal system designed and a grading plan to determine the limits of disturbance.

It most likely will need a soil erosion and sediment control plan and a DEC stormwater permit for greater than one acre of disturbance.

DEC did flag the wetlands on the site, however, after they did that, it was noted that they were located outside of the "urban area." That would put them under their jurisdiction at this time based on the new regulations. The surveyor has shown the area of the wetlands.

They're going to utilize an existing culvert crossing on the site to access, I think it's lot 3 to the

2 rear.

3 MR. MESSINA: Yes.

4 MR. HINES: That should address  
5 that issue.

6 As far as concept and compliance  
7 with the bulk tables, this is fine.

8 CHAIRMAN EWASUTYN: You'll resubmit  
9 based upon the comments from Pat Hines?

10 MR. MESSINA: Yes.

11 CHAIRMAN EWASUTYN: Good. Thank  
12 you.

13

14 (Time noted: 9:34 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 29th day of May 2025.

  
\_\_\_\_\_  
MICHELLE CONERO

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

----- X  
In the Matter of

LANDS OF MELISSA MENENDEZ  
(2025-11)

5 Kings Hill Road  
Section 11; Block 1; Lot 63.22  
R-1 Zone

----- X

TWO-LOT SUBDIVISION

Date: June 15, 2025  
Time: 9:35 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

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

2                   CHAIRMAN EWASUTYN:   The fourth item  
3                   of business this evening is the Lands of  
4                   Melissa Menendez, project number 25-11.  
5                   It's a two-lot subdivision located on  
6                   Kings Hill Road in an R-1 Zone.   It's  
7                   being represented by Patti Brooks of  
8                   Control Point Associates.

9                   MS. BROOKS:   Good evening.   This is  
10                  a two-lot subdivision located at the  
11                  intersection of Kings Hill Road and Rock  
12                  Cut Road.

13                 We're creating a new 2.31 acre  
14                 building lot.   The remaining lands of  
15                 16.3 acres contain an existing house and  
16                 garage.

17                 We last appeared before the Board  
18                 in March.   We received multiple comments,  
19                 including having the DEC wetlands  
20                 delineated, completing the survey along  
21                 Rock Cut Road, showing the remainder of  
22                 the house northerly of the site.   I think  
23                 that was pretty much it.

24                 We have received notification from  
25                 OPRHP that they want a phase 1, phase 2

2           archeological study on this. We've been  
3           in contact with Archeologist Joe Diamond.  
4           He will be conducting the phase 1, phase  
5           2.

6                     I believe outside of that, we have  
7           addressed the comments from Pat.

8                     I have not yet read the comments  
9           from Code Compliance.

10                    CHAIRMAN EWASUTYN: A question to  
11           Dominic Cordisco. Not acting on SEQRA  
12           and waiting for SHPO, can we schedule  
13           this for a public hearing?

14                    MR. CORDISCO: That's a great  
15           question, to be honest. It has been this  
16           Board's practice, and it certainly was  
17           Michael Donnelly's practice with all of  
18           his clients, to recommend that SEQRA be  
19           completed before subdivision applications  
20           were deemed complete and ready for a  
21           public hearing. That is based on a case  
22           that came out almost twenty years ago now  
23           up in Liberty in Sullivan County. It was  
24           called Kittredge versus Liberty. There  
25           are different opinions amongst land use

1  
2 counsel as to whether or not it's  
3 necessary to follow the holding in that  
4 case. Many, in fact all, of my other  
5 clients hold public hearings on  
6 subdivisions prior to making a SEQRA  
7 determination. I mean no disrespect to  
8 Michael Donnelly at all. In fact --

9 CHAIRMAN EWASUTYN: Michael  
10 Donnelly's recommendation was on site  
11 plans. It was on site plans.  
12 Subdivisions, I agree with him. His  
13 recommendations were on site plans we  
14 could declare a negative declaration and,  
15 if need be, rescind that action. If  
16 you're saying state law requires that we  
17 wait on this for a subdivision, we'll  
18 wait on it.

