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

-----X

In the Matter of

TRIDENT  
(26-04)  
142 Route 17K  
Section 95, Block 1, Lot 63.1  
Zone IB

-----X

INITIAL APPEARANCE  
EV CHARGING STATION - AMENDED SITE PLAN

Date: April 2, 2026  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
James Lindenman, Esq.  
PATRICK HINES  
JAMES CAMPBELL  
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:  
Greg Demarse, Apex Energy Tek, LLC

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

Trident

1

2

CHAIRMAN EWASUTYN: Good

3

evening, ladies and gentlemen. The

4

Town of Newburgh Planning Board would

5

like to welcome you to their meeting

6

of the second of April 2026. This

7

evening, we have six agenda items.

8

At this time, we'll call the meeting

9

to order with a roll call vote.

10

MR. DOMINICK: Present.

11

MS. DeLUCA: Present.

12

MR. MENNERICH: Present.

13

CHAIRMAN EWASUTYN: Present.

14

MR. BROWNE: Present.

15

MS. CARVER: Present.

16

MR. WARD: Present.

17

MR. CORDISCO: Dominic

18

Cordisco, Planning Board attorney.

19

MS. CHUMAS ARIAS: Victoria

20

Chumas Arias, court stenographer.

21

MR. HINES: Pat Hines with MHE

22

Engineering.

23

MR. LINDEMAN: James Lindeman,

24

associate Planning Board Attorney.

25

MR. CAMPBELL: Jim Campbell,

Trident

1

2

Town of Newburgh Code Compliance.

3

MS. MULLARKEU: Quinn

4

Mullarkey, MHE Engineering.

5

CHAIRMAN EWASUTYN: At this

6

point, we'll turn the meeting over to

7

Jim Campbell, Code Compliance.

8

MR. CAMPBELL: Please rise for

9

the Pledge.

10

(The Pledge of Allegiance was

11

recited.)

12

MR. CAMPBELL: Please silence

13

your cell phones.

14

CHAIRMAN EWASUTYN: Our first

15

item on the agenda this evening is

16

Trident, project number 26-04. It's

17

the initial appearance for an EV

18

charging station/amended site plan.

19

It's located on Route 17K in an IB

20

zone, and it's represented by -- is

21

there a representative for the

22

application here this evening?

23

(No response.)

24

CHAIRMAN EWASUTYN: Okay, we

25

will hold this off until later in the

Trident

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meeting. I believe they're  
traveling.

(Time noted 7:00 p.m.)

Trident

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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 15th day of April 2026.



\_\_\_\_\_  
VICTORIA CHUMAS ARIAS

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

-----X

In the Matter of

ROCKWOOD DRIVE SUBDIVISION  
(11-19)  
Rockwood Drive, North Plank Road & Chestnut  
Lane  
Section 75, Block 1, Lot 36.2  
Zone R-3

-----X

11 LOT SUBDIVISION

Date: April 2, 2026  
Time: 7:01 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
James Lindenman, Esq.  
PATRICK HINES  
JAMES CAMPBELL  
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:  
Daniel G. Koehler, P.E., Hudson Land Design

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

## Rockwood Drive Subdivision

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CHAIRMAN EWASUTYN: The second item this evening is the Rockwood Drive Subdivision, project number 11-19. It's an 11-lot subdivision located on Rockwood Drive and North Plank Road and Chestnut Lane. It's an R-3 zone, being represented by Daniel Koehler, correct?

MR. KOEHLER: How are you?

CHAIRMAN EWASUTYN: Hi.

MR. KOEHLER: Thank you. Dan Koehler with Hudson Land Design. We're the engineer for the project. It's been kicking around for quite a long time as some of you will know. Mr. Chairman, you sure as heck know, but described it well. It's an 11-lot subdivision off of Rockwood Drive/Chestnut Lane. A number of shared driveways are going to be proposed here.

Since our last appearance, we have incorporated the tree preservation law into the plan. That

1  
2 was one of the big changes in the  
3 Town Law since the last time this  
4 project was approved. We are seeking  
5 a re-approval of it now we have  
6 incorporated that in. We have all of  
7 the trees that were shown in red were  
8 the ones to be removed. We had done  
9 the survey of those trees within the  
10 general area of disturbance. There  
11 is a number of trees that we didn't  
12 show that are outside of the areas of  
13 our disturbance. But we're not  
14 looking to take any credit for those  
15 per se.

16 With regard to the specimen  
17 trees and the protected trees, there  
18 is a certain number where we  
19 calculate the inches of diameter that  
20 we're removing. And so, right now,  
21 at this point, we do have one tree  
22 where we are proposing some  
23 restitution. It's on the back lot.  
24 There is a large tree in the corner  
25 here. So, the one change that was

1

2

made to this plan since the Planning

3

Board saw this last in terms of

4

layout is this lot 11. We reoriented

5

the driveway, moved the house away

6

from that specimen tree in hopes of

7

protecting it. The Town has a

8

critical root zone, which is for

9

every inch of diameter of the tree

10

there is a radius of that same

11

amount, but in feet, for the critical

12

root zone for protection of the tree.

13

It's a 60-inch tree, so a 60-foot

14

radius is quite a ways from that.

15

So, we've done our best to stay

16

outside of that. We are going to do

17

our best to make sure that we

18

actually save the tree. It's not

19

intended to come out, but we are

20

proposing restitution on that just in

21

case it does die in the future.

22

That's one big change.

23

We've also updated the SWPPP to

24

today's standards, and we've had some

25

discussions with outside regulatory

1  
2 agencies as a result of changing  
3 regulations there. So, we have  
4 Housers (Phonetic) latest letter, and  
5 really the biggest thing for us now  
6 at this point is continuing to go  
7 back to the re-approval process so  
8 that we can satisfy the conditions of  
9 the resolutions, mainly in terms of  
10 the legal. So, the applicant's  
11 attorney was working with Stephen  
12 Gaba who was with Drake Loeb, and I  
13 understand Mr. Gaba has moved on,  
14 retired, happy to hear it for him,  
15 but we will be working with Dominic's  
16 firm and whatever we need to do at  
17 that point.

18 So, I think what makes sense in  
19 terms of this is over the amount of  
20 time that this has taken, the legal  
21 part, and it is no fault of the Town,  
22 it's is probably more of the fault of  
23 the applicant and his attorney, just  
24 being honest, but I probably could  
25 have gone to law school, got my

1

2 degree and --

3 (Laughter from Audience.)

