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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

CONTINUATION  
THREE-LOT SUBDIVISION

Date: April 16, 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  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
JOHN A. WARD

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

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: Good

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morning, ladies and gentleman. The

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Town of Newburgh Planning Board would

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like to welcome you to their meeting

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of the 16th of April 2026. Tonight,

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we have four applications before us.

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And we will start the meeting with a

9

roll call vote.

10

MS. DeLUCA: Present.

11

MR. MENNERICH: Present.

12

CHAIRMAN EWASUTYN: Present.

13

MR. BROWNE: Present.

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MR. WARD: Present.

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MR. CORDISCO: Dominic

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Cordisco, Planning Board attorney.

17

MS. CHUMAS ARIAS: Victoria

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Chumas Arias, court stenographer.

19

MR. HINES: Pat Hines, MHE.

20

MR. CAMPBELL: Jim Campbell,

21

Town of Newburgh Code Compliance.

22

MS. MULLARKEY: Quinn

23

Mullarkey, MHE Engineering.

24

CHAIRMAN EWASUTYN: At this

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point, we'll turn the meeting over to

Poppy Lane

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2 Stephanie DeLuca.

3 MS. DeLUCA: Please rise for  
4 the Pledge.

5 (The Pledge of Allegiance was  
6 recited.)

7 MS. DeLUCA: I ask that you  
8 silence your phones. Thank you.

9 CHAIRMAN EWASUTYN: Our first  
10 item of business this evening is  
11 Poppy Lane, project number 25-22.  
12 It's a continuation of a three-lot  
13 subdivision located on North of  
14 Lester Clark Road. It's in an AR  
15 zone, and it's being represented by  
16 Ross Winglovitz.

17 MR. WINGLOVITZ: Good evening.  
18 Yes, for the record, Ross Winglovitz,  
19 Engineering and Surveying Properties,  
20 here regarding the Poppy Lane  
21 subdivision. This is an amended  
22 subdivision plan, so that lots exists.  
23 It was all approved many years ago.  
24 It was originally brought back to the  
25 Board in 2021 for a couple specific

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waivers that were required due to the

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fact that there wasn't a lot of

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design detail on the original

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approved plan. I provided copies of

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those waivers and the former granting

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of those waivers by the Board for the

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record.

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The -- it's primarily to do

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with the turnaround and the road

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grade, so we are again requesting

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those as part of the amended

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subdivision plan. Again, we're not

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creating any new lots.

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So, as part of that process,

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there was concern regarding the

17

drainage. We talked about it last

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month, yeah, I guess it was early

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March we were here.

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CHAIRMAN EWASUTYN: It was the

21

5th of March.

22

MR. WINGLOVITZ: Early March

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regarding the application. So, the

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road that was approved is going to

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drain towards Lester Clark. The

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design details on the plan did not have a lot of information, so as part of the process in front of the Board for the amended subdivision we were asked to look at the drainage. We provided a closed drainage system from the new proposed road down Lester Clark Road towards the intersection of Frozen Ridge, where that will enter the existing town drainage system.

The problem we encountered back two years ago, three years ago was we didn't know where that went. Again, that was subsequently figured out. There is a town easement there for drainage. There's a 15-inch pipe that goes across and connects to another pipe that comes from Frozen Ridge. The discharge is in the vicinity of another pipe that comes from Frozen Ridge. The applicant, along with the improvements of the drainage along Lester Clark, is also

1

2

going to improve that 15-inch pipe

3

that leaves Lester Clark Road and

4

goes to the rear of that property.

5

It's going to upgrade that pipe to a

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24-inch pipe.

7

There were several questions at

8

the last meeting, a lot of them

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around the storm water permits

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required. So, one of the questions

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was, Is a full SWPPP required? No,

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this is a single-family subdivision.

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It's under five acres of disturbance.

14

An erosion control plan is required.

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There will be a filing with the DEC

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regarding a permit, so there is some

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permit coverage required, but not a

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full SWPPP pre/post development

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analysis.

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The road had been approved by

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the highway superintendent for the

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location, so he still needs to

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provide final sign-off for that. We

24

indicated the other side of the

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right-of-way of Lester Clark to show

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that the drainage improvements are within the Lester Clark right-of-way so that that was clear.

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And I think that's it. I did get Pat's comments, and I would be glad to answer any of them for the Board.

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CHAIRMAN EWASUTYN: Pat, do you want to comment on Ross Winglovitz's comments?

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MR. HINES: Sure. After the last meeting and since this snow had melted, I was out there once before, but everything was covered in snow, I was able to follow that path of drainage that you were just discussing. I had to put boots on because I sunk up to my knee almost. But there is some issues with that drainage. The pipe is separated. It looks like it didn't have sufficient burial depth, and it was installed and probably floated. So, I have concerns regarding the 15-inch isn't

1  
2 buried, so putting a 22-inch [Sic] in  
3 there is going to have a burial depth  
4 that's going to be worse. So, I  
5 think there needs to be some fill  
6 that is going to need to be placed in  
7 there if you are going to put the 24.

8 Your plans didn't depict the  
9 36-inch pipe and sent the Board  
10 pictures of that.

11 MR. WINGLOVITZ: Pat, there is  
12 a 36-inch pipe that goes from Frozen  
13 Ridge. So, we do show the easement,  
14 but there's another pipe that comes  
15 from Frozen Ridge that discharges  
16 down here (Indicating).

17 MR. HINES: That discharge  
18 location is where it becomes a  
19 natural stream and proceeds down  
20 grade from there. Your current  
21 proposed invert would discharge not  
22 at that same location. The original  
23 15-inch, which is depicted in some of  
24 the pictures I gave, did discharge at  
25 the location of the 36-inch as well.

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So, I think it would make more sense

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to stay within the town easements,

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but make those discharge locations

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the same. And we are going to need

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some additional survey information to

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see what impact to that easement is

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and how much fill would need to be

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placed in order to address that

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proper burial depth for a 24-inch

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pipe. So, what Pat is asking is that

12

we extend that existing end --

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MR. HINES: That's not the

14

existing...

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MR. WINGLOVITZ: -- existing

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break in the pipe or something.

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MR. HINES: I think that is

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what that is.

19

MR. WINGLOVITZ: We would

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extend this pipe so that we remove

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the 15-inch from here and put a

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24-inch down to where it intercepts

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the 36-inch, and we don't have a

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problem with them.

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MR. HINES: We are going to

1  
2 need to show the grades there,  
3 though, because I think there is  
4 going to be extensive filling  
5 required. Right now, and I know the  
6 neighbors are here, so they're going  
7 to speak, but right now, the grade  
8 drops off rapidly behind the face on  
9 that site.

10 MR. WINGLOVITZ: Here  
11 (Indicating).

12 MR. HINES: It's probably a  
13 four-foot elevation difference from  
14 the existing back yard to where the  
15 15-inch pipe currently exists. So, I  
16 think some additional survey and  
17 profile should be shown there so that  
18 pipe is properly installed within the  
19 Town's easement and showing the  
20 required fill to get burial depth.  
21 Right now, if you put a 24 in there,  
22 it's going to be exposed.  
23 Three-quarters of the of pipe is  
24 going to be out of the ground. So,  
25 we need those inverts, the profile of

1  
2           that pipe, and I do believe that it  
3           should discharge at the same location  
4           as the 36, where the 15 originally  
5           did, but wasn't properly installed.  
6           You did provide the pipe size  
7           calculations.

