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

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In the Matter of

UNITY PLACE WAREHOUSE  
(25-24)

Northwest Corner of Old Little Britain Road  
and Unity Way  
Section 97, Block 2, Lots 14.12, 20 & 21  
Zone IB

-----X

AMENDED SITE PLAN

Date: February 5, 2026  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL  
Kenneth Wersted, PE, PTOE

APPLICANT'S REPRESENTATIVE:  
Dennis Rocks, P.E., Brooker Engineering

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: The Town of Newburgh Planning Board would like to welcome you to their meeting of February 5, 2026. This evening, we have six agenda items and one board business item.

At this time, we will call the meeting to order with a roll call vote.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MS. CHUMAS ARIAS: Victoria Chumas Arias, court stenographer.

MR. HINES: Pat Hines with MHE Engineering.

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

MR. WERSTED: Ken Wersted,

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2 traffic consultant.

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CHAIRMAN EWASUTYN: At this point, we'll turn the meeting over the Dominic Cordisco, Planning Board attorney.

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MR. CORDISCO: Please rise for the Pledge.

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(The Pledge of Allegiance was recited.)

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MR. CORDISCO: If you would kindly silence your cell phones, put them on vibrate, so they don't disturb the meeting. Thank you.

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CHAIRMAN EWASUTYN: First item on the Planning Board agenda is Unity Place Warehouse. It's project number 25-34. It's before us this evening as amended site plan lot line change. It's on the northwest corner of Old Little Britain Road and Unity Way. It's an IB zone, and Dennis Rocks of Brooker Engineering will make the presentation.

MR. ROCKS: Good evening,

Unity Place Warehouse

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Dennis Rocks. I'm from actually

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Brooker Engineering preferred by

4

Weston and Sampson.

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CHAIRMAN EWASUTYN: Thank you.

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MR. ROCKS: I am here today

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with Sean O'Connell from Anderson

8

Engineers, Joseph Muccin from

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Colliers Traffic Engineers, and

10

Elliot Spitzer for the applicant.

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And we might be joined by our

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attorney, John Cappello. We are

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happy to be here tonight. We were

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with you last on December 4th when we

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had introduced to the Planning Board

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a complete set of plans. We had met

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with you back in August with the

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conceptual plan, but then, for the

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December meeting we had the full

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design site plan. And so, we met

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with you then. We received some

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comments from the Planning Board. We

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received written comments from your

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traffic consultant and your

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engineering consultant.

COPYCAT COURT REPORTING

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And so, we're back here tonight, and what we've done is we have responded to the comments. And some of the comments include the -- there was a request for -- we had a field stone retaining wall here, so we added the same here.

There was a request for some EV parking spaces, so we added six on each side.

And then, there was discussion also related to truck access from Old Little Britain Road, and so we have improved that.

And so, the last time we were here for the previous application, there was a clearance bar. And so, from -- that got removed, and so, we brought that back. So, right now, what we have is we have a clearance bar here that primarily blocks the exit part of the driveway. All along here we have signage for trucks to exit this way towards Unity Place.

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And then here, we have two signs:

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Trucks - no exit, and then, here, we

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have trucks - no right in. Here, we

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have trucks - no left in. And so,

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hopefully, with the combination of

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the signs and clearance bar we have

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created an environment that's not

9

conducive to truck traffic and have

10

accomplished the goal where trucks

11

would not access Old Little Britain

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Road.

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So, for SEQRA, what we've done

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is we've provided the Board with a

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summary table that compares the

16

previous application to that

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application in hopes that we

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piggyback from the previous SEQRA

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evaluation for this application.

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And we have new comments from

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your traffic consultant and your

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engineering consultant. And some of

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the comments don't require any

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action. And the balance of the

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comments we agreed with. So, we have

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2 no issues there. So, really, what we  
3 are looking forward to is any other  
4 additional comments. We will go over  
5 the consultant's comments. But we  
6 are looking forward to, whenever the  
7 Board is ready, a public hearing.  
8 And we would love to move forward  
9 with SEQRA whenever the Board is  
10 ready.

11 So, Sean, could you say a few  
12 words about the architecture? Thank  
13 you.

14 MR. O'CONNELL: Good afternoon,  
15 everyone. My name is Sean O'Connell,  
16 from Anderson Design Group, the  
17 architecture firm working on the  
18 project. We do have our set of  
19 drawings here, if you want me to go  
20 through it, although it's the same  
21 building as our last presentation.  
22 So, mainly, I wanted to go over some  
23 of the comments.

24 So, probably first and  
25 foremost, when it comes to roof, we

1  
2 are going to be replacing the black  
3 EDM roof that we were calling it for  
4 a more sustainable, cooling roof.  
5 So, we will be providing a white TPO.  
6 It generally brings the heat down, so  
7 that it is less heat to be gained by  
8 the building.

9 The other thing, speaking of  
10 the roof, is solar panels. So, what  
11 we've done is we've already  
12 engineered the structure of the  
13 warehouse, and the beams, and  
14 columns, so that it can withstand all  
15 demos of any solar structure that  
16 would go up there. So, this would  
17 definitely be preferred over any  
18 solar over individual parking spaces,  
19 since the structure is already there  
20 and the nature of potentially the  
21 tenants coming in, which tenants  
22 would like that and which tenants  
23 would not.

24 And, I guess, the last  
25 architectural comment would just be

1  
2 on the dark sky lighting. So, the  
3 lighting that we are going to be  
4 providing in the perimeter of the  
5 building and throughout the site  
6 would all be dark-sky compliant. And  
7 so, essentially, that would keep  
8 light pollution down to a bare  
9 minimum, make sure all light is  
10 shining downwards, and nothing or  
11 almost nothing going up to -- going  
12 towards light pollution.

13 Those are our main  
14 architectural line act items in  
15 response to the comments. I don't  
16 know if there is any other comments  
17 you wanted or if there were responses  
18 to those.

19 CHAIRMAN EWASUTYN: Dave  
20 Dominick?

21 MR. DOMINICK: I just want to  
22 thank you, Sean and Dennis. I know  
23 we talked a great length about trucks  
24 not accessing -- leaving the site and  
25 going onto Old Little Britain Road.

1  
2 And I appreciate you bringing the bar  
3 back, and I know Mr. Spitzer  
4 mentioned that at the last meeting.  
5 I appreciate those comments as well,  
6 trying to set everything correct for  
7 us. That is all I have.

8 MS. DeLUCA: I have no further  
9 questions. But a comment is, again,  
10 with Dave, thank you for your  
11 consideration with the neighborhood  
12 that you're in and accommodating to  
13 their needs as well. So, thank you.  
14 Appreciate it.

15 MR. MENNERICH: I have no  
16 questions.

17 CHAIRMAN EWASUTYN: I think  
18 your presentation currently is  
19 complete. The evening of the public  
20 hearing, please bring along  
21 renderings, color renderings of the  
22 features of the new building.

23 MS. CARVER: I have nothing  
24 further.

25 MR. WARD: With the clearance

1

2 bar, how high is it?

3 MR. ROCKS: The clearance bar  
4 is about nine and a half feet high.5 MR. WARD: Okay, that's what I  
6 wanted to know. And with the solar  
7 panels, I'm just asking, is there any  
8 glare with those?

9 MR. O'CONNELL: No.

10 MR. WARD: The reason why I'm  
11 asking, for the neighbors, and  
12 airport, and everything else.13 MR. O'CONNELL: Absolutely.  
14 So, there's a few ways of tackling  
15 this. One would be the parapets that  
16 we're providing on each edge, that  
17 these would not be visible. The  
18 second one would be all of the  
19 photovoltaic arrays will be almost  
20 always they're black now, so they  
21 really limit the glare. On top of  
22 that, the angle that the solar panels  
23 would be set at wouldn't be -- well,  
24 in the location that we are, they  
25 wouldn't be of any concern for any of

1

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the neighbors.

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MR. WARD: And is there any screening for them?

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MR. O'CONNELL: It would be the parapet.

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MR. WARD: Very good. Thank you.

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CHAIRMAN EWASUTYN: Ken Wersted, traffic consultant?

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MR. WERSTED: We just had a comment about that clearance bar on the truck turning movement diagram. I believe a truck may have to go underneath it to back into the first loading bay, closest to the left-hand side of the page. Just look into that. Right now, it's shown getting around it, but as it pulls forward, it might have to go underneath.

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And then, just the truck exit signs, putting an arrow on them to direct them all, you know, up to the north. Thank you.

CHAIRMAN EWASUTYN: Jim

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Campbell, Code Compliance?

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MR. CAMPBELL: The only comment I had is the fire department did look at it, and they had no additional comments.

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CHAIRMAN EWASUTYN: Thank you.

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Pat Hines, at MHE?

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MR. HINES: We had a lot of comments. Some of them are just statements, as Mr. Rocks stated, that don't need a response. The Planning Board declared its intent for lead agency back in September, and it was circulated on December 18th. So, the Board would now be in a position to declare itself lead agent for the Type I Action, which is an action the Board can take tonight.

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We have the storm water pollution prevention plan in my office, and it's under review.

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This project also now contains or consists of a lot consolidation plan. The two residential lots that

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2           were purchased to add the additional  
3           land to bring the project up to  
4           17-and-a-half acres, that's also an  
5           action before the Board to  
6           consolidate those lots. I'm just  
7           hitting the high points of some of  
8           these.

9                     The previous approval for the  
10           project had a post-construction  
11           traffic monitoring plan. And just to  
12           remind the Board that that would be  
13           continued in any future approvals.

