

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

-----X

In the Matter of

SUBDIVISION OF LANDS OF MSM TR C/O MEYERSON
(26-02)
68 Chapel Road
Section 14, Block 1, Lot 73
Zone R-2

-----X

PUBLIC HEARING
FIVE-LOT SUBDIVISION

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

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

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

APPLICANT'S REPRESENTATIVE:
Ryan Smithem, EIT, MNTM Engineering & Land
Surveying, P.C.

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. The Town of Newburgh Planning Board would like to welcome you to their meeting of the 7th of May 2026. This evening we have seven agenda items and one Board business item. The first item on the agenda would be a Public Hearing. At this time, we'd like to call the meeting to order with a roll call vote.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

MR. CORDISCO: Dominic Cordisco, Planning Board attorney.

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

MR. HINES: Pat Hines with MHE Engineering.

1

2

MS. MULLARKEY: Quinn Mullarkey
with MHE Engineering.

3

4

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

5

6

CHAIRMAN EWASUTYN: At this
point, we'll turn the meeting over to
John Ward.

7

8

9

10

MR. WARD: Please stand to say
the Pledge.

11

12

MR. WARD: Please turn off your
phones or on vibrate. Thank you.

13

14

CHAIRMAN EWASUTYN: At this
point, Ken Mennerich will read the
Notice of Hearing.

15

16

17

18

19

20

21

22

23

24

25

MR. MENNERICH: Notice of
Hearing Town of Newburgh Planning
Board. Please take Notice that the
Planning Board of the Town of
Newburgh, Orange County, New York,
will hold a Public Hearing pursuant
to Section 274-A of the New York
State Town Law and Chapter 163-8J of
the Town of Newburgh Code on the
Application of:

Subdivision of Lands of MSM TR c/o Meyerson

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Lands of MSM TR care of Malcom Meyers project 2026-06. The project proposes a five-lot subdivision on a 6.26 +/- acre parcel of property located 68 Chapel Road. The project site contains an existing residential structure. Four new lots will be created, each served by individual subsurface sanitary sewer disposal systems and connections to the Town's municipal water system. Department of Health approval for the sanitary sewer disposal systems will be required. The project site will be served by two common driveways each serving two of the lots. The existing structure will be served by its existing driveway. The project is known on the Town's tax maps as section 14, block 1, lot 73. The project is located in the Town's R-2 zoning district.

A Public Hearing will be held on the 7th day of May 2026, at the

1

2

Town Hall Meeting Room, 1496 Route

3

300, Newburgh, New York at 7:00 p.m.,

4

or as soon there after, at which time

5

all interested persons will be given

6

an opportunity to be heard.

7

By order of the Town of

8

Newburgh Planing Board,

9

John P. Ewasutyn, Chairman, Planning

10

Board Town of Newburgh, dated 8 April

11

2026.

12

CHAIRMAN EWASUTYN: Describe a

13

public hearing as to what happens.

14

MR. MENNERICH: Just for

15

information on how we conduct a

16

Public Hearing, we try to have

17

everything done in an orderly fashion

18

so that things progress and so the

19

Planning Board gets information from

20

the public on the project. Your

21

questions may be answered by the

22

applicant. The applicant will give a

23

presentation of the project first, or

24

the consultants to the Planning Board

25

can answer some of your questions

1

2

3

4

5

6

7

8

9

10

11

12

13

tonight. The Chairman will ask for a raise of hands and will recognize each person. Give only your first name, and after you have asked your questions or expressed your comments, then the next person has a chance to -- at the direction of the Chairman, the next person will be able to speak. After everybody has had a chance to speak, there will another round or opportunity to also speak.

CHAIRMAN EWASUTYN: Thank you.

14

15

16

17

18

As Mr. Mennerich has said, it's a Subdivision of Lands of MSM TR care of Meyerson. It's being represented by Ryan Smithem, who is with MNTM Engineering & Land Surveying. Ryan?