4 MR. KOEHLER: But I will be  
5 happy to work with Dominic and his  
6 team to make sure there is as  
7 seamless of a transition as we can  
8 based on all of the documents that  
9 have been prepared today. They have  
10 been accepted, but it's just a matter  
11 or really formalizing and finishing  
12 them up. So, thank you for your  
13 time. Thank you for having me.

14 CHAIRMAN EWASUTYN: Pat Hines  
15 with MHE?

16 MR. HINES: Yes. As was  
17 mentioned, the project has a long  
18 history. At one point, it had  
19 conditional final approval. We did  
20 receive a revised Storm Water  
21 Pollution Prevention Plan, which is  
22 under review. It's in a technical  
23 review. The drainage district lot  
24 remains the same. The grading for  
25 that remains the same. But the

1

2

updated DEC regulations had to be

3

addressed in that Storm Water

4

Pollution Prevention Plan.

5

We did review the Tree

6

Preservation Plan. They did it in a

7

conservative manner. They did not

8

take credit for the trees that are

9

outside of the development area,

10

which there are many. So, their plan

11

is conservative. It does meet the

12

code. And we did note there is an

13

\$840 restitution proposed for the

14

tree that they are going to attempt

15

to preserve. They are going to --

16

proactively going to post that

17

restitution. They are below the

18

threshold which requires any further

19

restitution. In residential zones,

20

you are allowed to remove up to

21

50 percent of the protected trees,

22

and they are below that threshold.

23

We did receive an email

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correspondence between DEC and the

25

applicant's representative, which I

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know the Board received in their packet. The project is not subject to the recent DEC wetland changes because of the previously issued negative declaration for the project. If this was a new project, DEC would most likely have taken jurisdiction of the wetlands, but they are exempt from those regulations until 2028 because of the previous approvals and neg dec that this project had. We do have that email in our file.

They do have legal work to do regarding the drainage district and some common driveway access and maintenance agreements. They did previously receive the City of Newburgh flow acceptance letter November 6th of 2013. That flow acceptance letter remains valid. It's the same number of units and the same hydraulic loading today.

They will need for security upon approval for the storm water

1  
2 management erosion and sediment  
3 control. So, we will need a cost  
4 estimate for that, and those amounts  
5 will be set by the Town Board  
6 sometime in the future. There is a  
7 requirement that the storm water  
8 infrastructure depicted, including  
9 the swale and driveway cuts along  
10 Rockwood Road and the storm water  
11 management facilities, be constructed  
12 prior to issuance of any building  
13 permits on the entire site. That's  
14 based on correcting some existing  
15 drainage conditions along the  
16 frontage of the property.

17 I did provide the Board with  
18 some history for those members that  
19 weren't here back when this started,  
20 so I gave them some minutes from  
21 various meetings, Public Hearings  
22 that, were held for the project. But  
23 this project does have a negative  
24 declaration, and Board would be in a  
25 position to address any approvals at

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2           this point.

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CHAIRMAN EWASUTYN: Dominic,  
before we turn it over to the  
Planning Board members for their  
comments, can you bring us along on  
the drainage district, which was a  
major factor in this start and going  
of this project?

MR. CORDISCO: Yes. As Mr.  
Koehler, mentioned my partner Steve  
Gaba was working with the Town Board  
in connection with the formation of  
the drainage district that's being  
required for this particular  
property. As you know, the storm  
water improvements are being shown on  
a particular lot that is also going  
to be dedicated to the Town. The  
Town Board has already processed to a  
concern point the formation of that  
drainage district. What would  
necessarily be the next step would  
actually be contingent on approval  
from this Board because once this

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2

Board actually considered or grants

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conditional final approval for the

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project, that resolution of

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conditional final approval would then

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be provided to the Town Board, along

7

with a final order that would be

8

establishing the drainage district.

9

There was also going to be an

10

offer of dedication of the lot where

11

the storm water facility is going to

12

be located, so that would be done as

13

part of that process as well.

14

CHAIRMAN EWASUTYN: Thank you.

15

Comments from Board members, John

16

Ward?

17

MR. WARD: Yes, what size is

18

the covert in front the of driveway

19

going to be underneath the driveway?

20

MR. KOEHLER: Oh, you're going

21

to get me with something technical,

22

huh? We have 24-inch HDP coverts

23

there.

24

MR. WARD: Thank you. It's a

25

big improvement. Thank you.

1

2

MS. CARVER: Are you done?

3

MR. WARD: Yes.

4

MS. CARVER: Is the owner

5

selling the lots, or is he building

6

homes and then selling the lots?

7

MR. KOEHLER: I don't know at

8

the moment. I think it's probably

9

going to be in a position where once

10

he gets any approvals tidied up, that

11

he's going to consider doing all of

12

that infrastructure that we talked

13

about, which has to be done before

14

the building permits, and then

15

selling that as a project to a

16

builder that will build on those

17

lots.

18

MS. CARVER: Okay.

19

MR. KOEHLER: Or he may end up

20

choosing to do it himself. I'm

21

betting on the first, but I don't

22

think he has an exact plan just yet.

23

MS. CARVER: Okay, thank you.

24

MR. BROWNE: Do you foresee

25

this project getting to the

1

2

conclusion before the exception runs

3

out?

4

MR. KOEHLER: On the wet lands.

5

MR. BROWNE: Yes.

6

MR. KOEHLER: Yeah. It

7

actually would be June 30, 2028, I

8

believe, maybe July 1st. I forget

9

which one it is. But I would expect

10

that, you know, the infrastructure

11

work that has to be done won't take

12

much time at all.

13

MR. BROWNE: Obviously, if it

14

doesn't happen by then, then you have

15

to...

16

MR. KOEHLER: That is going to

17

be a complication with the whole

18

transition rules for the DEC with

19

their wetlands. And I suspect that

20

if there's any lots that have not

21

been built by then, they may be

22

subject to at least check with the

23

DEC before they are constructed.

24

MR. CORDISCO: On that point, I

25

defer to Pat, but I think it would

1

2

probably be prudent for a note to

3

that effect to be added to the plain

4

because you would want anyone

5

purchasing one of those lots to be on

6

notice that that work would need to

7

be done before 2028 or they were

8

buying more than just the property.

9

They are also buying the obligation

10

to do certain things or at least

11

obtain a permit for their intended

12

use of the property.