14                    We'll need a revised flow  
15           acceptance letter from the City of  
16           Newburgh. I will work with Mr.  
17           Rocks's office to get that done.

18                    There is new roadway dedication  
19           required for the frontage of the lots  
20           that were obtained, the residential  
21           lots. So, those lots go out to the  
22           center line of the road, and there is  
23           a proposed roadway dedication for  
24           that.

25                    The county planning referral

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was made back in December, and we

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received back a local determination

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with some advisory comments. The

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tree preservation plan has been

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updated to include the additional

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lots, and that plan is acceptable.

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And I think the Board would be in a

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position now to schedule the public

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hearing, if it desired.

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CHAIRMAN EWASUTYN: Dominic

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Cordisco, Planning Board attorney?

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MR. CORDISCO: I concur, a

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public hearing at this point would be

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appropriate.

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CHAIRMAN EWASUTYN: We will

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move for two motions, one to reaffirm

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that lead agency for Unity Place

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Warehouse, project number 25-34, and

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also the same applicant up for a

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public hearing on the 5th of

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March 2026.

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MS. CARVER: So moved.

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MR. DOMINICK: Second.

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CHAIRMAN EWASUTYN: We have a

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motion by Lisa Carver and second by

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Dave Dominick. Can I have a roll

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call vote starting with John Ward?

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MR. WARD: Aye.

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MS. CARVER: Aye.

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CHAIRMAN EWASUTYN: Aye.

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MR. MENNERICH: Aye.

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MS. DeLUCA: Aye.

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MR. DOMINICK: Aye.

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CHAIRMAN EWASUTYN: Motion

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carried. Thank you.

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MR. ROCKS: Thank you very

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much.

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MS. DeLUCA: I just have one

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question. I apologize for throwing

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this in here. Solar panels, are they

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optional for the business, or is --

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MR. O'CONNELL: It's not

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something that we are going to be

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installing at this moment. What we

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are doing is we are preparing the

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structure for it. Depending on the

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tenants, if the tenants want to come

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in, and they choose to be net zero,

Unity Place Warehouse

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it's an option for them.

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MS. DeLUCA: Thank you. Sorry.

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(Time noted 7:10 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK            )  
  :  SS.:  
COUNTY OF ORANGE            )

I, VICTORIA CHUMAS ARIAS, a Notary  
Public for and within the State of New  
York, do hereby certify:

That the witness whose examination is  
hereinbefore set forth was duly sworn and  
that such examination is a true record of  
the testimony given by that witness.

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 18th day of February 2026.



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VICTORIA CHUMAS ARIAS

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

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In the Matter of

3 MARINERS COURT - PAPALEO  
(24-35)

3 Mariners Court  
Section 60, Block 3, Lot 23  
Zone R1

-----X

CLEARING AND GRADING

Date: February 5, 2026  
Time: 7:11 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL  
Kenneth Wersted, PE, PTOE

APPLICANT'S REPRESENTATIVE:  
David Niemotko Architect, P.C.

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: Our second item of business this evening is 3 Mariners Court - Papaleo. It's projet number 24-35. It's before us this evening for a clearing and grading permit. It's located on 3 Mariners Court in an R1 zoning district. And it's being represented by David Niemotko, architect.

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MR. NIEMOTKO: Hello, everyone. Well, good evening, everyone. We're back in response to the last meeting. The Board had requested few more additional items, and we provided them. Those items included a new application, which we provided. The long form EAF, the Board also wanted an existing condition survey of the property, which was performed by Darren Strideiron, showing the grading to date and the location of the initial retaining wall, and it's height, and it's elevation. So we provided that.

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We further did a design with our plans showing the retaining wall and the grading that would be proposed. And we provided a rendering of what the wall would look like. The wall is consistent with the other walls along Mariners Court. And it is the same material, the same color. It's not really visible from Mariners Court, but it is visible from the neighbor, and that's the view that we showed.

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And also, we provided the email receipt that we did apply to DEC, or actually National Heritage Provision. That was the portal that's provided through SHPO, and we're waiting for their response, which said it would be four to six weeks, and we are about at the fifth week now.

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CHAIRMAN EWASUTYN: Thank you. Let's start with comments from our consultants. Ken Wersted, do you have any comments on this project?

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MR. WERSTED: I do not.

CHAIRMAN EWASUTYN: Jim  
Campbell, Code Compliance?

MR. CAMPBELL: The first few of  
my comments are repeats from the last  
meeting. A stop work order is still  
in place regarding this work. A  
retaining wall will require a  
building permit, full design by a  
licensed professional, and  
third-party inspections, and a  
certification when complete by a New  
York State licensed professional.

Based upon the quantities of  
import, area of coverage, and the  
addition of a retaining wall, a full  
geotechnical evaluation is required.

The drainage pipe that starts  
on the north side of the driveway  
sort of comes and discharges at the  
property line. It's sort of  
shotgunning onto the neighbor's  
property. I don't know if that could  
be tied into the system in the

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easement or if something else can be done. I just feel that would be the next complaint from the neighbor.

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MR. NIEMOTKO: We definitely have some thoughts we would like to share with that. I mean, the 18-inch water pipe right now is laid out at its old grade; that hasn't been raised. It hasn't been moved. So, we could continue it through the wall instead of ending it at the wall with a tapered section and riff raf to maybe another drainage structure in the drainage easement, and then connect it from that drainage structure to the existing one. So, it would remain contained throughout instead of spilling out onto the other property line, as long as we could get consensus that we could use that drainage easement to place an additional structure.

MR. WERSTED: And then, the photo rendering doesn't appear to be

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a true depiction of the site

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conditions. A lot of growth there.

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MR. NIEMOTKO: I take offense

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to that. That was a picture from

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actual -- from the neighbor's yard

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where the wall is seen at most. What

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is probably deceiving about it is

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that wall is only 18 feet high, but

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yet, there is still another 16 to

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18 feet above that to get to the

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level of the house. So, you have

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quite a bit of distance.

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MR. WERSTED: I was talking

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more of the trees and stuff. Is that

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still there?

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MR. NIEMOTKO: Yes.

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MR. WERSTED: I thought it was

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clear.

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MR. NIEMOTKO: Not on both

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sides. It's cleared in the middle,

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as we show, but not on both sides.

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Along Mariners Court, it exists. And

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along the other property line, it

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exists.

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MR. WERSTED: That's all I

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have.

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CHAIRMAN EWASUTYN: Pat Hines,

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at MHE Engineering?

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MR. HINES: Unfortunately, I

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didn't have the benefit of the

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survey. I think that's why Jim had

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two. So, some of my comments are not

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applicable. I did look at that

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during the work session.

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We're going to need the

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information from DEC. They have

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notified the Town of a potential

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eagle habitat in that area.

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As Jim mentioned, additional

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design materials of the wall, ARB

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approval for that wall. The wall is

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substantial. We discussed at the

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work session it's higher than the

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heating unit there.

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There is a need, eventually,

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for a public hearing. And then, we

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discussed at the work session whether

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a technical work session should be

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held with the applicant and their

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representatives to complete the

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necessary details prior to scheduling

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a public hearing.

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CHAIRMAN EWASUTYN: Dave

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Dominick, Planning Board member?

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MR. DOMINICK: Nothing further.

9

CHAIRMAN EWASUTYN: Stephanie

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DeLuca.

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MS. DeLUCA: Nothing further.

12

MR. MENNERICH: Nothing.

13

CHAIRMAN EWASUTYN: No comments

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at this period of time.

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MS. CARVER: I have none.

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MR. WARD: None.

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CHAIRMAN EWASUTYN: Dominic

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Cordisco, Planning Board attorney?

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MR. CORDISCO: No comments,

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other than I would encourage the

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applicant to schedule the technical

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work session so that those details

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can be worked out prior to the public

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hearing.

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CHAIRMAN EWASUTYN: Can I have

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an approval from the Planning Board

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members to set a consultant's work

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session meeting for the 3rd of

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March 2026 for the application of 3

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Mariners Court - Papaleo, project

7

number 24-25?

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MR. WARD: So moved.

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MS. CARVER: Second.

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CHAIRMAN EWASUTYN: We have a

11

motion by John Ward and a second by

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Lisa Carver. Can I have a roll call

13

vote starting with Dave Dominick?

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MR. DOMINICK: Aye.

15

MS. DeLUCA: Aye.

16

MR. MENNERICH: Aye.

17

CHAIRMAN EWASUTYN: Aye.

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MS. CARVER: Aye.

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MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Motion

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carried.

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You will work with Pat Hines as

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far as the time of that meeting?

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MR. NIEMOTKO: Absolutely.

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CHAIRMAN EWASUTYN: Thank you.

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MR. HINES: I will just have to confirm that this room is available. If not, we'll have to find another location. But I'll check that on Tuesday when I'm here.

MR. NIEMOTKO: Sure. Just let us know, and we will make us both available.

(Time noted 7:18 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK            )  
  :  SS.:  
COUNTY OF ORANGE            )

I, VICTORIA CHUMAS ARIAS, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such examination is a true record of the testimony given by that witness.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of February 2026.



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VICTORIA CHUMAS ARIAS

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

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In the Matter of

READY COFFEE  
(26-02)

1422 Route 300  
Section 60, Block 3, Lot 23  
Zone IB

-----X

INITIAL APPEARANCE / AMENDED SITE PLAN

Date: February 5, 2026  
Time: 7:18 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL  
Kenneth Wersted, PE, PTOE

APPLICANT'S REPRESENTATIVE:  
Rick Bartlett, AIA, H2M Architect &  
Engineers

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: Our third item of business this evening is Ready Coffee, application number 26-02. It's an initial appearance for an amended site plan. It's located on 1422 Route 300. It's an IB zone, and it's being represented by Rick Bartlett.