8                         But the rest of the project we  
9           reviewed, and we have no other  
10          comments other than from the catch  
11          basin across these folks' property  
12          here to a discharge point.

13                        CHAIRMAN EWASUTYN: This is a  
14          continuation of a Public Hearing, so  
15          if anyone has any questions, please  
16          raise your hand and give your first  
17          name.

18                        ROB: Good evening. My name is  
19          Rob. I actually have a written  
20          statement I am going to read.

21                        My name is Rob, and I'm  
22          representing the owner of 146 Lester  
23          Clark Road, my father.  
24          Unfortunately, he is not able to  
25          attend due to his age and his health.

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I grew up on that property, so I'm very familiar with the topography and also the drainage situation. I submitted a statement last night. Hopefully, everybody received a copy. If not, I have some hardcopies.

MR. HINES: We did.

MR. WINGLOVITZ: Thank you.

ROB: Our concerns relate to storm water conveyance, the proposed discharge location, and potential downstream effects, particularly that low-lying area near Frozen Ridge Road where existing drainage is already constrained and includes wet ground and mapped wetlands on my father's property. Based on the current plans, runoff from the proposed development would be collected, piped along the new road, carried beneath Lester Clark Road, and then conveyed along its south side before discharging at a single low point. This approach concentrates flow from

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a higher elevation site and directs

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it towards an area that is already

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hydraulically sensitive, as Pat can

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attest to.

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While additional information

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has been provided, several items

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should be clearly documented and

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resolved in the public record before

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any approval is received.

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First, MHE Engineering's prior

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review letter identified two

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prerequisites: Confirmation of

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coverage under the New York State

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Department of Environmental --

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Environmental Conservation

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Construction Storm Water Permit. I

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believe -- is that what you were

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speaking to originally?

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MR. WINGLOVITZ: Yes.

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ROB: And provision of

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financial security for the drainage

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improvements. These were stated as

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conditions for plan endorsement, and

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it would be helpful to confirm their

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current status.

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Second, MHE's recent field inspection identifies broken pipe connection within the existing system and noted a 36-inch pipe discharging at the same location as the proposed outfall, which does not appear on the plans. These observations introduce uncertainties regarding existing system conditions and tie-ins that should be addressed. And I should also mention that that 36-inch, pipe discharge, that's all of the water that's coming down Frozen Ridge Road plus Candle Stick Hill, so that's a lot of water coming through there.

In addition, I would like to note five technical considerations. First, the discharge location and downstream flow path should be clearly defined relative to property boundaries and mapped wetlands. The reported outlet velocity, approximately 16.7 feet per second,

1  
2 is relatively high for discharge into  
3 a natural wet receiving area and  
4 warrants appropriate design  
5 consideration. Second, the  
6 engineering basis for the system  
7 should include both existing and  
8 proposed conditions. I believe that  
9 the analysis that you have done was  
10 looking at just the proposed, not  
11 looking at what currently is flowing  
12 through that area.

13 MR. WINGLOVITZ: Correct.

14 ROB: Without that baseline  
15 flow down, it's difficult to assess  
16 the magnitude or change or potential  
17 downstream impact.

18 Third, the outflow design  
19 should incorporate appropriate  
20 erosion control and energy  
21 dissipation measures suitable for wet  
22 conditions. These details are not  
23 currently shown.

24 Fourth, the proposed  
25 installation of approximately

Poppy Lane

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506 feet of pipe along the south side of Lester Clark Road appears to rely on a Town drainage easement. The scope and legal basis for that use should be clearly documented.

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And finally, because Poppy Lane is a private road with a privately maintained storm system, long-term responsibility for ownership, inspection, maintenance, and enforcement should be clearly defined.

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So, my request together is that the storm water design be fully documented, technically supported, and clearly established in the record before any approvals or waivers are granted. This will help ensure that decisions are made on a complete and transparent basis. Thank you.

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CHAIRMAN EWASUTYN: Ross, you want to respond to those questions?

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MR. WINGLOVITZ: Regarding the road and the maintenance, part of the

1  
2 original record shows that there is  
3 is a common use of maintenance  
4 agreement in place for the road and  
5 the drainage. That was filed as part  
6 of the subdivision plan and includes  
7 the front lot and the three remaining  
8 lots in the subdivision.

9 As far as the basis for the  
10 easement, the easement was actually  
11 provided to us by the Town; it is of  
12 record. There's filed copies. When  
13 the Town did this improvement, I  
14 think it was back in the 90s, that  
15 easement was acquired from, I think,  
16 the then developer in order do these  
17 improvements, including, I think, the  
18 30-inch pipe as well that existed.

19 Again, pre and post analysis is  
20 not part of the requirement for New  
21 York State DEC permit. And as Robert  
22 indicated, this is a point that does  
23 collect a lot of drainage. It's not  
24 like we are introducing a whole new  
25 point of discharge in a spot where

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there isn't. There's a 36-inch

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covert that comes here now from

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Frozen Ridge and a 15-inch covert

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comes from the existing Lester Clark

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Road.

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CHAIRMAN EWASUTYN: Pat Hines,

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follow-up?

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MR. HINES: Just to mention

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something, a DEC construction storm

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water permit will be required for the

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site prior to the plans being

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stamped. That consists of erosion

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and sediment control plan consistent

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with the DEC guidelines. There is no

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pre or post development storm water

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controls required because of the

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residential nature of the project and

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the less-than-five-acres disturbance.

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There will be financial

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security required prior to approving

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the plans for the installation of the

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offsite improvements to assure that

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those get completed once they are

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completely designed, but there will

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be a bond required to be posted to

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assure that construction. The

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existing pipe on Ross's plan does

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show energy dissipation riprap at the

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end. Once you relocate that, you can

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address that. It will also benefit

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the 36-inch pipe, which currently

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discharges about two feet off the

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ground into what becomes the natural

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stream.

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We did discuss the wetlands.

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They are not under DEC jurisdiction.

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They are outside of the urban area in

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the Town of Newburgh, which would put

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them under DEC's jurisdiction under

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the January 2025 regulations, so they

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are not, and as of today they would

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not, because DEC's regulations are

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currently in flux as some legal

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issues were recently resolved.

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I did find the drainage

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easements and provide them to Ross in

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the town engineer's office. We can

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provide them to Dominic too, for

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review of the final plans. The

3

highway superintendent has reviewed

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the entrance drive location, but a

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final sign-off once we are done with

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the technical review from the highway

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superintendent will be required. A

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long-term operation and maintenance

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of the offsite improvements will be

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done by the highway department.

11

Those improvements will be required

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to -- they will by default be

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dedicated to the Town. They're in

14

the Town's right-of-way, so they will

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be maintained just as any other

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drainage system in town roads for

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that portion in Lester Clark, and

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they are responsible for the

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easement, as well.

20

So, I think Ross has some

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additional work to do based on our

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review and the field review that we

23

performed. And that is where we're

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at with the review.

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CHAIRMAN EWASUTYN: Pat, what

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is your advice to the Planning Board  
at this point?

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MR. HINES: There is going to  
be some additional design work from  
Ross. We heard the neighbors; we're  
aware of their concerns. They are  
well documented, as we received them  
in writing, so it's easy to follow.  
This is the second Public Hearing for  
this. The Board could consider  
closing the Public Hearing at this  
time, and we will continue the  
review. We are aware of the  
concerns. They have been taken by  
the stenographer and provided in  
writing.