13

CHAIRMAN EWASUTYN: Jim

14

Campbell, Code Compliance, there's

15

something in the code as far as so

16

many residential lots and ARB

17

approval, and the Planning Board

18

could, if, as an example, the owner

19

decides to build out all of these

20

lots, and there is something in the

21

code as far as giving the authority

22

to the Building Department as far as

23

review of the architecture of the

24

homes.

25

MR. CAMPBELL: Yeah, the big

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2

thing is that each house doesn't look the same. It has to have like three different major or components.

5

Different -- could be roof line,

6

stories, there's multiple items. But

7

that has been referred to the

8

Building Department numerous times.

9

CHAIRMAN EWASUTYN: And then,

10

there is a recreation fee associated

11

with every new lot, and that fee is

12

\$2,000. No further questions.

13

Ken Mennerich?

14

MR. MENNERICH: I just wanted

15

to bring it to the attention of the

16

applicant that Ken Wersted of

17

Creighton Manning, the traffic

18

consultant, did an assessment of the

19

traffic generated by this project,

20

And the conclusion was that the

21

project should not add any

22

significant impact on traffic.

23

MR. KOEHLER: Thanks for

24

letting me know.

25

MR. MENNERICH: If you want a

1

2

copy of it, you can have it.

3

MR. KOEHLER: I appreciate it.

4

Thank you.

5

CHAIRMAN EWASUTYN: Stephanie

6

DeLuca?

7

MS. DeLUCA: Nothing further.

8

CHAIRMAN EWASUTYN: Dave

9

Dominick?

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MR. DOMINICK: Nothing further.

11

MR. WARD: Back in 2013, what

12

Jim was saying, there was an issue

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that the Public Hearing -- they

14

emphasized to have it like the

15

character of the neighborhood. So

16

that is a ditto to what Jim said,

17

too. So, thank you.

18

CHAIRMAN EWASUTYN: I will poll

19

the Board members. It's been that

20

many years since we had held a Public

21

Hearing. The major comments at that

22

time were drainage, architecture.

23

And I will ask the Board now, would

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they like to hold a Public Hearing

25

since it has been that many years, or

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would they like to waive the Public

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Hearing considering we already had

4

one, and the project has a negative

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declaration? Dave Dominick?

6

MR. DOMINICK: I think we can

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wave the Public Hearing because the

8

drainage and the architecture has

9

been addressed by this current issue,

10

the current applicant. That would be

11

my basis to waive it.

12

MS. DeLUCA: Agreed.

13

MR. MENNERICH: I agree.

14

CHAIRMAN EWASUTYN: I agree.

15

MR. BROWNE: I also agree to

16

wave it. Additionally, there has

17

been no significant or major changes

18

to the project itself.

19

MR. CARVER: Waive the Public

20

Hearing.

21

MR. WARD: I agree.

22

CHAIRMAN EWASUTYN: At this

23

point, I think that we will turn the

24

meeting over to Dominic Cordisco,

25

Planning Board attorney.

1  
2 MR. CORDISCO: Yes. So, as you  
3 noted, the Board had previously held  
4 a Public Hearing on this project and  
5 also previously adopted a negative  
6 declaration. At this point, you  
7 could consider granting conditional  
8 final approval on the special  
9 conditions for this particular  
10 project would be addressing any  
11 outstanding engineering comments,  
12 that would also include adding a note  
13 regarding the extension period for  
14 the DEC wetland permitting that  
15 expires in June of 2028. It would  
16 also be conditioned on the  
17 finalization of the formation of the  
18 drainage district, as well as making  
19 the offer of dedication for the storm  
20 water parcel to the Town Board to  
21 their acceptance. They don't have to  
22 accept the particular lot at this  
23 time, but it has to be offered for  
24 dedication. They would accept it  
25 after construction is completed.

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They also have to post security for the storm water improvements. And also a note -- I believe it's already on the plat, but it would also be in the resolution that the building permits would not be issued until the storm water improvements are constructed as discussed by Mr. Hines. It would also be the payment of rec fees. This is an 11-lot subdivision, but you get a credit for one of the lots now because a building permit could be issued for a single home on that property at this particular time, so that would be \$2,000 rec fee times ten lots.

Lastly, as suggested by Mr. Campbell, the Board could defer the architectural review, the particular lots, to the Building Department.

CHAIRMAN EWASUTYN: Is the Board in agreement to refer ARB approval to the Building Department subject to the owner deciding to

1

2

develop all lots them self? Is the Board willing to do that, or does the Board want to see renderings of the three different models at some point in time? John Ward?

3

4

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7

MR. WARD: I say yes.

8

9

CHAIRMAN EWASUTYN: Yes to what?

10

11

MR. WARD: Yes to seeing what the ARB is going to be.

12

13

CHAIRMAN EWASUTYN: Do you want them to come back before us?

14

15

MR. WARD: Yes.

16

CHAIRMAN EWASUTYN: Lisa Carver?

17

18

MS. CARVER: The Building Department can make the decision.

19

20

MR. BROWNE: I agree, refer to the Building Department for the decision.

21

22

23

CHAIRMAN EWASUTYN: I also prefer referring to the Building Department.

24

25

MR. MENNERICH: I also agree,

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2

refer to the Building Department.

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MS. DeLUCA: I would like to see them myself, personally.

5

6

MR. DOMINICK: I defer to the Building Department.

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CHAIRMAN EWASUTYN: Let the record show the majority of the Planning Board members move to refer the ARB, subject of this resolution, to the Building Department for approval.

13

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19

Having heard from Dominic Cordisco, Planning Board attorney, for the conditional final approval for the Rockwood Drive Subdivision, project number 11-19, the 11-lot subdivision, would someone move for that motion?

20

MR. MENNERICH: So moved.

21

MS. DeLUCA: Second.

22

23

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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

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with John Ward?

MR. WARD: Aye.

MS. CARVER: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion  
carried.

MR. CORDISCO: Mr. Ewasutyn, I  
had in my notes, but glossed over it  
when I was reading through them, this  
is just for Mr. Koehler's purposes,  
that easements for the shared  
driveways also have to be submitted  
in draft form for the Planning Board  
attorney's review.

CHAIRMAN EWASUTYN: Okay.

MR. KOEHLER: Thank you very  
much. Appreciate your time.

(Time noted 7:19 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 15th day of April 2026.



\_\_\_\_\_  
VICTORIA CHUMAS ARIAS

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

-----X  
In the Matter of

TRIDENT  
(26-04)  
142 Route 17K  
Section 95, Block 1, Lot 63.1  
Zone IB

-----X

INITIAL APPEARANCE  
EV CHARGING STATION - AMENDED SITE PLAN

Date: April 2, 2026  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
James Lindenman, Esq.  
PATRICK HINES  
JAMES CAMPBELL  
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:  
Nick Coveney, Lynkwell

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

Trident

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CHAIRMAN EWASUTYN: For the record, is Greg Demarse in the audience from the Trident application?