MR. BONNEM: Hi. I'm Jed Bonnem, from Ready Coffee. I will do a quick introduction. So, this is our second location, proposing a second location in the Town of Newburgh. First location, if you remember from 2020, is on North Plank Road. I think that location has been well received by the community. It's a great addition, I think, to the Town of Newburgh. It seems to be really well liked and loved by the residents of this town. We've noticed that's become very busy, and we have spent a few years thinking about how we can, you know, what our

1  
2 next steps will be here in the Town  
3 of Newburgh. And we've found a site  
4 which we'll be proposing this  
5 evening.

6 The idea here is to build a  
7 store that kind of takes all of those  
8 accumulated lessons over the last two  
9 years of what we've observed at that  
10 store. Obviously, it's a store we  
11 observe every day. We see how it  
12 processes customers, and, you know,  
13 our goal with this store is to sort  
14 of utilize that accumulated learning  
15 so that we can provide a site that  
16 basically solves two problems. The  
17 first is to be better, faster,  
18 stronger, so it's a store that is  
19 built to process a lot more volume, a  
20 lot more fluidly. And we can talk  
21 about that. The second is simply  
22 provide a second store in the Town of  
23 Newburgh and sort of provide a bit of  
24 an outline for those who are going to  
25 the North Plank Road store to go here

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instead and share that load.

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We really like the plan we have come up with, which we will go into more detail, but we think we solved the problem with the parcel that we're looking at where there is an access road to the former theater. Our goal is to utilize and have an easement with that property, with that property owner, so that we can improve the circulation of this particular store. I think many of you are familiar -- I think the first time I was here, years ago, I gave you a big, long overview of what Ready Coffee was. I don't think I need to do that tonight.

And I will just say I think this is a great store design. It utilizes really modern upgrades in how drive-thru is done in a much more fluid and ease-of-processing way for our customers. So with that, I will turn it over to H2M.

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CHAIRMAN EWASUTYN: Thank you  
for that.

MR. PETERS: Sean Peters, H2M  
Architect & Engineers. What I would  
like to do is just give the Board a  
brief overview. I know you're  
probably pretty familiar with the  
area, but just an overview of what  
goes on in the adjacent area and the  
currently project site. So, the  
current project site is located along  
Route 300. It is currently improved  
with a 1,300-square-foot smoke shop,  
a small parking lot area, and, you  
know, little to no other improvements  
on the site. The site does get  
access, both northbound and  
southbound, from Route 300, so that  
is something that we are looking to  
continue to do with this project. We  
also do note that the surrounding  
area, being that this is the  
industrial business zoning district,  
there is a number of commercial

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2           developments, as well as different  
3           establishments, including fast food  
4           establishments. There's a Taco Bell,  
5           Wendy's, and there's Dunkin right  
6           here, and I believe a McDonald's down  
7           a little farther. So, there's a  
8           number of other fast food and  
9           drive-thru facilities on this road  
10          that also use Route 300 for access.  
11          So, I just wanted to touch on that,  
12          just an overview of the site area as  
13          it is and then touch on the proposed  
14          improvements.

15                 So, for the proposed  
16          improvements, the site will be  
17          improved with a 700-square-foot  
18          building, so about half the size of  
19          the existing building on the site.  
20          The site will have entrance from  
21          Route 300 and will feature two  
22          service lanes, which will wrap around  
23          the building to extend that queueing  
24          process and avoid backing up onto  
25          Route 300. The site will have one

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point of egress, which will be the

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shared access from the proposed

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storage facility and the previous

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cinema that existed there.

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As Jed mentioned, there was a

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lot of thought that went into laying

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out this circulation, so I did want

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to point out a few things. First of

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all, we're going to maintain that

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existing curb cut along Route 300,

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and that will be for entrance only.

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We did that intentionally so that

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we'd avoid conflict in that area and

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allow cars to transition into the

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parking lot without having conflicts

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or cars trying to exit there because

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we know how busy Route 300 is. Cars

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would then pass around and exit

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through a singular point here. When

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we did submit our initial letter to

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the Chairman, we were showing two

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exits. We've consolidated that to

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one, and the reason being is that,

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again, looking to eliminate conflicts

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2 at the intersection with Route 300  
3 by exiting here to allow for cars to  
4 queue at the light, and then exit,  
5 you know, when they have a green  
6 light there. So, I just wanted to  
7 point that out.

8 Other improvements on the site  
9 include nine new parking spaces; a  
10 dumpster enclosure in the rear of the  
11 site; a courtyard and seating walls,  
12 again, you know, really trying to  
13 make this project visually appealing  
14 to those driving by; some landscaping  
15 site improvements; and obviously, as  
16 we get more into detailed design, you  
17 will see all of utility features,  
18 storm water management, as required  
19 for this project.

20 So, just to emphasis on, you  
21 know, what is going on on Route 300,  
22 obviously, the DOT is going to be  
23 very interested in this project given  
24 its location. We wanted to come here  
25 before this Board and present the

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2 project as is, get any feedback that  
3 you might have, and then engage the  
4 DOT to get their feedback to make  
5 sure that they're buying in on what  
6 we are proposing on this site, and  
7 that there's not any concerns or  
8 comments that they have, and get that  
9 done as soon as possible to make sure  
10 that what you're looking at and what  
11 the DOT is looking is synchronized.

12 So, I think that's all I had  
13 for high level. We did receive four  
14 different comments from your  
15 consultants. Among them, I just  
16 wanted to touch on SEQRA. Your  
17 Planning Board engineer noted that  
18 this is categorically a Type II  
19 action under SEQRA, given that it's a  
20 700-square-foot building, well below  
21 the 4,000-square-foot threshold. We  
22 do agree with that being categorized  
23 as a Type II action, so I just did  
24 want to mention that. And unless,  
25 Jed, do you have anything else to

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add?

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MR. BONNEM: No. There were questions, and perhaps those will come out in your own questions. There were just a number of, I think, some proposals, some ideas. And we're happy to address any of those.

CHAIRMAN EWASUTYN: Jed, Sean, if it's alright with you, we will start with our consultants. And we will start our first consultant being Ken Wersted from Creighton Engineering, our traffic consultant.

MR. WERSTED: Good to see you again from your first project. I don't think you had as much involvement with DOT on the first one as you will, you know, on this one simply because of the access. And so, it's great that you're going to start off and get their comments early. And I'm enthusiastic that this neighbor of the storage shop is willing to share the access because I

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think that's going to be critical and  
a great bonus for this location.

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My comments largely revolve  
around the circulation. I did have a  
comment about, you know, the  
passenger side of the cars being  
closer to the building. But if you  
are -- if you have attendants out  
there taking orders and whatnot, that  
may be less of an issue. I think the  
biggest concern is just the ability  
for the drive-thru to back of towards  
Route 300, and once you hit that,  
it's kind of critical. So, I  
suggested a different orientation of  
the drive-thru to take a look at.  
Jim had received some comments from  
the fire department today. I think  
those will get circulated to you.  
So, between that, the Board, and DOT,  
that's really going to drive probably  
a lot of how the access is going to  
shake out. I wouldn't be surprised  
if DOT were to come back and say you

1  
2 have access to a traffic light right  
3 next to you, so your access to  
4 Route 300 directly may be limited to  
5 a right in/right out only because you  
6 have that. So, I'm happy to explore  
7 my comments further and any questions  
8 that you have.

9 CHAIRMAN EWASUTYN: Jim  
10 Campbell, Code Compliance?

11 MR. CAMPBELL: Yes. In future  
12 submittals, we'll need more detailed  
13 information regarding the  
14 freestanding sign, if there's going  
15 to be a freestanding sign and  
16 building mounted signs. If you could  
17 show the parking calculations and we  
18 also have code section that requires  
19 three additional, make sure we have  
20 the total count needed.

21 A few variances will be  
22 required for the use, being it's a  
23 standalone and our bulk table  
24 requires the restaurant to be in  
25 conjunction with a shopping center,

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2 theater, or office. It's a  
3 standalone, so it would need a  
4 variance for that. The lot size  
5 required is 40,000 square feet,  
6 provided 14.8. Lot with required  
7 150, 100 provided. Rear yard  
8 required 60, proposed to be  
9 determined because we are unsure what  
10 that rear canopy, what that will be.  
11 One side yard required 30, proposed  
12 18.2. Both side yards required 80,  
13 proposed 62.7. Future submittals  
14 should show the ADA signage. And I  
15 circulated -- did you receive the  
16 fire chief's comments? If you could,  
17 comment on that.

18 CHAIRMAN EWASUTYN: Pat Hines  
19 with MHE Engineering?

20 MR. HINES: Yes, this is the  
21 initial appearance for this project.  
22 We have a system of adjoiners'  
23 notices. I will work with your  
24 office. I will provide the notice,  
25 and the mailing list, and

1  
2 instructions on what need to be sent  
3 out. We send a notice to all parcels  
4 within 500 feet after your initial  
5 appearance tonight.

6 Second comment has to do with  
7 it being a Type II action. It does  
8 need approval from DOT. I think Ken  
9 Wersted is coordinating with DOT on  
10 this. Typically, we would send a  
11 letter, but Ken's involved, so he  
12 will work directly with them.