The project previously had a  
negative dec issue under the  
Environmental Quality Review Act, so  
that portion has been complete. And  
I think the Board could consider  
closing the Public Hearing, and we  
will continue to review the plans as  
submitted. Again, they will be

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publically posted to be available for  
anyone to review.

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CHAIRMAN EWASUTYN: Dominic  
Cordisco, Planning Board attorney?

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MR. CORDISCO: Yes. That  
certainly is a prudent course of  
action. I would add that anyone  
reviewing the plans once they become  
publically available is certainly  
able to write in to the Board with  
any remaining concerns that they may  
have. Even though the Public Hearing  
would be closed, the Board is always  
taking into consideration any kind of  
written comments that are received.

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CHAIRMAN EWASUTYN: John Ward,  
Planning Board Member?

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MR. WARD: I agree with Pat and  
Dominic.

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CHAIRMAN EWASUTYN: Cliff  
Browne?

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23

MR. BROWNE: I would agree with  
moving forward as suggested.

24

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CHAIRMAN EWASUTYN: I would

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take the advice of Dominic Cordisco,  
Planning Board attorney, to close the  
Public Hearing. Ken Mennerich?

5

MR. MENNERICH: I agree with  
closing the Public Hearing.

7

CHAIRMAN EWASUTYN: Stephanie  
DeLuca?

8

9

MS. DeLUCA: I do as well.

10

CHAIRMAN EWASUTYN: Any further  
questions or comments from the  
public. Sir?

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12

13

ROB: When the plans are  
updated, how will the public know  
that they are available?

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15

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CHAIRMAN EWASUTYN: Pat Hines?

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MR. HINES: The agendas are  
always available, posted online,  
which would be the way to follow up  
on that. The agendas are posted  
typically on the Friday before the  
meeting, so you have a week's notice.

23

24

25

MR. CORDISCO: The plans are  
also available online as well, not  
necessarily when the agenda is

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posted, but before the meeting

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itself.

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MR. HINES: They are typically

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posted Tuesday before the meeting

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when we have all of the comments

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ready.

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ROB: I did have another

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question. Regarding the easement

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along Frozen Ridge Road -- excuse me

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-- along Lester Clark Road, most of

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that digging and trenching is going

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be to taking place on my father's

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property. How -- what is the size of

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the easement, and how do we ensure

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that it is being done in a proper

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manner during construction?

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CHAIRMAN EWASUTYN: Good

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question. Pat?

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MR. HINES: So, the

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right-of-way along Lester Clark Road,

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that work would be in the Town

23

right-of-way. There is a 50-foot

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right-of-way there. We would

25

recommend that prior to construction

1  
2           that the actual easement be staked  
3           out in the field on your father's  
4           property so that Ross's surveyors  
5           would be able to document where that  
6           location is. It's one of the reasons  
7           we want to look at grading, to make  
8           sure that it stays within the  
9           easement as well.

10                  PAT:  There --

11                  CHAIRMAN EWASUTYN:  Please,  
12           just give your name because you  
13           haven't spoken.

14                  PAT:  Pat (Last Name  
15           Indiscernible), his brother, dad's  
16           daughter.  There is a portion along  
17           that where the actual area is only  
18           about this much, this wide  
19           (Indicating), before a falloff as  
20           it --

21                  ROB:  It's --

22                  (Unintelligible Due to Multiple  
23           Speakers.)

24                  PAT:  So, how do you attach a  
25           rather large and considerable pipe

1

2 along something that doesn't exist?

3 ROB: Towards the Frozen Ridge  
4 Road side, it's an exposed slope.

5 PAT: Right around the bend.

6 MR. HINES: They are going to  
7 be in the pavement area there in  
8 order to stay within the easement.9 MR. WINGLOVITZ: It comes up  
10 into the pavement area.11 PAT: Okay, I see. So then,  
12 the road won't be really accessible  
13 for that period of time.14 MR. WINGLOVITZ: It's only  
15 about a foot --16 MR. HINES: They will be  
17 required to maintain one-way traffic.18 PAT: There is very little  
19 traffic on that road.20 MR. HINES: There is very  
21 little traffic there. Although, I  
22 was surprised. There is some traffic  
23 on that road.24 PAT: We were passed today.  
25 And then, just to be clear, when this

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is nine, ten feet down, the township

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is still responsible for maintenance

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if there are any issues?

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MR. HINES: Yes, within the

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easement. The Town is going to own

7

and operate that easement piping that

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--

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PAT: In perpetuity?

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MR. CORDISCO: Yes.

11

MR. HINES: Yes.

12

PAT: Thank you.

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MR. HINES: I would suggest --

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I don't know where the easement falls

15

relative to the pipe, but I would

16

suggest that they be allowed to fill

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against your existing fill. You

18

don't want to have --

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PAT: No. No one needs to get

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car sick driving along that road.

21

MR. HINES: No, I meant in the

22

easement area.

23

PAT: Okay, thank you.

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CHAIRMAN EWASUTYN: Any further

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questions from the public? Comments?

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(No response.)

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CHAIRMAN EWASUTYN: Would someone move for a motion to close the Public Hearing on the Poppy Lane three-lot subdivision, project number 25-22.

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MR. WARD: So moved.

9

MR. MENNERICH: Second.

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

15

MS. DeLUCA: Aye.

16

MR. MENNERICH: Aye.

17

CHAIRMAN EWASUTYN: Aye.

18

MR. BROWNE: Aye.

19

MR. WARD: Aye.

20

21

CHAIRMAN EWASUTYN: Motion carried.

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MR. CORDISCO: If I may, John?

23

CHAIRMAN EWASUTYN: Sure.

24

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MR. CORDISCO: So, Ross, because of the prior neg dec and the

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closing of the Public Hearing, would you agree to extend any timeframes for the Board to make a decision given the fact there's additional work to be done on this project?

MR. WINGLOVITZ: Yes, we agree to waive the 62 days timeline for the decision.

MR. CORDISCO: Thank you.

CHAIRMAN EWASUTYN: Thank you.

MR. WINGLOVITZ: Thank you.

(Time noted 7:21 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 6th day of May 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

THE LEAF NEW YORK, LLC  
(26-01)  
254 Route 17K, Suite 104 & 105  
Section 6, Block 1, Lots 113, 114, 115  
Section 86, Block 1, Lot 86  
Zone IB

-----X

AMENDED SITE PLAN  
SPECIAL USE PERMIT

Date: April 16, 2026  
Time: 7:21 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE:  
Bruno Hernandez, Minuta Architecture, PLLC

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

The Leaf New York, LLC

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CHAIRMAN EWASUTYN: The second item of business this evening is The Leaf New York, LLC. It's an amended site plan for special use permit in an IB zone, and it's being represented by Minuta Architects.

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MR. HERNANDEZ: How are you doing? My name is --

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(Unintelligible.)

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CHAIRMAN EWASUTYN: Did you hear that?

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MS. CHUMAS ARIAS: No.

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CHAIRMAN EWASUTYN: Just a little bit slower.