5

6

MR. COVENEY: Greg Demarse is not, but I am representing his project.

7

8

9

10

CHAIRMAN EWASUTYN: Do you have a business card for the stenographer?

11

MR. COVENEY: Yes.

12

13

CHAIRMAN EWASUTYN: Please give it to her.

14

15

Just for the record, one more time your name, please.

16

17

18

19

20

21

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25

MR. COVENEY: My name is Nick Coveney. I work with Lynkwell EV Charging. Greg Demarse is a partner of ours who has helped with facilitating the permits on this project. My name is located on the staff plans that were provided to the Town here. I do want to apologize, sorry for being late. This is a last-second notice from Greg for me

Trident

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to jump in on his behalf, so I do apologize. I appreciate you guys seeing me here.

5

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11

This is in regards to the EV charging stations at 142 Route 17K. We do have MHE Engineering's comments here, and then, of course, I am more than happy to discuss all questions related to, you know, regarding the project here.

12

13

14

15

CHAIRMAN EWASUTYN: Pat, you had some initial comments, and then we will move forward to Jim Campbell, the Board.

16

17

18

19

20

21

22

23

24

25

MR. HINES: The project proposes two EV charging systems, four parking spots total. This is an initial appearance, so after this meeting, adjoiners' notices must be circulated. I will work with your office. We prepare the notices and provide the mailing list, and there will be instructions on how to proceed with that.

Trident

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2

MR. COVENEY: Yes, sir.

3

4

MR. HINES: We are going to need a more detailed site plan. We have this aerial map or aerial plan that was drawn on.

5

6

7

MR. COVENEY: Yes, sir.

8

9

10

11

12

13

MR. HINES: The concern is that it is very close to at or near the property line. We don't know where the property lines are, so we are going to need additional detail for that site plan.

14

MR. COVENEY: Okay.

15

16

17

18

19

20

MR. HINES: The project will require circulation to County Planning due to its proximity to the state highway, but we will defer that until we get the actual plans showing the property line.

21

22

There is a new fence along your counter property line there.

23

MR. COVENEY: Yup.

24

25

MR. HINES: And the pavement seems to go right up to that fence.

Trident

1

2

I'm not sure that there's room

3

between the fence, so we need that

4

information before this could move

5

forward.

6

MR. COVENEY: That is no

7

problem. We do have a survey from

8

the customer. We do have that and

9

information on the fence as well, so

10

that will be overlaid on top of the

11

plan performed by our professional

12

engineer and sent back in. That's no

13

problem.

14

MR. HINES: That is all we

15

have.

16

CHAIRMAN EWASUTYN: Jim

17

Campbell, Code Compliance.

18

MR. CAMPBELL: This parcel

19

previously was before this Board for

20

a cannabis store, and at that point,

21

they went to the ZBA for multiple

22

variances, so no variances would be

23

required for this project. The

24

proposed work is at the property

25

line, just like Pat was saying. It

Trident

1

2

must be addressed. And the EAF does

3

not have hours of operation listed.

4

That's construction hours. I'm not

5

looking for --

6

MR. COVENEY: Construction,

7

okay.

8

MR. CAMPBELL: Chargers are

9

probably 24/7.

10

MR. COVENEY: Yeah, the

11

chargers have to be public, so they

12

would be 24/7.

13

I can answer that question

14

right now as far as construction

15

would go. It would be 7:30 in the

16

morning to 4:30, so 7:30 a.m. to

17

4:30 p.m.

18

MR. CAMPBELL: That falls

19

within the parameters.

20

CHAIRMAN EWASUTYN: John Ward?

21

MR. WARD: No comment.

22

MS. CARVER: Nothing further.

23

MR. BROWNE: No further.

24

CHAIRMAN EWASUTYN: And Jim,

25

there is room for the additional --

Trident

1  
2 any names associated with this, as  
3 far as would there be identification  
4 on the existing signage that's on 17K  
5 to add this, or would there be --

6 MR. CAMPBELL: I don't think  
7 there is any proposed signage. Are  
8 you proposing any changes to signage?

9 MR. COVENEY: No. We're just  
10 proposing the utility mandated  
11 signage on the EV charging stations  
12 themselves. Most of it is just in  
13 regards to our customer service  
14 number. Those are actually stickers  
15 affixed to units in case there is any  
16 issues at any time. We service those  
17 units. And then, proper EV  
18 stenciling will be done in those  
19 parking spots to designate. We  
20 typically stay away from signage on  
21 top to avoid any damage to cords that  
22 wrap around or anything like that.  
23 So, stenciling and everything are  
24 stickers on the actual units in case  
25 there is anyone that needs to call.

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CHAIRMAN EWASUTYN: No further questions.

MR. MENNERICH: No questions.

MS. DeLUCA: Nothing further.

MR. DOMINICK: Nick, if you could take into consideration some shrubbery or screening around the main course of power supply?

MR. COVENEY: We are installing, with Central Hudson, a transformer and then, of course, our service pedestal with our main distribution panel around all of that, I assume in reference to 17K? So, the transformer and any of our equipment just to create that screening, it's no problem.

MR. DOMINICK: Leave the chargers pumps visible.

MR. COVENEY: Yeah, that's no problem. We will send over like a Arborvitae or something that is, you know, we can make sure -- we do this in other municipalities as well, so

Trident

1

2

that's something common we deal with.

3

We will add that on our plans as

4

well.

5

MR. DOMINICK: Something deer

6

resistant.

7

MR. COVENEY: Deer resistant,

8

Yes.

9

CHAIRMAN EWASUTYN: Dominic

10

Cordisco, Planning Board Attorney?

11

MR. CORDISCO: Nothing at this

12

time, sir.

13

CHAIRMAN EWASUTYN: So, Pat the

14

action before us this evening is?

15

MR. HINES: We can authorize

16

the circulation of adjoiners'

17

notices, but that's the only action

18

we can take tonight until we get the

19

revised plans.

20

CHAIRMAN EWASUTYN: And you

21

will work with Pat Hines as far as

22

the adjoiners' notices?

23

MR. COVENEY: Yes.

24

CHAIRMAN EWASUTYN: Thank you.

25

(Time noted 7:25 p.m.)