19

20

21

22

23

24

25

MR. SMITHEM: Good evening, all. Just to give a brief overview of the project, the notice covered a majority of what I'm going to say, but the project site is located at 68 Chapel Road in the Town of Newburgh. The project site is approximately six

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

and a quarter acres in size, and contains an existing dwelling on the extreme northerly side served by existing connection to the water, municipal water, and an existing sewer disposal system. The majority of the construction will be limited to the center of the site with a single dwelling over on the westerly side. We're proposing four new lots all to be served by individual sewage disposal systems, which will be under the review of the Orange County Department of Health, and connections to the municipal water system as well.

Lots one and two will be served by a common driveway on the southerly side of the lot. And lots three and four will be served by a common driveway on the northerly side of the parcel. Both driveway entrances and designs have already been reviewed and approved by the Highway

1

2

Superintendent.

3

4

5

6

7

8

9

10

11

12

13

Additionally, a grading plan has been prepared along with a sediment control plan for the limited disturbance that's been proposed. Tree preservation removal plan has been prepared and seeks to maintain as many of the existing trees as possible with some limited clearing and meets the Town's regulations for tree removal. Happy to answer any questions.

14

15

16

17

CHAIRMAN EWASUTYN: Anyone have any questions or comments? Please raise your hand, and give first name.

18

19

JOHN: John.

CHAIRMAN EWASUTYN: Thank you, John.

20

21

22

23

24

JOHN: Back in 1990s, you changed the zoning from one acre to three acres per household. Is that still stands, or you changed that recently? I don't know.

25

CHAIRMAN EWASUTYN: Pat Hines

1

2

is the Town engineer. Pat could

3

speak on that. Pat?

4

MR. HINES: The project is

5

located in an R-2 zoning district.

6

Because the site has water, the

7

minimum lot size in the R-2 zoning

8

district is 17,500 square feet. All

9

of these lots are larger, much larger

10

than that, almost twice as large,

11

except lot three. So, in this zone,

12

because it has water, the minimum lot

13

size is 17,500 square feet.

14

JOHN: I was across the street

15

direct from the church, and I got

16

three acres, yet I couldn't

17

subdivide. I didn't try to subdivide

18

it, but I want to know now as we

19

speak here if my property is

20

subdividable. I've got three acres,

21

maybe more.

22

MR. HINES: So, based on that

23

lot size, it likely could be. There

24

could be other environmental

25

constraints that you would have to do

1

2 an analysis on.

3 JOHN: There is a house on it
4 already, well water, and septic.5 MR. HINES: If you have well
6 water, the lot size would be
7 significantly larger. These lots are
8 served by Town water, which reduces
9 the lot size significantly.10 JOHN: I got Town water right
11 in front of my property, but yet, the
12 Town refuses to give it to me. And I
13 have to go with the well, back in
14 2006/7.15 MR. HINES: I am not familiar
16 with that history, so you may or may
17 not be in the water district. I
18 don't know the information on your
19 lot.20 JOHN: Okay, thank you. Thank
21 you. Thank you.22 CHAIRMAN EWASUTYN: John, you
23 are welcome.24 Further comments or questions
25 from the public? Gentleman in the

1

2 back?

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MIKE: Hi, I'm mike. I'm just wondering if you could expand upon the septic system a little more and maybe the leach fields that are involved. The land is a little wet. I was wondering if everything was taken into account there.

MR. SMITHEM: Absolutely. So, the sewer disposal systems are all located on the higher portions of the parcel. There is a lower section, which does get a little damp, but that is in this the extreme southwesterly side. The majority of the systems are all on the northerly side on the high side of the hill. Everything slopes down away from there into this low area and then crosses via covert.

MIKE: To the north side by the church?

MR. SMITHEM: Correct.

MR. HINES: In addition, this

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

is a major subdivision because it has five lots less than five acres each, so the project is before the Board now for a preliminary approval. And subsequent to the Board granting that preliminary approval, the project will have to go to the Orange County Health Department, and each of the septic systems will be reviewed by the Health Department because it's a major subdivision. So, there's another level of review after this meeting and before it gets any approvals. The Health Department has to review each of them, and they'll witness those in the field and witness the soil testing.

MIKE: Is that when we find out -- I'm just curious -- as to the name of the vendor that will doing the septic work as well?

MR. HINES: That is unknown. And any contractor, excavating contractor, can do that based on the

1

2

plans prepared by the engineer and reviewed and approved by the Health Department.