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MR. HERNANDEZ: My name is Bruno Hernandez. I'll be representing Minuta Architects, The Leaf. We recently received the front yard variance and also an interpretation of the lockable dumpster, I think, that you guys were worried about. But, I think, we discussed that OCM has their own set of rules, and that we will follow

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along with that. If they want the

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lockable dumpster, that we do the

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lockable dumpster. If not, they have

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their own set of rules that's more so

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like a pharmacy. It's not just like

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a disposal of any random object. So,

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the reason we are here today is just

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to respectfully ask the Planning

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Board to declare themselves agency

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and circulate the GML 239 to the

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required parties. And also that we

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would anticipate a 30-day turnaround

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on comments and ask that the Planning

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Board set the Public Hearing for

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May 21st.

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CHAIRMAN EWASUTYN: Thank you.

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Jim Campbell, Code Compliance?

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MR. CAMPBELL: I have no

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comments.

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CHAIRMAN EWASUTYN: Pat Hines

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with MHE?

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MR. HINES: I believe this is a

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Type II action under SEQRA, so we are

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not going to circulate lead agency

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unless Dominic tells me otherwise.

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MR. CORDISCO: No, it would be a Type II action.

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MR. HINES: It would be appropriate for the Planning Board to authorize circulation to Orange County Planning Department. We will strive to get that done tomorrow or Monday at the latest, which will fall within the timeframe where a Public Hearing could be held on the 21st.

As was mentioned, the ZBA granted variances and interpretation on the locking dumpster. The existing landscaping is proposed to remain. I know the Board discussed that at work session. And we had a discussion regarding the lighting as well. But right now, the authorizations for County Planning referral and possibly scheduling the Public Hearing if the Board so desires.

CHAIRMAN EWASUTYN: Comments

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from Board members, John Ward?

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MR. WARD: With the lighting, I recommend upgrading the lights. It's -- the building itself has been there. The plans we have is from the original layout from years ago, and with everything, it's changed. And it used to be, like, offices. Now, it's transitioned to, like, retail in there where, for safety-wise, at night, it should have upgraded lighting with it. With the landscaping it should be upgraded, too, and show on the detail on the plans.

CHAIRMAN EWASUTYN: Cliff Browne, you want to assist in the -- you have a greater understanding of lighting, what you might suggest as far as consistency and illumination?

MR. BROWNE: So, on the lighting plan, some of the detail on there talked about the 3,000, 4,000, 5,000 Kelvin lamps, and the

1  
2 description looked like there was  
3 some 3,000 being used and some 5,000.  
4 From a consistency standpoint and  
5 what seems to be more of the, can I  
6 say, the desired, if you will, by  
7 pretty much the public is like the  
8 3,000 Kelvin range. But I don't know  
9 with your plan how that is actually  
10 going to be from a functional  
11 standpoint as far as appearance goes.  
12 So, the 3,000 is kind of an orange  
13 light, like these up here in the  
14 corner (Indicating). Whereas, that  
15 one over your head is a 4,000, and  
16 this other bluish thing over here is  
17 a 5,000. So, on your plan, you're  
18 showing all three of those. So, I  
19 don't know how that is going to work  
20 from an appearance standpoint. I  
21 think, personally, it should be  
22 somewhat consistent, and it seemed  
23 like a lot of the surrounding  
24 communities are looking more for the  
25 3,000 range, if you will. I'm not

1  
2 saying that's what you have do  
3 because the Town of Newburgh, to my  
4 understanding, does not have a code  
5 that requires that per se. But  
6 moving forward, I think it would be  
7 good to look at that. Your plan's  
8 looking at LEDs. It looked like all  
9 of the different LEDs on there can be  
10 changed from the three different  
11 versions from the three, to four, to  
12 five, according to what your plan  
13 shows.

14 MR. HERNANDEZ: Okay.

15 MR. BROWNE: So, it shouldn't  
16 be any kind of a real problem, but  
17 just getting that part consistent.  
18 Also, with the intensity, it was  
19 brought up that a couple of projects  
20 in past just had changed lamps, and  
21 that changed the whole thing as far  
22 as intensity and so on. So, you need  
23 to stay with the plan, as far as the  
24 intensity, which is different than  
25 the Kelvin.

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MR. HERNANDEZ: Okay.

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CHAIRMAN EWASUTYN: And John Ward, when you say landscaping, where and what are you recommending or suggesting?

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MR. WARD: Well, the island with something. It previously had something there.

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CHAIRMAN EWASUTYN: You are talking about the curb islands?

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MR. WARD: Yes, curb appeal.

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CHAIRMAN EWASUTYN: Ken Mennerich?

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MR. MENNERICH: I have no questions.

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CHAIRMAN EWASUTYN: Stephanie DeLuca?

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MS. DeLUCA: No questions. Although, I do agree with the lighting and having consistency throughout. I think that would be a nice upgrade to the whole site.

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I am just curious, what are your hours of operation, do you know?

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DEBORAH: They would be --

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CHAIRMAN EWASUTYN: For the records, your name, please?

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DEBORAH: Deborah McCabe.

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CHAIRMAN EWASUTYN: Thank you.

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DEBORAH: Yeah, the hours are going to be, like, from 8:00 in the morning until 9:00 at night, seven days a week.

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MS. DeLUCA: Okay, thank you.

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CHAIRMAN EWASUTYN: Would someone move for a motion to circulate to the Orange County Department of Planning and to set for a Public Hearing on the 21st of May?

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MR. MENNERICH: So moved.

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MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: We have a motion by Ken Mennerich, have a second by Stephanie DeLuca. May I please have a roll call vote starting with John Ward?

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MR. WARD: Aye.

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MR. BROWNE: Aye.

The Leaf New York, LLC

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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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CHAIRMAN EWASUTYN: Motion

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carried. Thank you.

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MR. HERNANDEZ: Thank you.

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(Time noted 7:28 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 6th day of May 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

OVERLOOK FARMS A FARRELL COMMUNITY  
(19-23)  
5417 Route 9W  
Section 9, Block 1, Lots 10, 11, 12,  
56.21 & 56.22  
Zone R-3/B

-----X

AMENDED SITE PLAN

Date: April 16, 2026  
Time: 7:28 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE:  
Anthony Guccione, Jr., RLA, JMC PLLC

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: Our third item of business this evening is Overlook Farms a Farrell Community, project number 19-23. It's an amended site plan. It's located on Route 9W in an R-3/B zone. It's being represented by Anthony Guccione with JMC.

MR. GUCCIONE: Good evening. Good to see everybody again. For the record, again, my name is Anthony Guccione. I'm a principal with the firm JMC. I'm here, the project is Overlook Farms a Farrell Community, and we're here half on behalf of the applicant Farrell Community Overlook Farms, LLC. We're before your Board tonight to request amended site plan approval for the Overlook Farms project. The project originally received site plan approval from the Board in May of 2023. It subsequently received a one-year extension, which is due to expire in

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May of this year. The applicant has been diligently pursuing outside agency approvals, which were conditions of the project's site plan approval, and we've made significant progress.

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As you may know, some of these agencies have very long lead times in getting the approvals and dealing with state agencies, the New York State Department of Transportation, and New York State Department of Environmental Conservation. I'm pleased to report we have received the NYS DEC's approval for the sewer treatment plant. We have received the NYS DOT's -- the longest lead time is the DOT -- the use and occupancy permit for the water connection in Route 9W. They granted the land donation, which was necessary for the highway improves along Route 9W and the sidewalk along 9W. And we're currently in the final

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stage of highway work permit with

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DOT. There's a three-stage process.