13 Orange County Planning  
14 Department will be required, once we  
15 have more detailed plans. If you  
16 could discuss after my comments the  
17 product delivery. As Ken mentioned,  
18 the passenger's side of the vehicles  
19 are at your drive-thru window. And  
20 --

21 MR. PETERS: You said you  
22 wanted me to address it after your  
23 comments?

24 MR. HINES: Yeah, if we want to  
25 come back to that. I am just going

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to go through the rest of these.

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Mr. Campbell went over the ARB and zoning requirements. We need a note on the plan regarding the demolition of the existing building and the need for a permit.

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The easement for the adjoining property will have to be worked out during that process, but would certainly need to be done before any approvals. Sight lighting plan should be submitted. Any landscaping should be submitted. The dumpster enclosure looks difficult to get at, but I'm sure you'll coordinate when your pickup is during your slower times. I don't think you want the garbage truck in your queue. I think that one area here should be designated as your required loading spot, the side of the building where you come through. And again, timing of that delivery could be worked out.

And then, I provided a copy of

1  
2 the Town's standard parking lot  
3 striping for your use.

4 CHAIRMAN EWASUTYN: Dominic  
5 Cordisco, Planning Board attorney?

6 MR. CORDISCO: If the Board  
7 would see fit, you could refer this  
8 matter to the Zoning Board of Appeals  
9 for the variances that's outlined by  
10 Mr. Campbell.

11 CHAIRMAN EWASUTYN: And you'll  
12 prepare that referral letter?

13 MR. CORDISCO: Yes, sir.

14 CHAIRMAN EWASUTYN: Comments  
15 from Board members? Dave Dominick?

16 MR. DOMINICK: Yes. First, Jed  
17 or Sean, for housekeeping purposes,  
18 on the application, it's the Orange  
19 Lake Fire District. That was left  
20 blank.

21 Second, as Pat said, could you  
22 walk us through the business model as  
23 somebody drives through? Because you  
24 have two lanes. The lane closest to  
25 the building, do they get the window?

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The lane furthest of the building,  
3 does somebody come out? Do they come  
4 out to both? Walk us through that,  
5 if you could.

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MR. BONNEM: I know it's not  
evident from just looking at this  
two-dimensional picture, so I guess I  
will start with this. Both lanes  
will be served with equal ease and  
speed. There isn't a window; there's  
a door. So, there is a sliding door,  
and the employees will come in and  
out of the building to not only take  
orders -- so, if you have been to our  
North Plank store, you'll notice the  
employees are out there. We are a  
face-to-face company, which people  
really like about us. And this will  
be no different. So, employees will  
come out of that door or the back  
door to take orders in the line.  
They are holding iPads, as you have  
seen at our other store. Those  
orders are electronically transmitted

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2           into the kitchen, and those orders  
3           are prepared. When they're done,  
4           this sliding door there, the  
5           employees are -- just like you see  
6           the employees with the iPads at North  
7           Plank, there will be employees taking  
8           orders out to the car.

9                    You are correct, in this  
10           configuration, the passenger side is  
11           pulling up to the building, to that  
12           side of the building. We have  
13           experience with this. So, we now  
14           have six locations on Long Island.  
15           They almost all work this way. And  
16           so, we serve many, many drinks  
17           through the passenger's side, and it  
18           actually works great. But both lines  
19           will be served through the  
20           passenger's window. So, if someone  
21           is in this closest lane, the barista  
22           who is at that door probably just  
23           kind of hands it right through the  
24           window to them face-to-face. We are  
25           putting a striped, not a curbed,

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2 median between the two lanes so that  
3 the employees can freely circulate  
4 there and go and hand the order, too.  
5 It's mostly likely the order will be  
6 taken back here, it's prepped, and  
7 then a minute or two later it is  
8 passed through their passenger window  
9 to them. So, that's how service is  
10 going to work.

11 I will mention that, actually,  
12 a little chart -- maybe I will pass  
13 out. It's worth -- you guys can pass  
14 this around, if you want. So this  
15 type of design -- so, the store on  
16 North Plank, when it is operating at  
17 full speed, can process about 85  
18 visitors an hour. With two doors and  
19 multiple what we call "bars," the  
20 bars are where we prep the drinks,  
21 this building will have multiple  
22 lanes and also will have multiple  
23 bars, we'll be able to process about  
24 130 cars, if we need to. Now, are we  
25 going to receive 130 cars per hour?

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2 Not likely, but the point of this is  
3 that this line should remain  
4 relatively short. If you have been  
5 to these double lane McDonald's, in  
6 fact, there is one right next door on  
7 North Plank; we have one near our  
8 office in Hopewell Junction; they are  
9 all over the place now, you never see  
10 the lines going down the street. So,  
11 these are really efficient for  
12 processing the stack or the queue,  
13 and that's essentially the approach  
14 we are taking here. Our stores on  
15 Long Island have a similar  
16 configuration to this, and the  
17 processing speeds are much faster.  
18 So, I think, you know, in your heads  
19 perhaps think of those double lane  
20 McDonald's or Chick-fil-A that in  
21 some cases have six or seven lanes,  
22 that's the approach we are taking. I  
23 don't know if that answers your  
24 question.

25 MR. DOMINICK: Yeah, it does.

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It cleared it up. The industry is changing, that's for sure.

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MR. BONNEM: Well, nobody wants a big, long line. And actually, it's better for the customers. So, our North Plank store has a single drive-thru lane. If one of those cars is ordering eight drinks, you know, someone from a local business who is picking up for the people they work for, that holds up everyone. Whereas, in a design like this, those sorts of delays are far less likely to happen. And if they do, they're handled more fluidly.

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MR. DOMINICK: Thank you.

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My other question is we were talking at the workshop about pedestrian safety. Just to the west and across the street is a large shopping mall. Probably most of the popular stores there and the ones coming will be the same type of demographics that buy your product.

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2           So, we would like to -- I would like  
3           to see if we can look at maybe some  
4           type of crosswalk across 300  
5           connecting the Stop & Shop plaza to  
6           your site and how that all plays  
7           into.

8                   MR. BONNEM: Okay. Do you have  
9           any thoughts on that, Sean?

10                   MR. PETERS: I think, again,  
11           some of this comes to having an  
12           initial discussion with the DOT and  
13           seeing their thoughts on it as well.  
14           And then, we can provide feedback to  
15           the Planning Board on that.

16                   MR. BONNEM: Yeah, I mean, I  
17           have run across that road on many  
18           occasions. You've got to be quick.  
19           If people are going to cross safely,  
20           there would have to be some sort of  
21           managed crosswalk.

22                   MR. WARD: That is why you are  
23           wearing sneakers.

24                   MR. BONNEM: Don't want to get  
25           get run over.

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MR. DOMINICK: That's all I  
have at this time. Thank you.

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MS. DeLUCA: I have one  
question and a comment. One question  
was in regards to -- I don't know if  
there was a proposed canopy somewhere  
out there. Can you describe the  
purpose for that or if that is even  
going to be happening?

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MR. BONNEM: So, the idea is to  
-- at our North Plank store, there is  
really not good rain coverage. So if  
it -- I see some nodding heads. So,  
if there is a little bit of rain,  
it's fine. If there is a torrential  
downpour, it's terrible, and there is  
just not enough canopy there. So, in  
our newer stores -- we are about to  
open a new store in Middletown -- we  
are providing these more complete  
canopies where it goes over -- the  
idea is not to feel heavy, but to  
provide coverage in those situations.

Here, we want to create a nice

1  
2 hospitable place for people to be  
3 served, and we want to avoid these  
4 bad situations when it's really  
5 raining, which it does here certainly  
6 in the summer. So, in the back there  
7 we are planning a canopy that has  
8 this type of coverage.

9 MS. DeLUCA: Okay. And my  
10 second question, minor, I was just  
11 curious, how many people do you  
12 usually employ?

13 CHAIRMAN EWASUTYN: Good  
14 question.

15 MR. BONNEM: So, in a store  
16 like this, typically in the low 20s,  
17 so 23, 24 people. So, we run three  
18 shifts a day, seven days a week, so  
19 that's 21 shifts. An employee count  
20 in the 20s sort of fills that out.

21 MS. DeLUCA: Okay. Thank you.

22 MR. MENNERICH: On the  
23 illuminated menu board, I am curious  
24 about the placement of it being near  
25 the end rather than where people come

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in. Is there some logic to that as

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to why?

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MR. BONNEM: Yeah. So, this --

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I would say we -- once we get general

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comments on the larger circulation

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issues, we'll figure out exactly

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where those menu boards go. Most

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likely, we will have one further back

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in the line. It's not shown here

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yet. It's our intention to show

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those as we get further along in.

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But I will say that once someone has

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visited us, I don't know what the

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number is, four or five times, they

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really don't look at the menu board

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anymore.

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Secondly, as I mentioned

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before, we are really a face-to-face

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business. Our baristas are mostly

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out there with customers, and so that

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is where a lot of the decision-making

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takes place, is face-to-face with

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that barista. Do people look at our

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menus? Yeah, but they are usually

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people on their first, second, third visit. But not after they've visited numerous times.

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MR. MENNERICH: Do the people predominately use credit cards or cash here?

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MR. BONNEM: So, interesting question. The last time I was in front of this Board, cash was probably low 40s percent. And today, it's low 20s percent. So, a lot has changed over the last four years or so, and yeah, people just -- everybody is digital today.

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MR. MENNERICH: Thank you.

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CHAIRMAN EWASUTYN: Jim, Code Compliance, the quantity of menu boards, is that a matter of Code Compliance how many?

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MR. CAMPBELL: Yes, because it could actually be considered signage.

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CHAIRMAN EWASUTYN: Can you explain that in more detail?

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MR. CAMPBELL: Basically, if it

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is visible from the roadway, it is  
signage.