5

MIKE: Okay.

6

7

CHAIRMAN EWASUTYN: Further questions from the public?

8

(No Response.)

9

10

11

CHAIRMAN EWASUTYN: At this point, I'll turn to the Planning Board members. John Ward?

12

MR. WARD: No comment.

13

MS. CARVER: No questions.

14

15

16

17

MR. BROWNE: All of the questions we addressed so far have been answered appropriately. Thank you.

18

CHAIRMAN EWASUTYN: I think no.

19

MR. MENNERICH: No questions.

20

21

MS. DeLUCA: No further questions.

22

MR. DOMINICK: Nothing further.

23

Thank you, Ryan.

24

MR. SMITHEM: Thank you.

25

CHAIRMAN EWASUTYN: At this

1

2

point, I'll turn the meeting over to Jim Campbell, Code Compliance. Jim, any questions or comments?

5

MR. CAMPBELL: I have nothing additional.

7

CHAIRMAN EWASUTYN: Pat Hines with MHE Engineering?

9

10

11

12

13

14

15

16

17

18

19

MR. HINES: Procedurally, the project went during the SEQRA lead agency process to County Planning. County Planning sent back a lead agency response and did acknowledge that circulation as a 239 review. We did send the new package for the County's 239 review. We received County Planning comments back today with a local determination with some advisory comments.

20

21

22

23

24

25

Again, the project is here tonight for a Public Hearing. The applicant would be requested to address any subjective comments. We have addressed the applicant, and myself has addressed the comments

1

2 received.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A tree preservation plan has been provided in compliance with the Town Code Chapter 172. The project complies with that, and there is a requirement that the limits of disturbance be delineated in the field prior to construction on any of the lots with orange construction fencing to make sure that the grading proposed stays within those limits. A Driveway Maintenance Agreement for the common driveways will be required. Coverage under the DEC's storm water program will be required under the residential requirements of one to five acres disturbance, and a Storm Water Pollution Prevention Plan has been submitted in response to that.

There is a small roadway dedication along the property frontage that will be required. And after preliminary approval, the

1

2

applicants will have to go to the

3

Health Department to receive approval

4

for the septic systems on the site.

5

The Board has reviewed

6

environmental assessment forms and

7

the plans and would be in a position

8

to make a SEQRA determination tonight

9

and possibly grant the preliminary

10

approval following that.

11

CHAIRMAN EWASUTYN: Thank you.

12

Dominic Cordisco, Planning

13

Board Attorney, how would advise the

14

Planning Board?

15

MR. CORDISCO: Yes. At this

16

point, the Board should consider

17

closing the Public Hearing and then

18

consider adopting a negative

19

declaration. And the Board would

20

also be in a position to consider

21

preliminary approval. There is a

22

number of conditions, but the

23

conditions really apply for the

24

project when it comes back for

25

conditional final approval, as

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

outlined by Pat. I can certainly outline them again, but for the purposes of the applicant, they need preliminary approval in order to proceed with their application to the Health Department.

CHAIRMAN EWASUTYN: Thank you.

Having heard discussion from Planning Board attorney Dominic Cordisco, would someone move for a motion to close the Public Hearing?

MR. WARD: So moved.

MR. BROWNE: Second.

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

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

1

2 MR. WARD: Aye.

3 CHAIRMAN EWASUTYN: Would
4 someone make a motion to declare
5 negative declaration and grant
6 preliminary approval?

7 MR. DOMINICK: So moved.

8 MS. DeLUCA: Second.

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

14 MR. WARD: Aye.

15 MS. CARVER: Aye.

16 MR. BROWNE: Aye.

17 CHAIRMAN EWASUTYN: Aye.

18 MR. MENNERICH: Aye.

19 MS. DeLUCA: Aye.

20 MR. DOMINICK: Aye.

21 CHAIRMAN EWASUTYN: Motion
22 carried.23 MR. SMITHEM: Just to clarify,
24 that was neg dec and preliminary
25 approval?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. CORDISCO: Yes.

MR. SMITHEM: Thank you very
much.

MR. CORDISCO: Ryan -- if I
may, Mr. Chairman?