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We're in third stage. And that's

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really -- upon that being concluded,

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we'll be done with the DOT as far as

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approvals. Last thing they're

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looking at is their structural

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department is looking at the covert

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extension under Route 9W. We're

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waiting to hear back from them on

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that. The Orange County Health

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Department has approved the project

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water mains. And DEC has granted the

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water quality. The Army Core of

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Engineers has granted approval for

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the wetlands disturbance. And there

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are some -- the applicant

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acknowledges that they'll need to

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post bonds and pay fees that are all

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outlined in the approval for the

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project.

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Regarding the requested

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amendment, the project remains

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substantially the same as the project

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that was originally approved by your Board with several modifications for which we respectfully request your approval. This plan here is the approved site plan that you previously approved. Things that stay the same, the project still proposes 203 residential units and 15 buildings in the upper portion of the site. There's still the 25,000-square foot retail store with the associated parking. The parking quantities remain the same. They remain consistent with the zoning requirement.

Things that have changed, I would like to take you to the amended plan. The changes really happen at the clubhouse, the amenities area, the central portion of the site here. I'll take you to the amended site plan now. Again, this is a smaller scale, but the change is all happening here with where the

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amenities are, the clubhouse, and the parking for the club house. And I would like to bring up a plan now that blows up this area here and shows the comparison between the old and the now, again, with the idea that all of these improvements in the residential area and the retail stay the same as what was previously approved.

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So, this is a blowup of that central area. This is the original site plan that you previously approved. This is the amended site plan. So, the changes include a changed to the shape and the size of the clubhouse, the footprint. The architecture and look of it and materials remain the same. The clubhouse has been reduced from 5,085 to 4,150 square feet, which is more of a prototype that this developer has been using of late. The clubhouse parking lot has been

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modified. This was a dead-end

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parking lot here, but what they are

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now proposing like an eyebrow, a loop

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parking lot. Still has the same 21

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parking spaces, but this loop

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accommodates better vehicular

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circulation, drop-offs, and emergency

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access. So, we felt that this is a

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better configuration. This is what

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they have been wanting to use on

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their projects now.

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Another change is the tennis

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courts. We previously had tennis

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courts on the site. They want to

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eliminate those and put Pickleball

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courts because they're finding that

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at the developments Pickleball is

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much more popular. Nobody wants to

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play tennis anymore, so they want to

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keep what's current trends and put

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the Pickleball. It has the end

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benefit of having a smaller

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footprint, less impervious surface,

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so that's kind of a win-win for them.

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And a smaller footprint actually is actually less expensive to build, so that's a win in all ways.

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The other amenities at the clubhouse have been modified to accommodate, you know, the new layout. There's still a dog park, a playground, a pool, a bocce court, all of the same amenities, just in a little different configuration that works better with their new footprint.

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And the last change on the site plan was one of the requirements of site plan arrival resolution was that we have EV charging. EV charging has been added throughout the site for the residential, the retail, there's one at the clubhouse. So, that has been covered with this change coming in.

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I know Mr. Hines's letter questioned the phasing of the project. The phasing remains the

1  
2 same as what we previously proposed  
3 going back to this plan. There is  
4 really no change in the phasing. The  
5 idea is to start at the bottom of the  
6 site along 9W, the street relocation.  
7 The retail would be first. Then,  
8 they would work their way up the site  
9 in chunks. And phase two would be  
10 this area (Indicating), phase three  
11 would be this area, (Indicating.)  
12 Works with the cuts and fills to take  
13 it out of the high parts and put it  
14 in the low parts to make things work.  
15 And the applicant would like to  
16 obtain COs as they go up the hill.  
17 So, as they finish an area, that  
18 cluster of COs, and occupy those  
19 buildings, continue to work up. The  
20 only place -- you know, they'd have  
21 to build the road as they go up,  
22 build the streets as they go up until  
23 they get completed.

24 MR. HINES: They are going to  
25 build that retail on spec without a

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2           tenant?

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MR. GUCCIONE: They don't have a tenant yet, but they're still working through the approvals. It's very -- they started looking, but they don't have a tenant. But that's the plan right now, is to build that. That's always been the plan.

So, again, we are here again to respectfully request amended site plan approval for this project. In terms of SEQRA, there are no new potential environmental impacts associated with the project at all. There's actually less impervious surface. There are 12 less significant or specimen trees to be removed in this area where the tennis courts were, so less tree removal. There's no increase in land disturbance. No increase in impact to wildlife. Storm water, traffic all remain the same. There's no changes there. So, again, we are

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here tonight to respectfully request

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amended site plan approval. I'm

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happy to answer any questions.

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CHAIRMAN EWASUTYN: Stephanie

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DeLuca?

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MS. DeLUCA: I appreciate a

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couple of the improvements that

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you've made. One, having the

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circular or eyebrow drive. I thought

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that was a good idea. Of course, the

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Pickleball is great, too. Are there

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-- I didn't get to look close up, but

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are there sidewalks within the

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project.

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MR. GUCCIONE: Yes.

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MS. DeLUCA: I'm just double

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checking.

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MR. GUCCIONE: There is a

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substantial sidewalk network

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throughout this project. You can see

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these kind of lighter beige lines?

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MS. DeLUCA: Okay.

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MR. GUCCIONE: As well as

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throughout to 55. Remember, Marlboro

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Dukes school district asked us to add

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the bus drop-off for school kids,

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mailboxes? So, that accommodates

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buses, and that connection to

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Route 9W right-of-way where we have a

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sidewalk here is part of what we're

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getting approved by the DOT.

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MS. DeLUCA: Okay, very good.

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And as far as the ARB -- the

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color pallet, I'm just curious about

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that.

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MR. GUCCIONE: Of the

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architecture?

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MS. DeLUCA: Yes.

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MR. GUCCIONE: It's the same --

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the architect is not here. It's the

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same thing you approved last time as

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ARB. He still needs to go over his

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detailed plans for permitting and

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final architecture permit, I believe,

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but the Board signed off on the

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architecture as presented.

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MS. DeLUCA: Okay.

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MR. GUCCIONE: The same

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materials, same colors. Nothing has  
changed there.

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MS. DeLUCA: Okay, thank you.

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MR. MENNERICH: I like what you  
did with the clubhouse and the  
parking for that. And I think the  
Pickleball courts make more sense  
than tennis courts.

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MR. GUCCIONE: That seems to be  
the way people are going now.

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CHAIRMAN EWASUTYN: Anthony,  
just a suggestion. Can you have a  
bench maybe at the Pickleball --

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MR. GUCCIONE: Absolutely.

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CHAIRMAN EWASUTYN: -- for  
those people who are waiting?

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MR. GUCCIONE: We do have some  
picnic benches here. It would  
probably make sense to put some by  
the court. Good idea, yeah. Thank  
you.

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CHAIRMAN EWASUTYN: Maybe  
somewhere on this side a bicycle  
rack.

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MR. GUCCIONE: Probably by the  
clubhouse, right?

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CHAIRMAN EWASUTYN: Whatever  
you suggest.

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MR. GUCCIONE: Okay.

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CHAIRMAN EWASUTYN: That's my  
only comment.