Trident

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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

ELKAY PARTNERS DEVELOPMENT  
(24-29)  
Brewer Road  
Section 39, Block 1, Lot 32  
Zone R-3

-----X

MULTI-FAMILY SITE PLAN  
APARTMENTS & SENIOR HOUSING  
VISUAL ASSESSMENT LOCATION FIGURE

Date: April 2, 2026  
Time: 7:25 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
James Lindenman, Esq.  
PATRICK HINES  
JAMES CAMPBELL  
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:  
Lara Monroe, P.E., Engineering & Surveying  
Properties, P.C.

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: Going back to the order the way the agenda was prepared, the third item this evening is Elkay Partners Development, project number 24-29. It's a multi-family site plan, apartments and senior housing. This evening, we're here to discuss the visual assessment location figure. It's located on Brewer Road in an R-3 zone, being represented by Lara Monroe, of Engineering & Surveying Properties.

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MS. MONROE: Lara Monroe from Engineering Properties, I'm here to represent the applicant. We were last before the Board in December for the adoption of the scope for DEIS. The scope requires a visual assessment, and the locations of the viewpoints are to be approved by the Planning Board. So, we provided a figure showing three proposed vantage points, the first one looking up the

1  
2 main drive into the project from  
3 Brewer Road. The second one is  
4 looking west from Carolina Court, and  
5 then, the third one would be from Hy  
6 Vue Drive looking east into the site.  
7 We are just here to get the feedback  
8 from the Planning Board.

9 CHAIRMAN EWASUTYN: Pat Hines,  
10 had an opportunity to the discuss  
11 this with us?

12 MR. HINES: So, as Lara  
13 mentioned, in the scope there was a  
14 requirement to do a visual analysis.  
15 The location is to be determined.  
16 Those sites they have selected are  
17 the closest public viewpoints, each  
18 of them are at town roads in close  
19 proximity to the project. The rest  
20 of the project is surrounded by  
21 single-family residential houses on  
22 the rest of the border. So, these  
23 are really the only logical spots  
24 that you could do the visual  
25 analysis, the site entrance, Hy Vue,

1

2

and Carolina Court, the cul-de-sac

3

where the emergency access drive

4

comes out.

5

We discussed at work session

6

there's really no other visually

7

sensitive receptive public areas that

8

you're going to see this. The

9

building heights are about 35 feet or

10

less. And the western property is --

11

the western and southern property

12

lines are completely covered with

13

heavy dense wooded vegetation, so

14

these are the publically accessible

15

locations.

16

CHAIRMAN EWASUTYN: And from

17

what we discussed tonight, and what

18

may be mentioned, what's the

19

following steps from what we are

20

talking about? It's something more

21

detailed?

22

MR. HINES: You're selecting

23

the locations for the visual

24

analysis. Subsequent, these are

25

approved, the applicant's

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2

representatives will perform the  
visual simulations, photo simulations  
before and after at those publicly  
visible locations to include in the  
draft Environmental Impact Statement.

7

CHAIRMAN EWASUTYN: John Ward?

8

MR. WARD: No comment.

9

MS CARVER: No comment.

10

MR. BROWNE: No, seems

11

appropriate.

12

CHAIRMAN EWASUTYN: I think no

13

at this time.

14

MR. MENNERICH: Three points

15

seems correct.

16

MS. DeLUCA: Okay.

17

MR. DOMINICK: Seems

18

appropriate, yes.

19

MS. MONROE: Okay. Thank you

20

very much.

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(Time noted 7:29 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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Public for and within the State of New  
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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 15h day of April 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

CFB REALTY, LLC  
(25-26)  
121 Wells Road  
Section 39, Block 1, Lot 19  
Zone R-2

-----X

14 LOT SUBDIVISION

Date: April 2, 2026  
Time: 7:29 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
James Lindenman, Esq.  
PATRICK HINES  
JAMES CAMPBELL  
QUINN MULLARKEY

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

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: Our fourth item of business this evening is CFB Realty, LLC, project number 25-26. It's a 14-lot subdivision located on 121 Wells Road in an R-2 zone. It's being represented by David Niemotko. David?

MR. NIEMOTKO: Hello everyone. We haven't been here in a few months, been working through some of the engineering details and things associated with the project. The layout has not changed from what was first presented. So, we have four lots of Wells Road and the 10-lot subdivision off Foster Town, which would be accessed by this cul-de-sac.

What we have been working on is the storm water and utilities quite a bit. So, that's the one change that you will notice. We added the detention pond and holding pond over at the end of the cul-de-sac to collect the storm water along this

1

2

east to west. And then, we did add

3

another retention pond here to

4

collect the storm water from the four

5

lots that would be along Wells Road.

6

In addition to that -- that is

7

the change in site from when we first

8

or previously have been here. Then,

9

after that, we developed the sewer

10

and water extension coming off here,

11

and we submitted everything for

12

review. So, that's where we stand

13

right now. I did receive Pat's --

14

MHE's comments in advance. We

15

appreciate that very much. And I am

16

looking forward to discussing it with

17

you.

18

CHAIRMAN EWASUTYN: What is

19

your objective this evening coming

20

before the Board?

21

MR. NIEMOTKO: I think we

22

furthered the design along enough for

23

a few things. One is if the Board

24

agrees, we could schedule a Public

25

Hearing to get the public's comments.

1

2

And in addition to that, perhaps I

3

misunderstood, but I wanted, on

4

points three and four the DEC

5

approval of the sewer main and the

6

Department of Health approval for the

7

water main extension, I would like to

8

get Pat's consensus, your consensus,

9

that the design is further along

10

enough that we could start our

11

correspondence with them. And if you

12

haven't submitted the documents, we

13

will, to secure their comments and

14

secure their approval.

15

CHAIRMAN EWASUTYN: And this is

16

just a minor comment. Procedurally,

17

I think all documents like you're

18

referring to are submitted by your

19

office, Pat, or by the applicant?

20

MR. HINES: No, that would be

21

by the applicant directly to those

22

agencies. The Health Department

23

typically likes to see the project's

24

moved forward, but I believe there

25

would be an extensive delay -- review

1

2

process. So, in some cases, this

3

Board had authorized my office to

4

send a letter to the applicant and

5

the Health Department that the Board

6

takes no exception to the Health

7

Department beginning their review

8

prior to receiving the preliminary

9

approval they typically require. We

10

have done that in the past to allow

11

the applicants to get there earlier,

12

but it's certainly up to the Board.