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MR. BONNEM: Does it have to be  
pointing towards the road?

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MR. CAMPBELL: There is no  
definitive answer to that. But  
typically, if it is visible, it is  
signage. And we would rather send to  
Zoning if it has to go beforehand  
than before when you are ready to  
open.

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MR. BONNEM: Okay. So, I do  
think -- so, the way we configure our  
menu boards is -- it's easy. We know  
where they will go and most likely to  
go, so I think it would be easy for  
us to have that ready for any  
referral to the ZBA.

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MR. CAMPBELL: While you are  
talking, I will look up and see if I  
can find the specific section.

21

22

23

CHAIRMAN EWASUTYN: Dave, you  
mentioned, and a good question by  
Stephanie DeLuca, Planning Board

24

25

1  
2 member, the approximately 23  
3 employees that would be three shifts?  
4 My math skills are kind of weak, so  
5 how many employees would be working  
6 for each shift?

7 MR. BONNEM: Most would be  
8 four.

9 CHAIRMAN EWASUTYN: Four  
10 employees for each shift?

11 MR. BONNEM: Yes.

12 CHAIRMAN EWASUTYN: But you are  
13 saying overall there would be 23  
14 employees on a three-shift basis.

15 MR. BONNEM: So, all of our --  
16 almost all of our baristas are  
17 part-time, so they are in school.  
18 So, very few of them are working a  
19 full load during the week. So, we  
20 need, you know, some of our employees  
21 just do two or three shifts a week.  
22 Some do up to five shifts a week.

23 CHAIRMAN EWASUTYN: So, what  
24 you are saying is you are planning  
25 for adequate parking for your

1  
2 employees as it relates to the  
3 overall job site?

4 MR. BONNEM: Yes.

5 CHAIRMAN EWASUTYN: Okay. And  
6 it's only thought of this time of  
7 year, but I would like for you to  
8 give consideration to snow removal or  
9 snow storage. It's a rather tight  
10 site. Again, these are one of those  
11 things because this winter being this  
12 winter, but you should give some  
13 consideration to that. Those are all  
14 of the questions I have.

15 Lisa Carver?

16 MS. CARVER: What are your  
17 hours of operation?

18 MR. BONNEM: 5:00 a.m. until  
19 9:00 p.m.

20 MS. CARVER: And where would  
21 the employees park? Because you have  
22 parking to pull up if somebody wanted  
23 to go to the window, right? So,  
24 where do employees park?

25 MR. BONNEM: So, we usually

1  
2           instruct them to park in the spaces  
3           that are least convenient for our  
4           customers. So, they would most  
5           likely park in these outside spaces  
6           leaving a couple for the walkup. You  
7           know, we know our walkup trends  
8           pretty well. If you go to our  
9           Newburgh store, you'll see we have  
10          just a couple of spaces there. And  
11          that -- we monitor those. We watch  
12          film on that, actually, to see how  
13          they are being used, and the  
14          frequency, and that has been  
15          adequate.

16                 MS. CARVER: What is the  
17                 percentage of use there? Have you  
18                 calculated that?

19                 MR. BONNEM: We have. It's,  
20                 you know, around eight percent of our  
21                 visitors, 10 percent of our visitors.  
22                 But it's very time-of-day dependant.  
23                 There are a couple hours out of the  
24                 day where we get numerous walkups,  
25                 and then, we tend not to get them in

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2 other parts of the day.

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MR. DOMINICK: But your Newburgh store, your employees -- that store is centered right in the middle of the shopping plaza, and your employees park at the shopping plaza.

MR. BONNEM: They do.

MR. DOMINICK: So, here, you don't have that luxury.

MR. BONNEM: No. Although, that store we only have three parking spots that are dedicated to the store, for the most part, that the walkups use. It is true the employees who are on shift park out in that parking field.

CHAIRMAN EWASUTYN: John Ward, Planning Board member?

MR. WARD: Yes. Ditto on the crosswalk at Route 300 because we have a sidewalk over there coming across.

MR. BONNEM: Okay.

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MR. WARD: And pedestrian safety, now, I am connecting the dots. Where you have Route 300 and your entrance to right here, I am suggesting a sidewalk there for the --

MR. BONNEM: Could you say that again? Where are you suggesting? On this side?

MR. WARD: On this side.

MR. BONNEM: Not the other side?

MR. WARD: No. By your entrance to keep it towards there instead of, you know, it keeps it a flow of people.

MR. BONNEM: Yeah. And this other center here is really --

MR. WARD: No, I am talking on your store side.

MR. BONNEM: Exactly.

MR. WARD: Put the sidewalk there to drive in, you know, from the light to -- no. Right there. Right

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2           there. And what I'm suggesting too,  
3           it's all DOT, too. With the entrance  
4           to 300, not the light, if you do  
5           right turn in/right turn out, put a  
6           pork chop in there, so it's no left  
7           turns. People can't go because of  
8           the flow of the pork chop.

9           MR. BONNEM: Making a left turn  
10          out of here or out of here?

11          MR. WARD: The bottom entrance  
12          that you were saying over 300. Not  
13          the light. Right there. If it comes  
14          down to with DOT if it's a right turn  
15          in and right turn out, to put a pork  
16          chop there, so they can't come out,  
17          no matter what it is, as a left turn.

18          MR. BONNEM: We are doing  
19          entrance only.

20          MR. WARD: But I'm just saying.  
21          If it comes down to they want you to  
22          have an exit there, that's a  
23          suggestion with DOT.

24          MR. BONNEM: Got it, okay.

25          MR. WARD: And along 300 now,

1  
2 where your two entrances are, I'm  
3 suggesting on each side a stone wall  
4 along Route 300. It's within having  
5 24 feet with 24 inches high stone  
6 walls along there. It dresses up 300  
7 and presentation for your store.

8 MR. BONNEM: Do you know if --  
9 so -- this line here is our property  
10 line. This property here is the self  
11 -- was the cinema, now the  
12 self-storage storage. Do you know if  
13 they are putting in these features?

14 MR. WARD: You can communicate  
15 with them what they're doing. I  
16 emphasized that, too, with them.

17 MR. HINES: I don't believe the  
18 self-storage is putting anything in  
19 there because of the nature of that  
20 use.

21 CHAIRMAN EWASUTYN: They are  
22 putting landscaping.

23 MR. WARD: Landscaping then.

24 MR. BONNEM: We can get their  
25 site plan and see what they have.

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MR. WARD: Oh, yeah. You mentioned where you're having your employees in between the cars' right and left driver's side. I'm suggesting maybe where they are standing having a striped double line there so the cars don't come into them as a safety thing.

MR. BONNEM: You are saying --

MS. CARVER: So, for the two lanes.

MR. WARD: For the two lanes in the middle where they're standing to approach the cars. Cars can get too close, you never know. And the employee at least feels safe with the striped line.

MR. BONNEM: We will have to show this on the plan, but we will most likely have bollards or other physical --

MR. WARD: That's why I'm saying --

MR. BONNEM: -- features there

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2 to keep everybody more at place.

3 MR. WARD: That should do it.

4 Thank you.

5 MR. WERSTED: Just a quick  
6 question. Can you describe your  
7 delivery operation as part of the  
8 projet? How are goods typically  
9 delivered here, the times, kind of  
10 elaborate on that.

11 MR. BONNEM: You are talking  
12 about supplies?

13 MR. WERSTED: Yeah, supplies.

14 MR. BONNEM: So, we get  
15 supplies by panel truck -- we don't  
16 have any deliveries larger than panel  
17 truck -- from three different  
18 suppliers once a week. And so, that  
19 is our milk, other supplies. And --  
20 yup.

21 MR. WERSTED: How about the  
22 timing of it? Is it at 8:00 in the  
23 morning or 4:00 the night before?

24 MR. BONNEM: So, we do a lot of  
25 business with them at this point, so

1  
2 we can dictate schedule, which we do  
3 at all of our stores. And so, we  
4 tell them when to come, so it depends  
5 on which location it is. Here, we  
6 will figure out what the very best  
7 configuration is time-wise to do  
8 that. It's often in the morning.  
9 It's on usually like a Monday when  
10 things are slow. But yeah, it's  
11 something we manage store by store to  
12 minimalize [Sic] conflict.

13 MR. WERSTED: Thank you.

14 CHAIRMAN EWASUTYN: I think  
15 that is a good beginning discussion  
16 on the concept. As was mentioned  
17 earlier, Dominic Cordisco, Planning  
18 Board attorney will prepare a  
19 referral letter to the Zoning Board  
20 of Appeals. We'll take a break on  
21 that final letter to the Zoning Board  
22 of Appeals, Jeb, until you decide,  
23 and there is cooperation with Jim  
24 Campbell, Code Compliance, as to how  
25 many menu boards you propose to have

Ready Coffee

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on the sight. That way, it will be  
one submittal, one ZBA meeting. You  
will work with Pat Hines as far as  
the adjoiners' notices.

Is there anything else,  
Dominic, that we need to do at this  
point?

MR. CORDISCO: No, sir.

MR. BONNEM: Thank you.

(Time noted 7:53 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK            )  
  :  SS.:  
COUNTY OF ORANGE            )

I, VICTORIA CHUMAS ARIAS, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such examination is a true record of the testimony given by that witness.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of February 2026.