CHAIRMAN EWASUTYN: Sure.

MR. CORDISCO: Your submission
letter said that you included the
drafts of the common easements, but I
did not receive them as part of my
submission.

MR. SMITHEM: We will forward
them to you tomorrow.

MR. CORDISCO: Thank you.

MR. SMITHEM: No problem.

(Time noted 7:13 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 20th day of May 2026.



VICTORIA CHUMAS ARIAS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

-----X

In the Matter of

CANNABIS HUTS / GURU BABA, INC
(25-32)
5306 Route 9W
Section 23, Block 2, Lot 1
Zone R-3

-----X

AMENDED SITE PLAN
SPECIAL USE PERMIT

Date: May 7, 2026
Time: 7:14 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE:
Joseph Saffioti, Esq., Saffioti & Anderson

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

1

2

3

4

5

6

7

8

9

10

CHAIRMAN EWASUTYN: The Planning Board's second item on the agenda this evening is Cannabis Huts/ Guru Baba, Inc, project number 25-32. It's located on 5306 Route 9W in an R-3 zone. It's an amended site plan for special use permit, and it's being represented by Joseph Saffioti, Esquire.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. SAFFIOTI: Good evening, Mr. Chairman, members of the Board. This application was before the Board and referred to the Zoning Board of Appeals. We appeared at the ZBA at its last meeting. The variances required by the Planning Board together with the variances required by the Code Compliance for the existing signage were all approved. I have a copy of the application that was submitted to the ZBA just for Mr. Cordisco's file. We don't have a formal decision yet from the Zoning Board of Appeals, but as this is a

1
2 special use permit/site plan
3 application, we believe we're ready
4 to request the Board to schedule a
5 Public Hearing for this project.

6 CHAIRMAN EWASUTYN: Thank you.
7 Jim Campbell, Code Compliance,
8 any questions or comments?

9 MR. CAMPBELL: My initial
10 response did mention I did not know
11 exactly what happened at the ZBA.
12 Since then, the minutes have come out
13 and all variances were granted.

14 CHAIRMAN EWASUTYN: Thank you.
15 Pat Hines with MHE?

16 MR. HINES: The project was
17 submitted to Orange County Planning,
18 as it's located on a state highway.
19 A local determination has been
20 received back leaving it up to the
21 Board. As Mr. Saffioti mentioned, it
22 is a special use permit, which does
23 require a Public Hearing, and it is a
24 Type II action under SEQRA, so no
25 additional is SEQRA review is

1

2

required. So, scheduling of a Public Hearing would be the next action.

3

4

CHAIRMAN EWASUTYN: John Ward, any questions or comments?

5

6

MR. WARD: No comments.

7

MS. CARVER: No questions.

8

MR. BROWNE: No questions.

9

10

CHAIRMAN EWASUTYN: No questions.

11

MR. MENNERICH: No questions.

12

MS. DeLUCA: No questions.

13

MR. DOMINICK: No.

14

15

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board attorney?

16

17

MR. CORDISCO: I would recommend that the Board schedule this for your June 4th meeting for a Public Hearing.

18

19

20

CHAIRMAN EWASUTYN: Thank you.

21

22

Having heard from Planning Board attorney Dominic Cordisco,

23

would someone make a motion to

24

schedule Cannabis Huts/Guru Baba,

25

project number 25-32, an amended site

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

plan/special use permit for the
meeting of the 4th of June?

MR. WARD: So moved.

MS. CARVER: Second.

CHAIRMAN EWASUTYN: I have a
motion by John Ward. I have a second
by Lisa Carver. May I please have a
roll call vote starting with Dave
Dominick?

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

MR. SAFFIOTI: Thank you.

(Time noted 7:16 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 20th day of May 2026.



VICTORIA CHUMAS ARIAS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

-----X
In the Matter of

CHESTER RESIDENCE
(26-09)
8 Kentucky Drive
Section 105, Block 3, Lot 6
Zone R-3

-----X

INITIAL APPEARANCE
SITE PLAN / TWO FAMILY

Date: May 7, 2026
Time: 7:17 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE:
Joseph J. Minuta, RA, AIA, Minuta
Architecture, PLLC

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRMAN EWASUTYN: The Planning Board's third item of business this evening is Chester Residence, project number 26-09. It's initial appearance for a site plan/two-family dwelling. It's located on Kentucky Drive in an R-3 zone. It's being represented by Joseph J. Minuta, Architect.