19 MR. CORDISCO: I'm not, actually.  
20 I think that the Board has the discretion.  
21 Every other municipality in the area  
22 holds their public hearings prior to  
23 making a determination. In this immediate  
24 area, so New Windsor, Montgomery, Cornwall,  
25 Blooming Grove, they want to hear from

2           the public before they make a  
3           determination as to whether or not  
4           there's an environmental review and  
5           concerns. Obviously the Spark Car  
6           Wash tonight is a prime example of  
7           that, where you would have been --  
8           had you adopted a negative declaration  
9           before holding the public hearing on  
10          Spark Car Wash, and given the  
11          substantive comments that were made,  
12          including the new traffic report that  
13          was submitted, you would be in a position  
14          of having to consider rescinding that  
15          negative declaration, --

16                   CHAIRMAN EWASUTYN: Thank you.

17                   MR. CORDISCO: -- if that's what  
18                   the Board wanted to do. I do not  
19                   recommend that.

20                   CHAIRMAN EWASUTYN: It had been the  
21                   practice.

22                   MR. CORDISCO: Absolutely. And  
23                   you're not alone.

24                   CHAIRMAN EWASUTYN: To date we were  
25                   never challenged on that decision.

2                   MR. CORDISCO:   You're not alone.

3                   CHAIRMAN EWASUTYN:   Really what I'm  
4                   doing is I'm defending a man who isn't  
5                   here.   That's all I'm doing.

6                   MR. CORDISCO:   Absolutely.   He had  
7                   basis to make that recommendation, and  
8                   he's not the only one.   Dennis Lynch from  
9                   Rockland County and clients that he  
10                  represents also follow that rule.

11                  I have to tell you, as far as that  
12                  particular case, which we follow closely  
13                  at the office because this question does  
14                  come up from time to time, it's never  
15                  been followed by any other court.   It's  
16                  not as if -- you would think that if it  
17                  was such a high bar of rule of law that  
18                  every other municipality that holds their  
19                  public hearings first and then does SEQRA  
20                  would be subject to having their  
21                  decisions overturned routinely, and it's  
22                  never happened.   It's never happened.

23                  The point is and the short answer  
24                  is, yes, you could schedule a public  
25                  hearing prior to making your SEQRA

2               determination.

3                       CHAIRMAN EWASUTYN:   Pat, can you  
4                       give us a date and we'll look to the  
5                       Board to move for that motion to hold a  
6                       public hearing on the Lands of Melissa  
7                       Menendez, project number 25-11.

8                       MR. HINES:   That date will be the  
9                       revised meeting date that we talked about  
10                      at work session, the 25th of June, which  
11                      will be a Wednesday, because the 19th is  
12                      the holiday.

13                      CHAIRMAN EWASUTYN:   Would someone  
14                      move for a motion to hold a public  
15                      hearing on the 25th of June for the  
16                      Lands of Melissa Menendez, project  
17                      number 25-11.

18                      MR. WARD:    So moved.

19                      MS. DeLUCA:   Second.

20                      CHAIRMAN EWASUTYN:   I have a motion  
21                      by John Ward.   I have a second by  
22                      Stephanie DeLuca. I'll ask for a roll  
23                      call vote starting with John Ward.

24                      MR. WARD:    Aye.

25                      MR. BROWNE:   Aye.



2                   CHAIRMAN EWASUTYN:   Aye.

3                   MR. MENNERICH:   Aye.

4                   MS. DeLUCA:   Aye.

5                   MR. DOMINICK:   Aye.

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

8                   MS. BROOKS:   I will.   Thank you  
9                   very much.

10                  CHAIRMAN EWASUTYN:   Any  
11                  correspondence --

12                  MS. BROOKS:   I do have two copies  
13                  of the original signed map.   Should I  
14                  leave one with Pat and bring the other  
15                  one and drop it off on Monday when I drop  
16                  off the Tarben information?

17                  CHAIRMAN EWASUTYN:   I would prefer  
18                  that because I misplace things.

19                  MS. BROOKS:   I didn't say that.

20                  CHAIRMAN EWASUTYN:   Any  
21                  correspondence with agencies, would you  
22                  cc us on that?