13

CHAIRMAN EWASUTYN: Can we talk

14

about some of the hot topics that

15

still need to be addressed as far as

16

thinking or even nearing making a

17

SEQRA determination or even holding a

18

public hearing, what's outstanding?

19

MR. HINES: Yeah. So, we

20

received the Storm Water Pollution

21

Prevention Plan just last week. I

22

know my office has been working with

23

Mr. Niemotko's office in developing

24

that, but we have to do a final

25

review of that. The project does

1

2

require permitting from the DEC for

3

two items, the wet lands are under

4

DEC's jurisdiction, and there's

5

grading proposed within the DEC's

6

regulated adjacent area. And they

7

will also need approval for the sewer

8

main extension, which will serve --

9

the proposed forced main, which will

10

serve 10 off the houses.

11

So, those are two DEC permits

12

required. The Health Department

13

approval for the water system

14

extension is required. We are

15

looking for some additional

16

information on Tree Preservation

17

Plan. They gave us a detailed report

18

from a forester, but there needs to

19

be some calculations documenting

20

compliance with the regulations. So,

21

the trees have been identified, but

22

the calculations and information

23

supporting that need to be

24

identified.

25

One of the design

1  
2           considerations is early on we  
3           identified the need for a drainage  
4           district lot. For subdivisions like  
5           this, the Town requires that the  
6           drainage improvements be on an  
7           individual lot owned and operated by  
8           the drainage district so that the  
9           cost associated with the long-term  
10          operation and maintenance of the  
11          storm water facilities are only  
12          attributed to the 14 residential lots  
13          here. A lot of the drainage  
14          improvements are outside of the lot  
15          that you have designated as the  
16          drainage district lot. And that's  
17          contrary to really the Town's policy  
18          how the town is going to access and  
19          maintain the lots within the drainage  
20          district. The Town typically bids  
21          that out periodically to landscape  
22          contractors who then perform the  
23          operation and maintenance of those.  
24          And with these being located on  
25          various residential lots, it's not

1

2

really in compliance with the Town's procedures and policies. So, that's is a design consideration.

5

6

7

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9

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11

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14

15

There are easements depicted that have no access to any public roads, so they're easements that are kind of an island that you can't get to. So, somehow they would have to connect to the various public access points so that whoever maintains these can do that. There will be approval for road names required in the future. That's later on in the process.

16

17

18

19

20

21

22

23

24

25

I am a little concerned with the individual pump stations and the DEC approval. DEC is going to comment on those for long-term operation and maintenance. Ten of the houses have individual pump stations. They often like the municipalities to say that they are going to maintain those, and that's not going to be what the Town of

1

2

Newburgh is going to recommend.

3

Those are going to have to be owned

4

and operated by the individual

5

homeowners, and there may be a need

6

for a long-term maintenance contract

7

with the proprietary pump company

8

that you've selected. So, that is

9

something that is going to have to be

10

worked through.

11

Then, we have some other

12

technical comments, but those are the

13

outstanding issues. I think the

14

drainage is the biggest issue to get

15

that addressed within the drainage

16

district lot. I don't know if there

17

may be a loss of one or two of those

18

houses in order to accomplish that,

19

based on the current drainage design,

20

but that is something that you will

21

have to work through.

22

CHAIRMAN EWASUTYN: John Ward,

23

Planning Board member?

24

MR. WARD: Just see what

25

happens. But a suggestion is if you

1

2

go 12 to 13 homes, minus one with  
that section at the cul-de-sac, see  
what happens. Just planting a seed  
for you. Thank you.

6

CHAIRMAN EWASUTYN: Lisa

7

Carver?

8

MS. CARVER: No questions.

9

MR. BROWNE: The sewerage

10

individual pump there seems to be an  
issue. I think that needs to get  
resolved to make sure that it is  
acceptable what you're plaining.  
Otherwise, obviously you've got to  
modify things to handle that  
situation.

11

12

13

14

15

16

17

MR. NIEMOTKO: You know, we

18

agree. That is why we would like

19

your referral to the DEC, or comment,

20

or letter allowing us to go ahead

21

with that and with the water main

22

extension. We would like to start

23

getting their comments.

24

MR. HINES: I think you can

25

submit to the DEC whenever you want

1

2

to, but The Health Department does

3

have that policy that they'd like a

4

referral from the Planning Board

5

prior to review. And we have done

6

that in the past with a letter

7

stating that Planning Board takes no

8

exception to them reviewing it at

9

this time.

10

CHAIRMAN EWASUTYN: I defer my

11

comment until I hear from the other

12

Planning Board members. At that

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point, I will turn it over to Dominic

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Cordisco for his advice as far as

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holding a Public Hearing. If the

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Planning Board members have some

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concerns and some comments, please

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speak them now. Ken Mennerich?

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MR. MENNERICH: No questions.

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MS. DeLUCA: No, nothing else

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further.

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MR. DOMINICK: Nothing

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additional.

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CHAIRMAN EWASUTYN: How would

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you advise us Dominic, Cordisco,

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Planning Board attorney?

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MR. CORDISCO: To be honest, in light of the comments outstanding regarding engineering and code compliance issues, such as the storm water features that are shown outside of the drainage lot that would be proposed to be dedicated to the Town, it looks like the plans need another round of revisions prior to the scheduling of any Public Hearing, would be my suggestion.

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CHAIRMAN EWASUTYN: So then, the consideration of an action tonight, Pat Hines, would be to work with what involved agencies?

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MR. HINES: If the Board would authorize my office to submit to do a cover letter for Mr. Niemotko to submit to The Health Department for water main extension review at this time.

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CHAIRMAN EWASUTYN: Thank you.

Would the Board approve that

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letter being sent from Pat Hines with  
MHE?

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MR. DOMINICK: Yes.

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MS. DeLUCA: Yes.

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MR. MENNERICH: Yes.

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CHAIRMAN EWASUTYN: Yes.

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MR. BROWNE: Yes.

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MS. CARVER: Yes.

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MR. WARD: Yes.

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MR. CORDISCO: As Mr. Hines had  
mentioned, the applicant, of course,  
is free to apply to the DEC, and they  
could also start the process with the  
Town Board regarding the formation of  
the drainage district.

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MR. NIEMOTKO: Yes. The storm  
water has evolved so much during the  
last few months in coordination  
between all offices, so this was kind  
of a direction that evolved though  
the months. So, I think hearing  
about that one lot, or the drainage  
district, so with your permission, I  
would like to then contact Pat's

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office maybe in the next few days and

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see what we could do to work that

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out.