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VICTORIA CHUMAS ARIAS

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

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In the Matter of

THE LEAF NEW YORK LLC  
(26-01)

254 Route 17K, Suite 104 & 105  
Section 86, Block 1, Lot 86  
Zone IB

-----X

INITIAL APPEARANCE / AMENDED SITE PLAN /  
SPECIAL USE PERMIT

Date: February 5, 2026  
Time: 7:53 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL  
Kenneth Wersted, PE, PTOE

APPLICANT'S REPRESENTATIVE:  
Joseph Minuta, RA, Minuta Architecture, PLLC

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

The Leaf New York LLC

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CHAIRMAN EWASUTYN: Our fourth item of business this evening is The Leaf New York LLC, project number 26-01. It's an initial appearance for an amended site plan and special use permit. It's located on 254 Route 17K, and it's suites 104 and 105. It's in a IB zone, and it's represented by Joseph Minuta.

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MR. MINUTA: Good evening, Chairman, members of the Board. Joseph Minuta with Minuta Architecture. I'm here to represent a project called The Leaf. This is a cannabis dispensary, with a cannabis license through OCM. We have an existing building, existing retail building on Route 17K. And my client would like to take two of the spaces that are in that building, combine them for use of as a cannabis dispensary.

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CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance?

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MR. CAMPBELL: Basically, whenever it is changes are made to the signage, the signage has to conform. I think we had that on another project. So, the freestanding sign looks like it may need a variance or two. I just need clarification of the height of the sign, what is the front yard setback of the sign, and the sign face area. And then, also, the building-mounted signage per code Section 185.14 N(1)A(2) states if there is a freestanding sign onsite, that one square foot of sign area per linear foot of building wall at front on a street is allowed. I scaled the building front. You probably need clarification of 50 feet, so we would need to know what signage is existing signage and then the proposed signage on the building.

MR. MINUTA: I received your comment, and we did that, and I have

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2 the answer for you this evening when  
3 you're ready.

4 MR. CAMPBELL: Yeah, if you  
5 could sound them to us.

6 MR. MINUTA: Sure.

7 MR. CAMPBELL: I actually have  
8 -- are variances going to be  
9 required?

10 MR. MINUTA: I don't believe  
11 so, no. Everything seems to meet --  
12 we have a 15-foot-tall sign, 100  
13 square feet per side to allow 250.  
14 We're four-foot-nine inches from the  
15 property line, so I think we are  
16 pretty much covered. Unless, the  
17 property line setback issue on the  
18 sign is an issue.

19 MR. CAMPBELL: Yes, you need  
20 the height of the sign.

21 MR. MINUTA: Very well.

22 MR. CAMPBELL: So, that would  
23 require a variance.

24 MR. MINUTA: Okay.

25 CHAIRMAN EWASUTYN: Pat Hines

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MR. HINES: There is one more zoning issue. On state highways, I sited the code section, the front yard is 60 feet, and you're at 55.6.

MR. MINUTA: For the existing building?

MR. HINES: For the existing building, so it is 55.5 if we're dealing in tenths. So, the front yard setback on state highway per that code section is 60 feet. Unless it was granted a variance previously, it would need a new one for the change of use.

MR. MINUTA: So, okay. So, the only question I have with that, and thank you, the building was constructed 1985 with a 1990 Certificate of Occupancy. We're just putting up an existing retail space inside, so I don't know if this is a new site plan or -- you guys --

MR. HINES: The amendment here

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would eliminate any grandfathering  
unless you had a previous variance.

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MR. MINUTA: Understood. And  
we couldn't find any through FOIL. I  
don't know what to say, but we will  
do whatever you say.

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MR. HINES: This is your  
initial appearance. Initial notices  
will have to be sent out. It is a  
Type II action under SEORA. If  
the Board so desires, I can send a  
courtesy notification to go DOT  
regarding the project as it fronts on  
their roadway. Eventually, Orange  
County Planning referral will be  
required.

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The town code for retail  
cannabis dispensary has a section  
that has five conditions; you've  
noted two of them. We just need the  
rest of those noted on the plan as  
notes having to do with a locked  
dumpster and couple other items  
there. You have two of them. You

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would need all five listed under that section of the code. That's all we have.

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The landscaping plan you gave us was from 1990. I believe that was the original plan, not anything proposed, so I suggest at the work session the Board members take a look at the site and make sure that it meets the current code requirements regarding landscaping.

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And there was one other -- oh, the lighting plan also looks like it was the original lighting plan, just to confirm what's out there.

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MR. MINUTA: We did confirm what's out there. Lighting plan you have, I measured myself with foot cam meter (Phonetic), and that's what's there.

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MR. HINES: Okay.

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MR. MINUTA: I do have a question, if I may, on the lockable dumpster. Traditionally, the last

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project I did like this, that had a

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lockable dumpster. OCM and the

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applicant has told me that they do

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not permit anything to go into a

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dumpster. It actually goes right

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back to the manufacturer the same as

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it would be in a pharmaceutical-type

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situation. So, nothing goes in the

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dumpster, so I'm just curious whether

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the lockable dumpster is something

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that is still necessary.

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MR. HINES: Unfortunately, it's

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in the code. We use their model

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ordinance to generate this code. But

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it sounds logical that it wouldn't,

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but I will defer to Code Compliance

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on that.

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MR. CAMPBELL: Basically, it is

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in our code, so maybe since you are

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going to Zoning anyway --

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MR. MINUTA: Sure. I'm happy

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to ask the question. Thank you.

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MR. CAMPBELL: Maybe we should

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approach the town Board. That might

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need to be changed in the future.

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MR. MINUTA: Thank you.

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MR. CAMPBELL: Back to the

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freestanding sign, so it would be

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185.14 5(A), which there would need

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the variance for, I believe 15 -- you

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said 15-foot height?

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A. Yes.

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MR. CAMPBELL: And 5.9 --

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MR. MINUTA: Give me just a

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second, four-foot-two-inches of the

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MR. CAMPBELL: So, 15 required,

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for -- you know provided -- 4.2.

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MR. MINUTA: In all fairness,

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just so we are clear, it is much

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further to the actual road, you know,

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the curb. But I understand where you

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are coming from, so thank you.

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MR. CAMPBELL: You got that,

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Dominic?

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CHAIRMAN EWASUTYN: I like his

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expression: "You got that, Dominic?"

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Nod your head three times. Thank

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2           you, Dominic.

3           MR. HINES: The stenographer  
4           can't do head nods.5           CHAIRMAN EWASUTYN: Any  
6           questions from Dave Dominick,  
7           Planning Board member?

8           MR. DOMINIC: Nothing further.

9           MS. DeLUCA: Nothing further.

10          MR. MENNERICH: No questions.

11          CHAIRMAN EWASUTYN: I think no  
12          comment.

13          MS. CARVER: No questions.

14          MR. WARD: Do you have your  
15          license yet?16          CHAIRMAN EWASUTYN: That was  
17          part of the package.18          MR. WARD: And it's ground  
19          floor, first two storefronts right  
20          there, right? And you will have to  
21          change for security-wise in the  
22          front; that's what you're planning?

23          MS. McCABE: Yeah, we have --

24          CHAIRMAN EWASUTYN: For the  
25          record, your name?

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MS. McCABE: My name is Debra McCabe. I'm the owner.

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CHAIRMAN EWASUTYN: Thank you.

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MS. McCABE: We have a double door where it's going to be the retail end of it where people will walk through the double doors to be taken care of. And then, I have a single door in my other suite that is only going to be for vendors and employees to come into through that door. So, we'll have more of a secure area there.

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MR. WARD: That's why I'm asking.

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MS. McCABE: Yeah. Yeah.

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MR. WARD: That's it. Thank you.

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CHAIRMAN EWASUTYN: So, could someone make a motion to have Planning Board attorney, Dominic Cordisco, prepare a referral letter to the Zoning Board of Appeals?

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MR. MENNERICH: So moved.

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MS. DeLUCA: Second.

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CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Stephanie DeLuca. May I please have a roll call vote starting with Dave Dominick?

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MR. DOMINICK: Aye.

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MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

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MS. CARVER: Aye.

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MR. WARD: Aye.

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CHAIRMAN EWASUTYN: And you will work with Pat Hines as far the a adjoiners' notices?

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MR. MINUTA: Yes, sir.

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CHAIRMAN EWASUTYN: Thank you.

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MR. MINUTA: Thank you all very much.

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MR. CORDISCO: If I may suggest, Joe, to provide the measurements that you do have for the sign tomorrow by email so we could have those, since they're not on the

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plan.

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MR. MINUTA: I'm happy to do that. We have that, and I'm happy to to do that.

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MR. CORDISCO: Thank you.

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MR. MINUTA: May I ask one more question, if that's alright? The measurement of the building, I know the law says the side facing the road. This is a very peculiar one where the majority of it is facing not the road. So, is that something for Zoning as well to make an interpretation and determination? Because we only have 60 feet on the short side, but we have 100 and, I think, 60 feet long for the front face.

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MR. CAMPBELL: I know I mentioned it, but existing signage on the building, what was the total square footage?

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MR. MINUTA: Sure.

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MR. CAMPBELL: And actually,

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2 that would be what is visible from  
3 the right-of-way.

4 MR. MINUTA: I think this is a  
5 longer discussion, but thank you.  
6 So, I have a total right now of  
7 134 square feet on the building. And  
8 we would be -- if we use the language  
9 face, we would be permitted 164 feet.  
10 If we used the short face, which is  
11 facing the road, is 61 lineal feet,  
12 excuse me, 61 feet. So, that is  
13 where we get into a little bit of a  
14 difficulty on that. So, I don't know  
15 if it's interpretation or how we go  
16 about that if, that is part of --

17 MR. CAMPBELL: It is the front  
18 that faces the right-of-way, the  
19 roadway.

20 MR. MINUTA: Okay.

21 MR. CAMPBELL: And then, the  
22 section, with Ready Coffee we were  
23 mentioning, this section regulates  
24 signs which are visible from the  
25 right-of-way and from beyond the

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property where erected.