MR. MINUTA: Good evening, Mr. Chairman, members of the Board. Joseph Minuta with Minuta Architecture. I am here tonight to represent this project for Chester Residence. We've have had a lot of inquiry with regard to the property recently, and I'm thankful to be here. And I just want to publically thank both (Name Unintelligible) and Jim Campbell for your assistance in working out these details.

What we have is an existing residence that is currently served by a well and public sewer. The intent

1
2 here is for the current occupants to
3 house their family members, their
4 mother and father, in a -- what we
5 call a mother-daughter or an
6 accessory dwelling unit.
7 Unfortunately, this one is not
8 attached, and therefore would be
9 considered a second family residence
10 on the lot, which is permitted in the
11 R-3 zone. And that will be connected
12 to public water and the public sewer.
13 I note that our narrative had
14 originally initialled that we would
15 connect the well to both properties;
16 however, pursuant to regulations of
17 the Local Code and the Building Code,
18 that would be connected to the public
19 water. And we are here tonight for
20 an existing building that was
21 originally permitted as a shed. It
22 has not been permitted or we don't
23 have any record thereof as it being
24 something else. It used to be a
25 former karate studio, well known, and

1
2 it is heated. But at that point, we
3 would do what is necessary to meet
4 the Building Code and other items for
5 that. I know we need some variances
6 for this. They're area variances,
7 not use. That's why we are here
8 before you tonight.

9 CHAIRMAN EWASUTYN: Jim
10 Campbell, Code Compliance?

11 MR. CAMPBELL: Basically, Joe
12 answered most of my questions. You
13 will require some variances. Lot
14 area required 50,000, provided 21,246
15 square feet. Being that it's
16 connected to water, the lot width is
17 not an issue. And then, rear yard
18 required is 50 feet, provided
19 10-foot-4, so those two variances
20 would be required.

21 CHAIRMAN EWASUTYN: Pat Hines
22 at MHE?

23 MR. HINES: This is an initial
24 appearance. Adjoiners' notices must
25 be circulated after this meeting. We

1
2 noted the variances that Jim Campbell
3 just addressed. We are looking for
4 information on the access drive from
5 the adjoining parcel and within the
6 Central Hudson easement. Permission
7 from both of those entities most
8 likely will be required to utilize
9 that. I believe the gravel drive
10 originally served as Central Hudson's
11 access to the easement. The sanitary
12 sewer laterals depicted connecting to
13 an existing manhole, that needs to
14 connect to the actual sanitary line,
15 not the manhole video via taping
16 saddle. Two-family homes are subject
17 to ARB approval. A City of Newburgh
18 flow acceptance letter for the
19 connection of the proposed house or
20 proposed two-family is needed. And
21 we found out today that the existing
22 house is connected to the sanitary
23 sewer unbeknownst to the Town of
24 Newburgh. So, that has been
25 revealed. When we do the full

1
2 acceptance letter, will we include
3 both of the houses. And then, Town
4 water connections will also be
5 required per the Town Code. So,
6 referral to the ZBA based on Mr.
7 Campbell's analysis and adjoiners'
8 notices are the actions we can take.

9 CHAIRMAN EWASUTYN: Questions
10 from members, Dave Dominick?

11 MR. DOMINICK: Not at this
12 time.

13 MS. DeLUCA: I have nothing.

14 MR. MENNERICH: I have no
15 questions.

16 CHAIRMAN EWASUTYN: I think no.

17 MR. BROWNE: No, nothing.

18 MS. CARVER: Is there plans to
19 change the exterior as well or just
20 inside?

21 MR. MINUTA: At the moment, the
22 currently building is -- it's fitted
23 up, so the interior of the space is
24 really what we are looking to do,
25 provide a bedroom and necessary items

1

2

you would normally have in an

3

accessory dwelling unit as well as

4

the connection to the sewer.

5

MS. CARVER: Okay, thank you.