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MR. BROWNE: Just kind of  
curious, with the EV chargers, if  
that's going to be a commercial  
license --

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MR. GUCCIONE: I think at the  
retail it would be. The residential,  
I'm not sure, honestly, how they  
would work that. But they'd be  
associated with the individual units,  
so it's a residential building. The  
retail would be pay-to-use.

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MR. BROWNE: Do you have any  
idea how that would be maintained?

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MR. GUCCIONE: The residential?

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MR. BROWNE: Yeah.

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MR. GUCCIONE: That would be by  
the property owner. And then,

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whoever is maintaining the -- takes

3

over the retail would have to

4

maintain the EV chargers there. It

5

wouldn't be on the Town.

6

MR. BROWNE: The only reason I

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was asking is we have quite a few EV

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chargers being posted around the town

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here, and they are commercially --

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being commercially done and being

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maintained by one of those companies.

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MR. GUCCIONE: Yeah, that is

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different. So, yeah, Tesla goes

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around and puts chargers in places so

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other companies can make money on the

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business.

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MR. BROWNE: So, these are

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going to be -- how can I say?

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CHAIRMAN EWASUTYN: Owned and

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operated by...

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MR. GUCCIONE: The applicant

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sponsored.

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MR. GUCCIONE: Correct. That's

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kind of the business. They go to

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shopping centers and say, Can we pay

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you for some area to do EV chargers?

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And then they have a credit card to

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charge. The idea here would be this

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would part of the development, and

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then the owner would maintain and

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operate those.

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MR. BROWNE: Okay.

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MR. GUCCIONE: There is not a

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whole lot. I think we have four over

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here on the side. We have one for

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each building --

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MR. BROWNE: From a long-term

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service perspective, it doesn't seem

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like it's -- I don't know -- going to

16

work out that well, unless you have

17

something written into the HOA or

18

whatever it is for that kind of

19

maintenance.

20

MR. HINES: This project has

21

one owner. It's an apartment, it's

22

not an HOA.

23

MR. GUCCIONE: Right.

24

MR. HINES: So, there is one

25

entity responsible. There's no

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subdivision here. The applicant will own the apartments and the retail components. And that's important, as I discussed at work session, that there is a sewage treatment plan on this site that needs to be owned by one entity and no more than that.

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13

MR. GUCCIONE: Originally, they were considering two owners for the retail and residential, but it complicated the sewer treatment plan aspect.

14

15

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18

MR. BROWNE: Sorry. My job as the maintenance guy is to go around maintaining things, so that's one of the things I think about - how do you maintain stuff?

19

20

CHAIRMAN EWASUTYN: Ask him what states does he work in.

21

22

MR. GUCCIONE: What states do you work in?

23

24

25

MR. BROWNE: The whole country. I did a job over in Phoenix Monday and then Greensboro yesterday.

1

2

MR. GUCCIONE: Wow.

3

CHAIRMAN EWASUTYN: John Ward?

4

MR. WARD: Even though you

5

improved it minor improvements, it

6

was excellent on the improvements

7

with everything, you know, with the

8

traffic going around the bottom.

9

That was an issue all along, but you

10

solved problems there. And you're

11

keeping up with the times with the

12

Pickleball.

13

MR. GUCCIONE: Seems to make

14

sense.

15

MR. WARD: Thank you.

16

CHAIRMAN EWASUTYN: Pat Hines,

17

MHE?

18

MR. HINES: Yeah, we received

19

the status memo that Anthony went

20

over with you. Some of the issues

21

that were deferred to building permit

22

are actually going to be needed to be

23

done prior to stamping plans, but we

24

can work on that moving forward. The

25

Storm Water Pollution Prevention Plan

1

2 was revised. That's under review by  
3 my office. It's, I don't know,  
4 600/700 pages, but the revisions  
5 aren't that extensive, so I hope to  
6 have those done soon.

7

8 Next comment just goes over the  
9 amendments. We talked about the  
10 construction sequence. I want to  
11 make sure it's on the record that  
12 apartments can get COs prior to all  
13 of them being built. And I was under  
14 the impression the retail wasn't  
15 going to be built until you have a  
16 tenant, but you're saying otherwise.

17

18 I requested a short SEQRA  
19 consistency identifying the reduction  
20 and impacts for the most part, so the  
21 Board, at some point, can address  
22 SEQRA, possibly by issuing a SEQRA  
23 consistency document.

24

25 The amended site plan has to go  
to County Planning, so I think the  
Board could refer that to County  
Planning at this point because it's

1

2

located on a state highway, and that would be the action tonight. I don't see the change is significant enough to require any resenting of adjoiners' notices. The code has a 10 percent threshold, and these changes are nowhere near 10 percent of any of the thresholds that were previously reviewed, so just County Planning is required for amended site plan.

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CHAIRMAN EWASUTYN: Jim

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Campbell?

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MR. CAMPBELL: I have no comments.

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CHAIRMAN EWASUTYN: I will poll the Board members. We do have to circulate to the Orange County Planning Department. Does the Planning Board want to hold a Public Hearing on the amended site plan? Stephanie DeLuca?

24

25

MS. DeLUCA: No, I don't think so.

1

2

CHAIRMAN EWASUTYN: Ken

3

Mennerich?

4

MR. MENNERICH: I agree, no.

5

CHAIRMAN EWASUTYN: I will

6

waive the Public Hearing.

7

MR. BROWNE: Yeah, I think

8

based on the minimal changes, I would

9

waive the Public Hearing.

10

CHAIRMAN EWASUTYN: John Ward?

11

MR. WARD: I say waive the

12

Public Hearing because it's not any

13

drastic changes.

14

CHAIRMAN EWASUTYN: Dominic,

15

when we do discuss the SEQRA

16

consistency determination?

17

MR. CORDISCO: After you hear

18

back from County Planning.

19

CHAIRMAN EWASUTYN: So then,

20

the motion before us tonight, would

21

someone make a motion circulate

22

Overlook Farms a Farrell Community

23

the amended site plan to the Orange

24

County Planning Department?

25

MR. MENNERICH: So moved.

1

2

MS. DeLUCA: Second.

3

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

8

MR. WARD: Aye.

9

MR. BROWNE: Aye.

10

CHAIRMAN EWASUTYN: Aye.

11

MR. MENNERICH: Aye.

12

MS. DeLUCA: Aye.

13

14

15

MR. GUCCIONE: Thank you very much. Appreciate your time. Have a nice night.

16

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19

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CHAIRMAN EWASUTYN: Stan, Pat did mention that all of the fees, the bonds, the rec fees, all of these have to be paid up prior to signing the site plan, correct?

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STAN: That's correct. Have my clients ever at any time paid the fees before asking for your signature?

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CHAIRMAN EWASUTYN: Good

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question.

STAN: I don't think so.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: The response letter  
just had things --

(Unintelligible Due to Multiple  
Speakers.)

STAN: -- referring building  
permit. It's whatever's in the  
resolution. Thank you, goodnight.

MR. GUCCIONE: Thank you.

(Time noted 7:44 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 6th day of May 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

609 INTERNATIONAL BLVD.  
(25-04)  
609 International Blvd.  
Section 89, Block 1, Lot 11.3  
Zone IB

-----X

SITE PLAN

Date: April 16, 2026  
Time: 7:44 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE:  
Michael A. Morgante, P.E., Arden Consulting  
Engineers, PLLC

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

609 International Blvd.

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CHAIRMAN EWASUTYN: The last item of business this evening is 609 International Boulevard. It's a site plan located on 609 International Boulevard in an IB zone, and it's being represented by Michael Morgante.