MR. MINUTA: So, we'll need a  
Zoning variance for that as well?

MR. CAMPBELL: Yes.

MR. MINUTA: Thank you very  
much. Thank you for your time.

(Time noted 8:04 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK            )  
  :  SS.:  
COUNTY OF ORANGE            )

I, VICTORIA CHUMAS ARIAS, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such examination is a true record of the testimony given by that witness.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of February 2026.



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VICTORIA CHUMAS ARIAS

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

-----X

In the Matter of

POPPY LANE  
(25-22)

North of Lester Clark Road  
Section 6, Block 1, Lots 113, 114, 115  
Section 108.3, Block 4, Lot 24.210  
Zone AR

-----X

AMENDED THREE-LOT SUBDIVISION

Date: February 5, 2026  
Time: 8:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL  
Kenneth Wersted, PE, PTOE

APPLICANT'S REPRESENTATIVE:  
Ross Winglovitz, P.E., Engineering &  
Surveying Properties, PC

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: Our fifth item of business this evening is Poppy Lane, project 25-22. It's an amended three-lot subdivision located on North of Lester Clark Road. It's in an AR zone, and it's being represented by Ross Winglovitz. Mr. Winglovitz?

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MR. WINGLOVITZ: Good evening, Ross Winglovitz, Engineering & Surveying Properties, here regarding a subdivision for Poppy Lane. Poppy Lane is an undeveloped private road that was part of a 1988 subdivision on Lester Clark Road. Frozen Ridge Road is just here to the south. It's actually to the east. We have been before the Board a few years ago, received conditional final approval, but it was never perfected. That client sold it to the current client, and we reapplied. We were here back in summertime sometime, May, June regarding the application.

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The biggest question we had was the storm water. So, the storm water for the project will be collected in road side swales and then proposed to covert system along Lester Clark Road. And the question has also been, it was a condition approval two years ago, where does the water go? We could never find the water. We could never find either the covert. There was a lot of fill placed at the back of this house. Here is our proposed road and Lester Clark. They finally did -- I think Pat uncovered an easement that the Town had a project here because the catch basins were relatively new. So, based on that easement, we were able to go onto the property and locate the end of the pipe, which is behind the existing residence, the front on Frozen Ridge Road.

We did an analysis and proposed to upgrade that to a 24-inch pipe

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from the current 15-inch pipe. That was, I think, the primary issue that we have been trying to resolve, and part of the conditional approval, and as part of our reapplication.

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So, I do have the comments from Pat. We have no problem with those. The acreage -- count them up, using the notes is 3.4 acres, so we would be doing an ENS plan filing an OI.

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MR. HINES: That's fine.

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MR. WINGLOVITZ: The other issue here Pat has, a comment was about the clearing. So, the proposed Poppy Lane, there is clearing for site distance along Lester Clark Road. The original actually filed subdivision map included notes requiring clearing along Lester Clark Road and on lot one. So, I will submit that map for the records.

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CHAIRMAN EWASUTYN: Thank you.

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Jim Campbell, any comments?

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MR. CAMPBELL: I have no

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additional comments.

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CHAIRMAN EWASUTYN: Pat Hines  
from MHE Engineering?

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MR. HINES: Ross touched on  
each of my comments. They just need  
to be followed through. I believe  
this requires a public hearing as an  
amended subdivision.

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MR. CORDISCO: That is correct.

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CHAIRMAN EWASUTYN: Okay.

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Would someone move for a motion to  
have a public hearing on Poppy Lane,  
project number 25-22, amended  
three-lot subdivision, and for the  
Planning Board to schedule that for  
the 5th of March 2026?

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MR. DOMINICK: I make a motion.

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MS. DeLUCA: Second.

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

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MR. WARD: Aye.

Poppy Lane

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MS. CARVER: Aye.

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CHAIRMAN EWASUTYN: Aye.

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MR. MENNERICH: Aye.

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MS. DeLUCA: Aye.

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MR. DOMINICK: Aye.

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CHAIRMAN EWASUTYN: Motion

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carried.

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MR. WINGLOVITZ: Thank you very

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much.

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(Time noted 8:09 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK            )  
  :  SS.:  
COUNTY OF ORANGE            )

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VICTORIA CHUMAS ARIAS

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

-----X

In the Matter of

CHRISTIAN FRIENDS WELCOME ASSEMBLY CHURCH  
(26-03)

7 D'Alfonso Road  
Section 97, Block 1, Lot 63  
Zone R2

-----X

INITIAL APPEARANCE / AMENDED SITE PLAN

Date: February 5, 2026  
Time: 8:09 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL  
Kenneth Wersted, PE, PTOE

APPLICANT'S REPRESENTATIVE:  
John Queenan, P.E., Lanc & Tully, DPC

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: The sixth item of business this evening is the Christian Friends Welcome Assembly Church, project number 26-03. It's an initial appearance for an amended site plan located on 7 D'Alfonso Road, an R2 zone. And John Queenan of Lanc & Tully Engineers will be presenting the concept.

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MR. QUEENAN: Good evening, everyone. John Queenan with Lanc & Tully for the applicant. Before you is the proposal for a proposed nursery/daycare center to be utilized within an existing 1,900-square-foot building, which is currently a place of worship located on 7 D'Alfonso Road. The property is just behind Aldi's, right off of 17K. It's in the R2 zone. It's about seven and a half acres. Proposal will be to convert about approximately 8,000 square feet of the 1,900-square-foot building for that nursery/daycare

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center, which we'll get into the terminology a little bit.

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The existing site overall, there would be really no site improvements. It's actually well setup for this type of use.

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Currently, the property holds approximately 235 -- 231 parking spaces overall, with access from 7 D'Alfonso. Parking lot exits, it's currently paved. It's currently landscaped. The building already has a front drop-off and pickup area kind of already established, with a walkway out to 7 D'Alfonso and into the parking. The proposal overall would be that people dropping off and picking up, here is your drop-off and pickup lane here. They come back out, circle back out, circle back out as they go.

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The program would run basically Monday through Friday during the week from 6:00 a.m. to 6:00 p.m. We're

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currently going to provide the Board with the program for the house of worship. None of the services or activities would overlap with this. Right now, it's during the week the house of worship is used very lightly, and they would move anything that they had to out. The majority of the services are on weekend, and anything that does occur at the location is usually after 6:30 or like 7:00 at night, whatever that they do there.

I think the biggest issue was or is the zoning. So, my going through the zoning, the R2 zone has a line for nursery school, for preschool children. It didn't come with any bulk requirements, so that was a little confusing at first. And then, the accessory chart allows for daycare and nursery, but only with -- and Jim will correct me if I'm wrong -- only with cluster development.

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CHAIRMAN EWASUTYN: Right.

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MR. QUEENAN: So, it was a little odd. Right now, the applicant would like to have from toddler to 13 years old. They would like to do full daycare and also, provide what they call, before and afterschool services for children. They would be bussed and picked up at the corner. Staff would lead them out, the bus would take them to school, and then, basically, they bring them back.

It appears that under your code that that would not be allowed and would be restricted to ages of three to five years old only. I would like to discuss that further because the code doesn't define nursery school, daycare, preschool. And going back, the applicant has discussed with New York State -- they've already come in to kind of do a preliminary assessment of the facility for this type of use. They meet all of the

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criteria. And so, the state actually provided updated definitions of what those differentiations are between preschool, nursery, and afterschool care. So, I don't know if Jim would be open to sitting and taking a look at those first before we proceed any farther or however the Board would like to handle that aspect.

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Ultimately, from a site plan perspective, there is really no proposed change that would occur except for probably some signage that would come later on.

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CHAIRMAN EWASUTYN: It's an interesting question. Jim?

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MR. CAMPBELL: Per the R2 bulk table and allowable use in the zone is nursery schools. I just took the general definition, I Googled it, you know, and it said typically three to five years of age. Then, Mr. Queenan confirmed that they were looking for toddler to 13, I think you said.

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MR. QUEENAN: Correct.

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MR. CAMPBELL: So, at this point -- what is the state's definition of nursery school?

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MR. QUEENAN: So, the state basically says that daycare and nursery now are often used interchangeably. And it used to be daycare was for older children and nursery was for younger children before they go to school. Now, they have kind of blended those two together, and it looks like it is called early childhood nursery and then preschool. So, I guess you have the toddler to four and then up to 13. I'm sorry. If you are open to that --

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MR. CAMPBELL: I think it would be up to -- because our bulk table uses both terms, as you saw, but that doesn't make sense to me either. But that is what it says. I think it has to go to Zoning for possibly a

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2 interpretation

3 MR. QUEENAN: Okay.

4 MR. CAMPBELL: And if they  
5 interpret that it requires a  
6 variance, is it a use variance? Is  
7 it an area variance? And let them  
8 make that determination.

9 CHAIRMAN EWASUTYN: Dominic  
10 Cordisco, Planning Board attorney,  
11 your opinion?

12 MR. CORDISCO: Yes, I think it  
13 could certainly be referred to the  
14 Zoning Board of Appeals, and we could  
15 characterize it as a referral for an  
16 interpretation regarding these items,  
17 as well as the possibility of a  
18 variance if that's what's needed.