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CHAIRMAN EWASUTYN: I think

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that's favorable, but we like to

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caution you and on -- and again, I

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respect your design by comment, and I

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can't speak for Pat Hines, but Pat

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Hines is a consultant to the Planning

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Board, and he is really not meant to

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design projects for applicant's.

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MR. NIEMOTKO: No.

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CHAIRMAN EWASUTYN: If you

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could find a way to bring on board

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someone similar to yourself as far as

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excellent qualifications to help you

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with the aspects that are deficient

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now, I think you would be serving

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everyone in a better way. Pat has a

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lot of things on the plate, and

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again, he is a consultant to the

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Planning Board, and he really

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shouldn't be designing on these

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projects.

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MR. NIEMOTKO: I agree, but  
yet, we are implementing their  
recommendations.

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CHAIRMAN EWASUTYN: There are,  
like yourself, other professionals  
who appear before the Board who their  
expertise is in the engineering realm  
that we're discussing now. You may  
want to collaborate with them. You  
may want to bring them on board to  
work with you to facilitate and  
expedite what you're looking to do.

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MR. NIEMOTKO: Absolutely.  
Thank you.

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CHAIRMAN EWASUTYN: You're  
welcome.

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MR. NIEMOTKO: So, we will  
continue on with the DEC and  
Department of Health. Thank you.  
Any other questions?

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(No response.)

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(Time noted 7:41 p.m.)

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

-----X

In the Matter of

SUBDIVISION OF LANDS OF MSM TR C/O MEYERSON  
(26-06)  
68 Chapel Road  
Section 14, Block 1, Lot 73  
Zone R-2

-----X

5 LOT SUBDIVISION

Date: April 2, 2026  
Time: 7:42 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
James Lindenman, Esq.  
PATRICK HINES  
JAMES CAMPBELL  
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:  
Larry Marshal, Mecurio Norton Tarolli  
Marshal

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: Item number five, the Subdivision of the Lands of MSM TR care of Meyerson, project number 26-06. It's a five-lot subdivision located on Chapel Road in an R-2 zone, being represented by Ryan Smithem.

MR. MARSHAL: Not tonight.

CHAIRMAN EWASUTYN: Is this Larry Marshal?

MR. MARSHAL: It is. It's been a while.

CHAIRMAN EWASUTYN: You're getting younger. I remember when you were at EIT.

MR. MARSHAL: Yes, you were actually one of the first meetings that I ever attended, and I can't even fathom how scared I was to stand up here at that time.

But good evening. My name is Larry Marshal from Mecurio Norton Tarolli Marshal. This project is, as was mentioned by John, is a five-lot

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subdivision on Chapel Road. And what we have done -- what Ryan has done is really prepare the plans to a preliminary level. We have provided the Board with a tree survey. It was missing in a previous submission as well as some other documents and addresses some of the previous concerns that had been addressed -- that had been brought out by the Board. So, we're just really here to re-present the plans in hopes that we could move onto the next step.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance.

MR. CAMPBELL: I have no comments.

CHAIRMAN EWASUTYN: Pat Hines at MHE Engineering.

MR. HINES: Yes. We did circulate the adjoiners' notices and the Notice of Intent for lead agency. Common driveways and maintenance agreements will be required. We

1  
2 reviewed the tree preservation  
3 submission. That identified less  
4 than 50 percent tree removal, which  
5 is permitted in residential zones.  
6 And the limits of disturbance are  
7 below the thresholds in the code. No  
8 restitutions or securities will be  
9 required for that.

10 Storm Water Pollution  
11 Prevention Plan has been prepared and  
12 is acceptable. Again, this is  
13 residential project, more than one,  
14 less than five acres disturbance, so  
15 the SWPPP is an Erosion and Sediment  
16 Control Plan. There is a roadway  
17 dedication parcel that will need to  
18 be dedicated to the Town in the  
19 future. Orange County Health  
20 Department review of the subsurface  
21 sanitary disposal systems is  
22 required, as this is a major  
23 subdivision. The project does  
24 require a Public Hearing. And also,  
25 this is a unique project because it

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doesn't have any permitted storm

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water management facilities. There

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will need to be just a separate

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escrow established for the MS4 review

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by the Town. Typically, that's

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covered under the securities and

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such, but there will be no securities

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as there's no permitted improvements.

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I think the action the Board

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could take tonight would be to

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schedule a Public Hearing for the

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project.

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CHAIRMAN EWASUTYN: Comments

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from Board members, John Ward?

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MR. WARD: No comment.

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MS. CARVER: No questions.

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MR. BROWNE: Nothing more.

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CHAIRMAN EWASUTYN: No comment

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at this point.

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MR. MENNERICH: No questions.

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MS. DeLUCA: No questions.

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MR. DOMINICK: Nothing further.

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CHAIRMAN EWASUTYN: Dominic

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Cordisco, Planning Board attorney, do

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you agree with the recommendation  
from Pat Hines?

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MR. CORDISCO: Yes, I do. I  
would recommend that the board  
schedule a Public Hearing.

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CHAIRMAN EWASUTYN: Okay. What  
is the first meeting in May?

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MR. HINES: May 7th.

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CHAIRMAN EWASUTYN: Would  
someone make a motion to schedule the  
Public Hearing for the Subdivision of  
Lands of MSM TR Meyerson for a  
five-lot subdivision -- and the date  
again is?

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MR. HINES: May 7th.

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CHAIRMAN EWASUTYN: May 7th.

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MR. WARD: So moved.

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MR. DOMINICK: Second.

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CHAIRMAN EWASUTYN: Motion by  
John Ward. Second by Dave Dominick.  
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.

## Subdivision of Lands of MSM TR c/o Meyerson

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MR. BROWNE: 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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MR. MARSHAL: Thank you very

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much.

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(Time noted 7:47 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 15th day of April 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

XTERIOR PRO, LLC (26-08)  
171 South Plank Road  
Section 60, Block 3, Lot 17.2  
Zone IB

-----X

INITIAL APPEARANCE  
CONTRACTOR OFFICE

Date: April 2, 2026  
Time: 7:47 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
James Lindenman, Esq.  
PATRICK HINES  
JAMES CAMPBELL  
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:  
Jonathan N. Millen, PLS, ACES

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

Xterior Pro, LLC

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CHAIRMAN EWASUTYN: The sixth and final item is Xterior Pro, LLC, project number 26-08. It's an initial appearance for contractor office. It's located on 171 South Plank Road in an IB zone, and it's being represented by Jonathan Millen. Jonathan, thank you for covering --

MR. MILLEN: Sure. So, as I understand it, Mr. Lehman (Phonetic) is requesting a change of use. There are a number of items that we received with respect to comments of which we are prepared to address in full. Don't know which have more application than the others. However, we do have a storage container in the back. This is going to be strictly for the storage of materials that are being used onsite or in the process of their business. I don't know if there's any specific questions or comments that I would need to address. I'm happy to try.