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MR. MORGANTE: Good evening everybody. It's been a little while since we were back before the Board. We had received comments from the consultants a while back, and we worked to make the modifications to the plan. Some of those modifications included widening the access way here in front of the proposed FedEx truck repair facility and the fire access lane in this location, checking the code to ensure we have proper parking involved, prepare the lighting plan, prepare the landscaping plan. So, the plans were well advanced for the submission. We did -- as it relates

609 International Blvd.

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2

to the New York State DOT, we are  
3 through to stage two, permit approval  
4 for the entrance. We will provide  
5 that documentation to the Town for  
6 the records. As matter of fact, they  
7 asked us to file a permit and bonds  
8 for the entrance because that's the  
9 State's route, right? So, we are in  
10 good shape as it relates to the  
11 entrance.

12

13

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We also had the DEC wetland  
validated recently by Mike (Name  
Unintelligible.) And we did receive  
comments from the consultants. We  
will work to make those changes to  
the plans. We are here tonight to go  
over those and have any discussions  
that the Board and the consultants  
might want to have.

21

22

23

CHAIRMAN EWASUTYN: We will  
start with Jim Campbell, Code  
Compliance.

24

25

MR. CAMPBELL: My first comment  
has to do with the work hours. Site

609 International Blvd.

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2

preparation activities are limited

3

7:30 to 6:00 p.m., no Sundays or

4

holidays. Construction activities

5

can go 7:00 to 7:00. There's quite a

6

few deficiencies on the bulk table

7

that need to be addressed, and they

8

are all listed. Currently, there is

9

only one variance at this time. It's

10

for a rear yard setback, required 60,

11

proposed 10 feet.

12

Also noted that the handicapped

13

parking space is to the left of the

14

site of the building, and closest the

15

entrance to the building would be

16

directly into the garage.

17

MR. MORGANTE: So, we do have

18

an entrance shown right here in front

19

of the handicapped parking spaces.

20

It's my understanding that you want

21

handicapped parking spaces located as

22

close to the building as possible.

23

If I located the handicapped parking

24

spaces anywhere where the level

25

(Phonetic) is shown, that person

609 International Blvd.

1

2

would have to traverse that 30-foot  
3 driveway to get into the front door.  
4 And the likelihood of a handicapped  
5 person working and using that space  
6 all of the time in a FedEx truck  
7 repair facility I don't think is by  
8 code or shown (Phonetic). But it's  
9 my opinion that this is the closest  
10 entrance to the building. It's the  
11 shortest walkway.

12

MR. CAMPBELL: It is an  
13 entrance, but it's directly into the  
14 shop or garage.

15

MR. MORGANTE: We can have the  
16 architect modify something for that.  
17 That's fine.

18

MR. CAMPBELL: Details need to  
19 be placed on the plans regarding the  
20 handicapped signage and striping,  
21 parking lot striping, and fire zone  
22 striping and signage.

23

Is there any outdoor storage  
24 proposed?

25

MR. MORGANTE: Not at this

609 International Blvd.

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time. We can add a note to the plans.

3

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MR. CAMPBELL: Okay.

5

6

What are the plans for garbage disposal?

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MR. MORGANTE: The thought is locate a garbage dumpster in this location right here (Indicating), so a garbage truck could pull out, pull back, pull it up, and get back out easily. We will show that on the revised plans.

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MR. CAMPBELL: Where are the vehicles for repair's parking? Will they fit in passenger-sized parking spaces?

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MR. MORGANTE: The intention is not to have any vehicles being worked on stored outside of the site. Again, we will provide a note in the plan as such. When vehicles are ready for repair, they are just going to be brought right into the bays. They're not going to storing any

609 International Blvd.

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vehicles outside. That is per the applicant's discussion with me today.

3

4

MR. CAMPBELL: If they could detail that a little bit further, that would be appreciated.

5

6

7

MR. MORGANTE: Sure.

8

9

MR. CAMPBELL: My other comments refers to about the storage of those vehicles where it is limited to three and the code section...

10

11

12

CHAIRMAN EWASUTYN: Jim, can you speak up, you're mumbling, please?

13

14

15

MR. CAMPBELL: It does talk about how to park the vehicles, space between the vehicles in orderly fashion.

16

17

18

19

CHAIRMAN EWASUTYN: Can we stop for a second? What are the size of the vehicles? Michael, there is a project very similar to this off of 17K that services Federal Express trucks, and the average length is 28 feet. This same particular lot is

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21

22

23

24

25

609 International Blvd.

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inventory in excess what it was

3

approved for, and it also has

4

vehicles that are in great need of

5

repair. So, we have an example of a

6

similar use that you are proposing

7

now, and it's hard to imagine how you

8

are going to manage your use the way

9

it's difficult to the other site.

10

So, the question, again, is: What

11

size vehicles are you maintaining?

12

MR. MORGANTE: They will be

13

probably between 22 and 28 feet.

14

CHAIRMAN EWASUTYN: What?

15

MR. MORGANTE: Between 22 to 28

16

feet.

17

CHAIRMAN EWASUTYN: Okay, let's

18

be specific as to what the size might

19

be. Let's be specific as far as the

20

parking stall size. Let's be

21

specific on how your intent is to use

22

the property.

23

MR. MORGANTE: Very good.

24

CHAIRMAN EWASUTYN: Okay?

25

Thank you. I'm sorry, Jim. Go

609 International Blvd.

1

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ahead.

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MR. CAMPBELL: No problem.

4

5

The building needs to have fire  
sprinklers, and that's according to

6

the Town of Newburgh Municipal Code

7

Chapter 107 Titled Fire Prevention.

8

Sprinkler systems do kick in sooner

9

in that section than the New York

10

State Building Code.

11

MR. MORGANTE: We will look

12

into that.

13

MR. CAMPBELL: Retaining walls

14

will require separate permits,

15

third-party inspections and final

16

sign-off by a licensed professional.

17

Is there any proposed building-

18

mounted signage, freestanding

19

signage? That would need to be

20

shown. Also, required ARB by this

21

Board.

22

MR. MORGANTE: I discussed that

23

with the applicant today. There is.

24

I will provide that information and

25

make that submittal.

609 International Blvd.

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MR. CAMPBELL: The fire district has not commented on this revised plan as of yet, but they had comments from the previous set of plans. If those could just be addressed or how you added something to the plans.

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MR. MORGANTE: We will provide a full response. It was an inadvertent miss to not include that. I will say that a lot of those comments were taken care of. We will provide a formal response.

15

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MR. CAMPBELL: And my last comment is the new plans have been scanned and forwarded to the fire chief for comment.

19

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CHAIRMAN EWASUTYN: Pat Hines with MHE?

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MR. HINES: The limits of disturbance are shown on the plans at 0.79 acres. It's important that that disturbance be kept at that size. We would be looking for limits of

609 International Blvd.

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disturbance notes on the plans that they be delineated with orange construction fencing, so that greater than one acre will not be disturbed.

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We noted the DOT stage two approvals. I know I have a comment on the landscaping, but you have got detailed comments from the Karen's -- Karen, the landscape architect consultant. We just talked about the vehicle size and the fire department.

The project will require submission to Orange County Planning, but it sounds like there's going to be some site plan charges first. We also have to submit it to the Town of Montgomery as the rear property line, or what is called the rear property line now, is the municipal boundary with the Town of Newburgh and the Town of Montgomery.