23                  MS. BROOKS:   Absolutely.

24                  CHAIRMAN EWASUTYN:   Thank you.

25                  (Time noted:   9:42 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 29th day of May 2025.

*Michelle Conero*

---

MICHELLE CONERO

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

MANHEIM AUTO STORAGE EXPANSION  
(2025-07)

2000 Dealer Drive  
Section 89; Block 1; Lot 83  
IB Zone

- - - - - X

SITE PLAN

Date: June 15, 2025  
Time: 9:43 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: TYLER WEBB

- - - - - X

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

2 CHAIRMAN EWASUTYN: The fifth and  
3 last item of business this evening is  
4 Manheim Auto Storage Expansion, project  
5 number 25-07. It's a site plan located  
6 on, I think it's 200 Dealer Drive, not  
7 2000.

8 MR. CAMPBELL: It's 2000.

9 CHAIRMAN EWASUTYN: It is 2000?

10 MR. CAMPBELL: I believe.

11 CHAIRMAN EWASUTYN: It's in an IB  
12 Zone. It's being represented by Kimley-  
13 Horn Engineering & Landscape Architects.

14 MR. WEBB: Good evening, Mr. Chair  
15 and Members of the Board. Thank you for  
16 not cancelling this meeting. My name is  
17 Tyler Webb, I'm a civil engineer with  
18 Kimley-Horn. I represent the applicant,  
19 Manheim, the owner/operator of the  
20 Manheim Newburgh facility. I also have  
21 with me Dale Bruman, the assistant  
22 general manager of Manheim Newburgh.

23 We previously appeared before this  
24 Board on February 20th. The Board and  
25 their professionals gave us some

homework, so we'd like to update you on where we are with that process.

We received an area variance for the parking landscaping per the requisite code section. That area variance was granted in April.

We've also been requested to comply with the Town's Tree Ordinance. That fieldwork is ongoing. We'll have more information to you shortly.

The last item was the New York State DEC wetland delineation with the updated regulations that happened in January of this year. Our professional wetland scientist marked the site in March with the DEC representative. They found an additional slow wetland area directly to the east of the west wetland. We submitted a boundary validation plan that actually was sent back to us that we received earlier this week. We will provide that to the Board and the professionals for review for the record. Based on that plan, we updated our site

plan drawings and our SWPPP.

I can pull up a bigger plan. Nothing substantive changed, but what happened was we pulled a bit of the impervious back, the regulated adjacent area got pushed out to the east right here and we pulled back our impervious area and the parking because of that.

With that, I'll open it up to any questions or comments on our site plan or SWPPP.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: I concur with everything Mr. Webb said.

We are awaiting the tree Preservation compliance.

They have implemented tree restriction notes on the plan to address the potential bat habitat.

We were reviewing the stormwater pollution prevention plan and then got another one dropped on us. He explained the reason why. I didn't understand that until just now. We are continuing

1                   that review.

2                   The Planning Board has not  
3                   declared intent for lead agency  
4                   because they were at the ZBA.

5                   I think the action the Board can  
6                   take tonight would be to declare  
7                   your intent for lead agency for this  
8                   Type 1 action due to the fact that it  
9                   disturbs greater than 10 acres and we  
10                  will need to do a coordinated review.

11                  We will send out that notice of  
12                  intent to the interested and involved  
13                  agencies.

14                  CHAIRMAN EWASUTYN: Having heard  
15                  from Pat Hines with MH&E, would someone  
16                  move for a motion to declare our intent  
17                  for lead agency.

18                  MR. MENNERICH: So moved.

19                  MS. DeLUCA: Second.

20                  CHAIRMAN EWASUTYN: I have a motion  
21                  by Ken Mennerich. I have a second by  
22                  Stephanie DeLuca. Can I have a roll call  
23                  vote starting with John Ward.