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CHAIRMAN EWASUTYN: No, you always do better than trying. That being said, I think Jim Campbell was instrumental in helping get this to the Zoning Board of Appeals through the building department. So, he has a great understanding of how that started and went before the ZBA. And looking at the most recent site plans, he's noticed one or two changes. Jim?

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MR. CAMPBELL: From the site plan, the draft site plan that I have reviewed at the time was referred to the ZBA. There's a couple of differences. There is an addition 972-square-foot attached garage, which was not on my plan. And also part of the garage is a proposed roof extension, so that has to go back for a variance.

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One side yard required 30 feet, proposed 3.8. Combined side yard required 80 foot, proposed -- I would

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need that dimension of what that is going to be.

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The cargo container from the plan that I saw basically it's been rotated, so that's sitting differently on the site. So, it would have to go for side yard setback required 20 purposed two-foot, proposed --

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MR. MILLEN: Right.

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MR. CAMPBELL: So, those would be back to the ZBA for variances.

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My next comment was if it could show calculation for the lot surface coverage to verify those numbers that you put on there. General note, the cargo container must comply with all sections of Municipal code 185.15.1.

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The sign detail on the plans is different than what Mr. Lehman gave me, so I would need more information because that may or may not need to go back to ZBA for that stuff.

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MR. MILLEN: Right.

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MR. CAMPBELL: And the other one is a general note, parking striping detail on sheet two does not conform to the Town requirements. The Town requires a double box.

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And the handicapped signage as listed, two signs are listed, but they should just be reversed.

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MR. MILLEN: Right.

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MR. CAMPBELL: The striped area gets the no parking sign, and the space gets the handicapped sign.

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MR. MILLEN: I noticed that.

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As I mentioned, we will make all the of changes as required and resubmit to you for a referral to the Zoning Board for these variances.

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MR. CAMPBELL: Well, any referral now would be going through the Board.

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MR. MILLEN: Okay, so we will resubmit to the Board revised drawings addressing all of the comments.

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CHAIRMAN EWASUTYN: Can we allow Dominic Cordisco, Planning Board attorney, to speak on the procedures as of now forward?

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MR. CORDISCO: One path forward would be for the Board to authorize the ZBA referral now, based on the variances that have been identified by Code Compliance. But there are some additional items, such as the lot coverage and signage, that you could confirm directly with Code Compliance, and I will then add that to the referral letter. That would save you from having to come back to the Board for any further processing of the referral to the Zoning Board of Appeals.

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MR. MILLEN: Thank you. Much appreciated.

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CHAIRMAN EWASUTYN: Would someone move for a motion to have Dominic Cordisco prepare a referral letter to the Zoning Board of

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Appeals, subject to them having all

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of the details that are necessary --

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MS. DeLUCA: So moved.

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CHAIRMAN EWASUTYN: -- for 171

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South Plank Road.

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MR. WARD: So moved.

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CHAIRMAN EWASUTYN: I have a

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motion originally from Stephanie

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DeLuca. I have a second by John

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ward. Can I have a roll call vote

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starting with John Ward?

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MR. WARD: Aye.

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MS. CARVER: Aye.

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MR. BROWNE: 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: On the

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detail sheet, Jonathan, there is

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something that's noted under the

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fence detail that there needs to be

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approval from the City of Newburgh.

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Can you edit that?

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MR. MILLEN: Yes.

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CHAIRMAN EWASUTYN: Okay.

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MR. HINES: John --

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CHAIRMAN EWASUTYN: I'm sorry.

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MR. HINES: It's an existing

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site, so we don't have a lot of

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technical comments. But this is an

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initial appearance for the Board, so

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the adjoiners' notices have to be

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sent out. I will work with you or

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Jonathan Cella?

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MR. MILLEN: Work with me.

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MR. HINES: Work with you,

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okay? So, I will go through your

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office. I'll get you the adjoiners'

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notices and the mailings.

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This also needs County

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Planning. I know they have to go

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through a ZBA procedure again. If

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the maps could be revised and the

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Board so authorized, I could have it

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submitted to County Planning so that

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timeframe could be saved in the

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future rather than have to come back

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and have to cost a month at County Planning, so we would be willing to do that.

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Also, it's located on state highway. It's a Type II action under SEQRA, so there would be no lead agency or notification to DOT. And we typically send DOT a letter. They don't often reply, but at least they're on notice that there is this change of use along the state highway. But there is no change to the access or anything, just a procedural matter. So, I think those three things could be addressed tonight.

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CHAIRMAN EWASUTYN: So, he would present to your office revised site plans, and you would refer them onto the Orange County Planning Department?

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MR. HINES: Yes, just as a kind of timesaver as the project moves through the ZBA process.

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CHAIRMAN EWASUTYN: Is the  
Board in favor of that?

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(All respond yes  
simultaneously.)

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MR. MILLEN: Thank you for your  
time.

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MR. HINES: And we will also do  
the adjoiners' notices and DOT  
letter.

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CHAIRMAN EWASUTYN: Before we  
close the meeting, there's one thing  
I have to kind of note. I know Lisa  
won't be at the meeting of the 16th.  
Dave has an engagement then. Is  
there anyone else who won't be  
present for the meeting of the 16th?

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(No response.)

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CHAIRMAN EWASUTYN: Okay. Let  
me know, otherwise, we won't be able  
to move forward.

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Okay, I'd like to wish everyone  
a Happy Easter, and move to have a  
month to close the April 2nd Planning  
Board Meeting.

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MS. DeLUCA: So moved.

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MR. DOMINICK: Second.

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CHAIRMAN EWASUTYN: I have a

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motion by Stephanie DeLuca and second

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by Dave Dominic. Can I have a roll

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call vote starting with Dave

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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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MR. BROWNE: Aye.

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MS. CARVER: Aye.

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MR. WARD: Aye.

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(Time noted 7:55 p.m.)

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Xterior Pro, LLC

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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 15th day of April 2026.



\_\_\_\_\_  
VICTORIA CHUMAS ARIAS