6

MR. WARD: No comments.

7

CHAIRMAN EWASUTYN: Planning

8

Board attorney Dominic Cordisco?

9

MR. CORDISCO: At this point,

10

the Board could authorize a referral

11

letter to the ZBA for both the lot

12

area and the rear yard deficiencies.

13

Those are the only two variances that

14

are required.

15

CHAIRMAN EWASUTYN: Can I have

16

a motion to have Planning Board

17

attorney Dominic Cordisco prepare a

18

referral to the Zoning Board of

19

Appeals and noting the area variances

20

that are required?

21

MS. DeLUCA: So moved.

22

MR. MENNERICH: Second.

23

CHAIRMAN EWASUTYN: I have a

24

motion from Stephanie DeLuca and a

25

second by Ken Mennerich. Can I have

1

2

a roll call vote stating with John

3

Ward?

4

MR. WARD: Aye.

5

MS. CARVER: Aye.

6

MR. BROWNE: Aye.

7

CHAIRMAN EWASUTYN: Aye.

8

MR. MENNERICH: Aye.

9

MS. DeLUCA: Aye.

10

MR. DOMINICK: Aye.

11

CHAIRMAN EWASUTYN: Mr. Minuta,

12

you will work were Pat Hines's office

13

as far as the adjoiners' notices that

14

have to be sent out?

15

MR. MINUTA: Yes, Chairman.

16

CHAIRMAN EWASUTYN: Thank you.

17

MR. MINUTA: Thank you.

18

19

(Time noted 7:22 p.m.)

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 20th day of May 2026.



VICTORIA CHUMAS ARIAS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

-----X
In the Matter of

100 ROUTE 17K LLC
(26-10)
100 Route 17K
Section 95, Block 1, Lot 49.2
Zone B

-----X

INITIAL APPEARANCE
AMENDED SITE PLAN - EV CHARGERS

Date: May 7, 2026
Time: 7:22 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE:
Kenn Suarez

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRMAN EWASUTYN: The Planning Board's fourth item of business this evening is 100 Route 17K LLC, project number 26-10. It's initial appearance for an amended site plan for EV chargers. Again, it's located on Route 17K in an IB zone, and it's being represented by Nicholas --

MR. SUAREZ: Well, I am representing Nicholas.

CHAIRMAN EWASUTYN: Your name, please.

MR. SUAREZ: Kenn.

CHAIRMAN EWASUTYN: Last name?

MR. SUAREZ: Suarez.

CHAIRMAN EWASUTYN: Do you have a card or anything, that way it keeps the minutes accurate?

MR. SUAREZ: The project is about --

MR. DOMINICK: Do you have a card for the stenographer?

MR. SUAREZ: Yup.

1

2

CHAIRMAN EWASUTYN: Thank you.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

MR. SUAREZ: So, the project is about the installation of two EV chargers on Route 17K. So, the sign we are trying to adjust on the corner by the -- next to the entrance, we've modified just the curve in the corner just to try to make it as accessible ADA for the chargers. We are planning to go to high-powered EV chargers and power in the area. We are not modifying anything about the parking lot, like I said, we are just going to create five-feet [Sic] island for people to use them, but pretty much we are not modifying anything around on the area. This is in a gas station, so we are just going it to use the parking lot located in the gas station.

22

23

24

CHAIRMAN EWASUTYN: Dave Dominick, Planning Board member, any questions?

25

MR. DOMINICK: Yes. Ken, in

1

2

your narrative and also on one of
your designs there you have stated
future approved adding a third
high-power dispensary.

6

MR. SUAREZ: Yes.

7

8

MR. DOMINICK: Why not do it
now?

9

10

11

12

13

14

15

16

17

18

19

20

21

MR. SUAREZ: Oh, because that
is a project for, like, the future.
It is something that the owner will
decide in the future. It is
something that is not about us right
now. It's more about the owner,
like, if he would like to install.
We are just going to install all of
the conduits and everything, but for
the future, in case he would like,
it's something optional. It is
something that he would do in the
future or would not.

22

23

24

MR. DOMINICK: Mr. Hines, how
does that affect this project and the
future?