24                  MR. WARD: Aye.

1 MR. BROWNE: Aye.

2 CHAIRMAN EWASUTYN: Aye.

3 MR. MENNERICH: Aye.

4 MS. DeLUCA: Aye.

5 MR. DOMINICK: Aye.

6 CHAIRMAN EWASUTYN: Just for matter  
7 of record, I do have your itinerary for  
8 the steps. You list the 19th of June to  
9 appear before the Planning Board. Pat  
10 Hines will speak to what the date will  
11 be.  
12

13 MR. HINES: The 19th, as I just  
14 mentioned, is a Federal holiday. This  
15 building will be closed. The Board is  
16 going to schedule a meeting on the 25th  
17 of June when this meeting room is  
18 available.

19 The lead agency circulation time  
20 could potentially -- could be expired at  
21 that point. I don't know if the Board  
22 wanted to entertain this for a public  
23 hearing. It's not a very sophisticated  
24 project. It's just a big parking lot.  
25 It's up to the Board.



1 CHAIRMAN EWASUTYN: Dave Dominick.

2 MR. DOMINICK: Is a public hearing  
3 necessary for this action or is it our  
4 discretion?  
5

6 MR. HINES: It is not required.

7 MR. CORDISCO: It's not a special  
8 permit so it is waiveable as long as the  
9 Board provides justification for waiving  
10 the public hearing.

11 MR. DOMINICK: I'd like to waive  
12 the public hearing based upon where the  
13 site is located. They are just expanding  
14 the parking lot to make it a larger  
15 parking lot to a certain degree. I  
16 think it's going to have minimal  
17 impact, especially with 84 as its  
18 neighbor.

19 MS. DeLUCA: I agree.

20 MR. MENNERICH: I agree.

21 MR. BROWNE: I would be in favor of  
22 that based on the comments.

23 MR. WARD: I agree.

24 CHAIRMAN EWASUTYN: I'm in  
25 agreement with the decision of the

Planning Board Members.

Would someone make a motion to waive the public hearing on the Manheim Auto Storage Expansion, project number 25-07.

MR. WARD: So moved.

MR. DOMINICK: Second.

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

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. CORDISCO: We'll note for the record that there was a public hearing that was held by the Zoning Board of Appeals that was a mandatory public hearing for this particular project.

CHAIRMAN EWASUTYN: Jim, would you happen to know if there were any comments

or input at the ZBA?

MR. CAMPBELL: I didn't read the minutes.

CHAIRMAN EWASUTYN: Thank you.

MR. WEBB: If I may. The one item that came up in the February meeting was related to the car spacing and the Fire Code. I placed a call in to, I believe Jim, your office, Mr. Campbell, and that was determined to be a nonissue.

MR. CAMPBELL: Correct.

CHAIRMAN EWASUTYN: Anything else?

MR. WEBB: The applicant would be interested in seeking a 5-acre waiver for disturbance. What would be the process of getting on a Town Board agenda? Would it have to be referred by this Board or would it be a separate application?

MR. HINES: That would be a letter to my office. Typically we request the amount of disturbance, the reason for the 5-acre waiver, and once the SWPPP is approved we can get that on a Town Board meeting. The Town Board meets the second

1                   and fourth Mondays of each month. That  
2                   is the procedure for that. The Town  
3                   Board grants that. They routinely grant  
4                   them as long as you can give a valid  
5                   reason why it's needed.  
6

7                   MR. WEBB: Would we have to  
8                   organize a public hearing for that  
9                   action?

10                  MR. HINES: No.

11                  MR. WEBB: That's it. Thank you  
12                  very much.

13                  CHAIRMAN EWASUTYN: Would someone  
14                  make a motion to close the Planning Board  
15                  meeting of the 15th of May 2025.

16                  MS. DeLUCA: So moved.

17                  MR. MENNERICH: Second.

18                  CHAIRMAN EWASUTYN: I have a motion  
19                  by Stephanie DeLuca. I have a second by  
20                  Ken Mennerich. Can I have a roll call  
21                  vote starting with John Ward.

22                  MR. WARD: Aye.

23                  MR. BROWNE: Aye.

24                  CHAIRMAN EWASUTYN: Aye.

25                  MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

(Time noted: 9:54 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 29th day of May 2025.

*Michelle Conero*

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MICHELLE CONERO