The tree preservation ordinance, Chapter 172, has to be complied with. Based on the size of

609 International Blvd.

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2

the DEC wetlands, it probably

3

certainly complies as there is

4

extensive wooded area on the site

5

that will be not disturbed. The bulk

6

tables need to be updated, and we

7

need that prior to County Planning.

8

The Board probably could do a

9

referral to the ZBA tonight for the

10

rear yard setback, and we also have

11

-- there was discussion in February

12

of 2025, we held off doing lead

13

agency circulation until the bulk

14

tables have been complete, so lead

15

agency has not been circulated for

16

the project yet. So, somehow you are

17

working through DOT without that,

18

which is interesting.

19

CHAIRMAN EWASUTYN: John Ward?

20

MR. WARD: How many bays are

21

you going to have in the building?

22

MR. MORGANTE: One, two, three,

23

four, five, appears to be five bays.

24

MR. WARD: Alright, suppose one

25

vehicle you can't get fixed, and you

609 International Blvd.

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have vehicles that want to come in.

3

What is -- you're saying you're not

4

going to store them outside? What

5

are you going to do with that, tell

6

them to go away?

7

MR. MORGANTE: Well, the idea

8

would be to schedule the actual time

9

delivered. But as John noted before,

10

we will take a look at this a little

11

more closely.

12

MR. WARD: Because we said the

13

same thing with the other client, and

14

now they overflow it.

15

MR. MORGANTE: Understood.

16

MR. WARD: And, at the same

17

time, when it comes to landscaping,

18

you've got residential homes across

19

the street where it has a visual

20

impact. You should consider your

21

neighbors this way.

22

MR. MORGANTE: We did provide a

23

big row of spruces. At least the

24

visual impacts would be minimal.

25

CHAIRMAN EWASUTYN: But Karen

609 International Blvd.

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did look at the property.

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MR. MORGANTE: I like her layout. We will incorporate that into our plan.

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9

MR. WARD: Ditto on that. But I emphasize you are going to have employee parking, but I cannot see you not parking big trucks out there.

10

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MR. MORGANTE: We will look and see if we can squeeze -- the code says we're allowed to have three. So, I'll see if --

14

15

16

CHAIRMAN EWASUTYN: Jim Campbell, what does the code allow for?

17

18

19

MR. CAMPBELL: It is three, and it also talks about four feet between each vehicle, so it's a larger space.

20

21

MR. MORGANTE: We will see what we can do.

22

23

24

25

MR. WARD: Thank you.

MR. BROWNE: That's my major concern also, is the parking. The comments about the intentions and

609 International Blvd.

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what the plan is, that's all great,

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but that's not real. One of the

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things from my perspective is I like

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to see some way to enforce the fact

6

that you say you are not going to --

7

that you're --

8

MR. MORGANTE: We would

9

schedule --

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MR. BROWNE: Your applicant is

11

not going to be storing vehicles out

12

there that need repair. I would like

13

to see some method to enforce that

14

somehow. I don't know how that's

15

going to work. I don't know if it

16

can work, but I would love to see

17

some sort of enforcement mechanism.

18

MR. HINES: Map notes would

19

give the Code Enforcement Department

20

the ability to enforce it on a site

21

plan.

22

MR. BROWNE: Okay.

23

CHAIRMAN EWASUTYN: How many

24

employees would have you at the site?

25

MR. MORGANTE: I believe we

609 International Blvd.

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2

showed on the parking calculation --

3

I don't think there would be more

4

than five employees with us.

5

CHAIRMAN EWASUTYN: So, you

6

will show parking spaces for five

7

employees.

8

MR. MORGANTE: Correct. We

9

have shown the required parking

10

spaces in --

11

CHAIRMAN EWASUTYN: But again,

12

you had a description in all of those

13

stalls as being passenger, passenger,

14

passenger, passenger.

15

MR. MORGANTE: Correct.

16

CHAIRMAN EWASUTYN: But we are

17

not really working all with passenger

18

stalls when you are dealing with

19

sizes that are greater than 9 by 18.

20

MR. MORGANTE: We will look to

21

try to accommodate the spaces and

22

find a way to do it.

23

CHAIRMAN EWASUTYN: Thank you.

24

Ken Mennerich?

25

MR. MENNERICH: No questions.

609 International Blvd.

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MS. DeLUCA: Nothing for me.

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CHAIRMAN EWASUTYN: So, Pat,  
the action before us this evening is  
the variance, correct?

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MR. HINES: Yeah. We can refer  
to the ZBA. I think we should hold  
off on circulating lead agency since  
it's going to the ZBA, and Dominic  
can advise on that.

11

CHAIRMAN EWASUTYN: Okay.

12

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17

MR. HINES: And it needs to go  
to Orange County Planning, but I  
think there is going to be some  
subjective changes to the plan, so we  
may want to hold off on that  
referral.

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19

CHAIRMAN EWASUTYN: Dominic  
Cordisco, Planning Board attorney?

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MR. CORDISCO: Yes. As I have  
read Jim Campbell's comments is that  
the bulk area requirements needed to  
be corrected on the plan and that  
additional variances may be required.  
Are you anticipating, Michael, that

609 International Blvd.

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additional variances will be

3

required? I'd hate to refer you

4

because the ZBA, you know, looks at

5

the referral, and, you know, only

6

what is referred. So, if there's

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additional things that may be

8

anticipated, we may be spinning your

9

wheels by going to the ZBA now if you

10

need to do a bit more work on the

11

site plan.

12

MR. MORGANTE: So, I took a

13

detailed look at this before I came

14

to the meeting tonight. So, the

15

provided setbacks that are shown are

16

accurate. I compared them to the

17

actual valleys that should be showing

18

required. The only variance you

19

would need is the rear yard set back,

20

so I'm comfortable for the Board to

21

refer us.

22

CHAIRMAN EWASUTYN: Could we

23

clarify that?

24

MR. CORDISCO: Yes.

25

CHAIRMAN EWASUTYN: That's

609 International Blvd.

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2 good.

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6

7

Okay, so would someone move for a motion to have Planning Board attorney, Dominic Cordisco, prepare a referral letter to the Zoning Board of Appeals?

8

MR. WARD: So moved.

9

MR. BROWNE: Second.

10

11

12

13

CHAIRMAN EWASUTYN: We have a motion by John ward, have a second by Cliff Browne. Can I have a roll call vote starting with Stephanie DeLuca?

14

MS. DeLUCA: Aye.

15

MR. MENNERICH: Aye.

16

CHAIRMAN EWASUTYN: Aye.

17

MR. BROWNE: Aye.

18

MR. WARD: Aye.

19

20

21

CHAIRMAN EWASUTYN: Is there anything else that we need to bring forward?

22

MR. CORDISCO: Not tonight.

23

24

CHAIRMAN EWASUTYN: Michael, thank you.

25

MR. MORGANTE: Thank you for

609 International Blvd.

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your time tonight.

CHAIRMAN EWASUTYN: There being no further business this evening, would someone move for a motion to close the Planning Board agenda for the meeting of April 16, 2026?

MS. DeLUCA: So moved.

MR. WARD: Second.

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

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

(Time noted 8:00 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 6th day of May 2026.



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VICTORIA CHUMAS ARIAS