25

MR. HINES: You are going to

1

2

need to come back for that third

3

charger and get the similar approval

4

if you are not going to do it now.

5

However, if you show it to be done

6

now, it will have to be installed now

7

as part of your building permit. So,

8

just be aware that showing that in

9

the future means you're coming back

10

should the owner choose to do that.

11

MR. SUAREZ: Yeah. It's just

12

for the conduits for the -- we're

13

running the conduits. It's not like

14

to just install them --

15

MR. HINES: We have no concern

16

ruining the conduits, but before that

17

is installed, it would need to be

18

approved because you're not proposing

19

it at this time.

20

MR. SUAREZ: Oh, no. No. No.

21

MR. DOMINICK: I think there

22

might be some confusion there, but

23

okay.

24

CHAIRMAN EWASUTYN: I think

25

they want to the leave the conduits

1

2

so can they can stub it out at a

3

future date.

4

MR. DOMINICK: Okay.

5

MS. DeLUCA: No questions.

6

MR. MENNERICH: No questions.

7

CHAIRMAN EWASUTYN: No

8

comments.

9

MR. BROWNE: No comment. Thank

10

you.

11

MS. CARVER: Nothing further.

12

MR. WARD: Are you installing

13

bollards around?

14

MR. SUAREZ: Yes, we are.

15

MR. WARD: Thank you.

16

MR. SUAREZ: We are also

17

installing on the conduits we had

18

before, they are acquiring a screen

19

landscaping, so they are going to do

20

screen landscaping around to cover

21

all of the electrical equipment.

22

We're moving also ADA spot that we

23

have in the beginning, so we are

24

moving to the back, so that would be

25

close to the ramp; we can do, like,

1

2

better access to the building. And we're relocating the air pump and the vacuum in the area right now, we are moving it on the back. We have more parking in this area, so we are going to relocate them in the back that we have the parking area over there, too.

4

5

6

7

8

9

10

MR. WARD: Can you put that on the plan?

11

12

MR. SUAREZ: Yes.

13

MR. WARD: Thank you very much.

14

MR. SUAREZ: You're welcome.

15

CHAIRMAN EWASUTYN: Jim

16

Campbell, Code Compliance?

17

MR. CAMPBELL: Okay. There is

18

one, a bulk deficiency for the

19

amended site plan. The front yard of

20

-- actually the lot size required is

21

40,000 square feet. Provided is --

22

they didn't give a square footage.

23

To do it in their dimensions, they

24

did 0.9 required, and they're

25

supplying 0.78. It really should

1

2

match our bulk table on that.

3

4

CHAIRMAN EWASUTYN: So, they will require to be referred to the Zoning Board of Appeals?

5

6

MR. CAMPBELL: Yes.

7

8

CHAIRMAN EWASUTYN: Pat Hines at MHE?

9

10

11

12

13

14

15

16

17

18

MR. HINES: So, this is a Type II action; however, the EAF that was submitted identified two threatened or endangered species' potential habitat, the Upland Sandpiper and Indiana Bat. So, we're suggesting the applicant coordinate with the DEC Natural Heritage Program to make sure there's no timeframes on construction.

19

20

21

22

23

24

Similarly, there's numerous monitoring wells on this site, and I do want to the make sure that there's no issue with the construction activities or impact to those monitoring wells.

25

MR. SUAREZ: So, we realize in

1
2 a new survey for the area, it is not,
3 like, affecting in the back. We are
4 not touching the wall -- the...

5 CHAIRMAN EWASUTYN: Monitoring
6 wells.

7 MR. SUAREZ: Yeah. We are not
8 touching, we are, like, far from it.
9 It is in the new survey we just did.

10 MR. HINES: The site's located
11 on a state highway, so Orange County
12 Planning referral will be required.
13 And this Board typically sends a
14 courtesy notification to DOT as there
15 will be no lead agency because of the
16 Type II action.

17 The application needs to be
18 corrected. It identifies the project
19 in a B zoning district. It's in an
20 IB zoning district. I think you
21 discussed the air plumps that are
22 proposed, and we need to show that
23 location on the plans, where they are
24 going to be relocated, as part of the
25 site plan.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

On the bulk table, while your project appears to meet it, the front yard setback on state highway is 60 feet. Your bulk table shows that at 50 feet. I believe it meets the requirement, but just update that bulk table, correct it.