19 I would also encourage the  
20 applicant to follow up in writing  
21 after this meeting with the  
22 information that you have from New  
23 York State so that it could be and  
24 confirmed by Code Compliance. And  
25 so, if is there an opportunity there

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2 for an opinion out of Code  
3 Compliance, they can render that  
4 before the referral to the ZBA. You  
5 know, rather than shooting from the  
6 hip at the meeting not being able to  
7 see exact definitions and other  
8 information that you may have.

9 MR. QUEENAN: Because  
10 ultimately, how that shakes out makes  
11 a big difference on the number of  
12 kids that, you know, potentially...

13 MR. CORDISCO: Absolutely.

14 MR. QUEENAN: And the  
15 application here.

16 MR. CORDISCO: Also, if I may  
17 jump ahead, because this is a related  
18 discussion, and I don't want to step  
19 on anyone's toes. But there was a  
20 discussion regarding the bus stop and  
21 whether or not the bus stop would  
22 also need a referral to the ZBA for a  
23 variance as well.

24 MR. CAMPBELL: Are you  
25 proposing any shelter?

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MR. QUEENAN: No, just the -- I think the code required demarcation of the location.

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MR. CAMPBELL: If there was going to be a shelter, then it would be, basically, an accessory structure within the front yard, and that would require -- that's what it was for.

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MR. QUEENAN: No shelter.

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MR. CORDISCO: No shelter is required by New York State?

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MR. QUEENAN: No.

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MR. CORDISCO: Okay.

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CHAIRMAN EWASUTYN: Ken Wersted, traffic consultant?

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MR. WERSTED: We looked at the project and estimated the amount of traffic from the daycare/nursery school entity with 8,000 square feet. We had estimated about 85 to 90 trips being generated. Most of that would likely be parents coming to drop kids off, and you know, go back to work. Some component of that might be some

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2 employees coming in. From my own  
3 experience, having put my kids  
4 through, you know, a daycare, they  
5 had started when they were, you know,  
6 just a couple months old and  
7 continued all of the way up to and  
8 through preschool. And then, when  
9 when they went into kindergarten,  
10 they left our traditional daycare.  
11 And then, after school, they had an  
12 afterschool program. So, they would  
13 leave -- their instruction would end,  
14 they would go to the cafeteria, and  
15 then the school had a program there  
16 that would come in and, you know,  
17 watch them until the end of the day  
18 when I would come and pick them up.  
19 So, envision this operating something  
20 similar to that if allowed to go from  
21 toddler up to 13-year-old. The older  
22 kids likely coming from the school  
23 bus, you know, school being bussed  
24 here to spend a couple hours in the  
25 afternoon, you know, before the

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parents can come and pick them up.

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With no real church activities taking place, there appears to be plenty of parking. And the activities would simply be during the day. And then, any nighttime church activities or weekend would be separate.

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MR. QUEENAN: One

hundred percent, well versed in children.

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CHAIRMAN EWASUTYN: Pat Hines

at MHE?

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MR. HINES: There's no new

construction proposed here. I don't have very much. We need to do the adjoiners' notices that I will work with John Queenan on. Eventually, we will need to submit to County Planning once the ZBA issues have been resolved.

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CHAIRMAN EWASUTYN: Dave

Dominick, Planning Board member?

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MR. DOMINICK: John, just

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housekeeping, it's a Good Will Fire District on the application.

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And second, you mentioned that students or children will be dropped off for services. Is that religious services or other activities going on just to keep them busy throughout the day?

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MR. QUEENAN: Just the services for the daycare.

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MR. DOMINICK: Okay. And the bus, if there is any type of bus transportation would just remain on D'Alfonso or come onto the property and then come out?

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MR. QUEENAN: Anything dealing with the public school would remain on D'Alfonso. Private, they could come onto the property, but I doubt it. They would probably use that bus stop.

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MR. DOMINICK: Thank you.

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CHAIRMAN EWASUTYN: Stephanie DeLuca?

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MS. DeLUCA: I do have

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questions, but I don't know if it's

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something more detailed for later on.

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I was just curious about how many

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students this would accommodate, and

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types of programs, et cetera. But

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that's the teacher in me. I'm sorry.

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MR. QUEENAN: I can talk on the

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students that we were hoping to

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participate would be approximately

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100 to 110 if it's the full spectrum

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of ages. And that is all broken

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down, you know, so many toddlers, so

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many preschoolers, so many three to

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five, and the afterschool programs.

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And I can supply you with all of

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that.

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And then, the staff would be

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approximately 20. It would be 15

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full-time and five part-time

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depending on staffing.

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MS. DeLUCA: Thank you.

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MR. MENNERICH: No questions.

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CHAIRMAN EWASUTYN: Pat, we

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will have to refer this to the  
highway department?

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MR. HINES: There is no change  
to entrance. I don't think so, no.

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CHAIRMAN EWASUTYN: Lisa  
Carver?

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MS. CARVER: So, the 8,000  
square feet is already an existing  
space? You don't need to put walls  
up or anything? It's like an area  
that is already constructed.

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MR. QUEENAN: No, they will  
have to --

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MS. CARVER: They would have to  
construct, okay.

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And then, would it have  
separate areas for children, the  
different age groups? Is that the  
plan?

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MR. QUEENAN: I am not  
positive.

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MS. CARVER: So, you don't know  
that yet?

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MR. QUEENAN: I think the

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toddlers have to be in a separate area. There are designated areas, but I don't know the layout of the interior just yet.

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MS. CARVER: Okay, thanks.

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CHAIRMAN EWASUTYN: John Ward?

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MR. WARD: Once you go to ZBA

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and we figure out what the title is, you will have definitely some requirements, too, for later with being children in a school type thing.

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MR. QUEENAN: In terms of?

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MR. WARD: Maybe fencing.

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MR. QUEENAN: Okay. Pat

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mentioned, I think a play area, or

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Ken mentioned. That's okay. We can

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address that.

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MR. WARD: That's later.

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MR. QUEENAN: If I get through.

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Although, I truly believe the

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applicant wants this. I think they

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feel that this is a need. So, I

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think regardless of if it's the whole

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thing or a piece, meaning you the

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ages that are allowable, we will be

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back in some fashion.

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MR. WARD: Thank you.

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CHAIRMAN EWASUTYN: Jim, this

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8,000-square-foot building will need

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to be sprinkled?

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MR. CAMPBELL: I believe it may

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already be.

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CHAIRMAN EWASUTYN: So, the

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motion before us this evening is for

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Planning Board attorney, Dominic

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Cordisco, to send a referral letter

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to the Zoning Board of Appeals for an

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interpretation.

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MR. CORDISCO: Interpretation

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and/or variance, if required.

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MR. QUEENAN: I will send you

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the language.

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MR. CORDISCO: Yes.

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CHAIRMAN EWASUTYN: And also

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send out the adjoiners' notices.

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Can I have a motion from the

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Planning Board to have Dominic

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Cordisco prepare the referral letters to the Zoning Board of Appeals?

MR. DOMINICK: So moved.

MS. DeLUCA: Second.

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

MR. WARD: Aye.

MS. CARVER: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. QUEENAN: Thank you very much. Have a good night.

(Time noted 8:23 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK            )  
  :  SS.:  
COUNTY OF ORANGE            )

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

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VICTORIA CHUMAS ARIAS

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

-----X

In the Matter of

PLANNING BOARD BUSINESS

-----X

Date: February 5, 2026  
Time: 8:24 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL  
Kenneth Wersted, PE, PTOE

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: We have one final Board business matter. It's in reference to project number 11-15, the DEP application. And Pat Hines will discuss the modification to the SWPPP for the RWPT repair program.

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MR. HINES: So, the DEP, as the Board is most likely aware, has a project where they are repairing the Rondout tunnel underneath the Hudson River. That project has seen significant delays and will be put off until at least 2030 before they are going to rebid and continue that project. And it's not 2030. It's 2030s, apostrophe S, so I don't know what it's going to be.

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They have had for, I don't know, I would say eight years now or so, had an active storm water pollution prevention plan and have been providing us with weekly and sometimes biweekly reports to the Town under that DEC program.

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2           They are requesting now to do  
3           a -- what's called a "shutdown,"  
4           where they bring the site into a  
5           stable condition. And then, they  
6           will transfer to monthly report. So,  
7           there will still be a requirement to  
8           monitor it from now until they do  
9           their new construction. And they  
10          don't want to terminate that because  
11          the new permit conditions would have  
12          different conditions. And who knows  
13          what's going to change between now  
14          and then. So, they would like to  
15          keep that permit active. It doesn't  
16          take any action from the Board.  
17          Actually, it's going to be a letter  
18          from the Town that has the regulated  
19          MS4 to approve or not approve that.  
20          There is really no reason not to  
21          approve it. The site has been pretty  
22          static since last December, when they  
23          decided to shut down that project for  
24          various reason, including the pretty  
25          significant drought that was

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occurring last fall.

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So, we will review the revised SWPPP and make a recommendation to the Town Board regarding the shutdown, and it just reduces the frequency of inspections.

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CHAIRMAN EWASUTYN: Any questions from board members?

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(No response.)

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CHAIRMAN EWASUTYN: Would someone make for a motion to close the Planning Board meeting of February 5, 2026?

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MS. DeLUCA: So moved

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MS. CARVER: Second.

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

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MR. WARD: Aye.

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MS. CARVER: Aye.

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CHAIRMAN EWASUTYN: Aye.

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MR. MENNERICH: Aye.

Planning Board Business

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MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

(Time noted 8:26 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK            )  
  :  SS.:  
COUNTY OF ORANGE            )

I, VICTORIA CHUMAS ARIAS, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such examination is a true record of the testimony given by that witness.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of February 2026.



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VICTORIA CHUMAS ARIAS