Additionally, the Town has a section of the Code, Section 85-18 (C)4(C), that requires 35 feet of all lots fronting on state highways to be a landscaping buffer and does not permit certain items to be in that landscape buffer. So, you're going to the ZBA for lot size, you may require a variance for that and/or interpretation of that requirement as are you putting your chargers in that 35-foot required buffer. And that is detailed on our comment.

And this is an initial appearance, so adjoiners' notices have to be sent out. So, an action

1

2

tonight would be a ZBA referral, an Orange County Planning referral, and adjoiners' notices.

5

6

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board attorney?

7

8

9

10

11

12

13

MR. CORDISCO: In addition to authorizing the adjoiners' notices, as Pat mentioned, the application could be referred to the Zoning Board of Appeals for lot size as well as for relief for the 35-foot landscaping buffer.

14

15

16

17

18

CHAIRMAN EWASUTYN: Thank you. Could someone make a motion to have Planning Board attorney Dominic Cordisco prepare the referral letter to the Zoning Board of Appeals?

19

20

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

21

22

23

24

25

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

100 Route 17K LLC

1

2

MR. WARD: Aye.

3

MS. CARVER: Aye.

4

MR. BROWNE: Aye.

5

CHAIRMAN EWASUTYN: Aye.

6

MR. MENNERICH: Aye.

7

MS. DeLUCA: Aye.

8

MR. DOMINICK: Aye.

9

CHAIRMAN EWASUTYN: And your
10 office will work -- you are familiar
11 with Pat Hines? And you will work
12 with Pat Hines's office as far as the
13 adjoiners' notice?

14

MR. SUAREZ: Yes.

15

16

CHAIRMAN EWASUTYN: Okay, thank
you.

17

18

19

Can we have a motion to send
100 Route 17K LLC to the Orange
County Planning Department?

20

MS. CARVER: So moved.

21

MS. DeLUCA: Second.

22

23

24

25

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

100 Route 17K LLC

1

2

Dave Dominick?

3

MR. DOMINICK: Aye.

4

MS. DeLUCA: Aye.

5

MR. MENNERICH: Aye.

6

CHAIRMAN EWASUTYN: Aye.

7

MR. BROWNE: Aye.

8

MS. CARVER: Aye.

9

MR. WARD: Aye.

10

CHAIRMAN EWASUTYN: Motion

11

carried.

12

13

(Time noted 7:33 p.m.)

14

15

16

17

18

19

20

21

22

23

24

25

100 Route 17K LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 20th day of May 2026.



VICTORIA CHUMAS ARIAS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

-----X
In the Matter of

SUBDIVISION LANDS OF GRZECHOWSKI
(26-11)
14 McDonald Drive
Section 8, Block 1, Lot 42.33
Zone AR

-----X

INITIAL APPEARANCE
TWO-LOT SUBDIVISION

Date: May 7, 2026
Time: 7:33 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE:
Jonathan N. Millen, LLS

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

Subdivision Lands of Grzechowski

1

2

3

4

5

6

7

CHAIRMAN EWASUTYN: The Planning Board's fifth item of business this evening. Jonathan, you're going to have to help me with the pronunciation of the last name, please.

8

MR. MILLEN: Grzechowski.

9

CHAIRMAN EWASUTYN: What is it?

10

MR. MILLEN: Grzechowski.

11

CHAIRMAN EWASUTYN: Subdivision of Lands of Grzechowski.

12

MR. MILLEN: Grzechowski.

13

CHAIRMAN EWASUTYN: Thank you.

14

It's initial appearance for a two-lot subdivision. It's located on 14 McDonald Drive, in an AR zone. And it is being represented by Jonathan Millen.

15

16

MR. MILLEN: We have an

17

existing lot that we are going to

18

subdivide into two. This would be

19

proposed lot here (Indicating), comes

20

in through the private road, McDonald

21

Drive, runs through small

1

2

right-of-way here, and driveway up

3

and in. It will be using eventually

4

the the Town's water and will have a

5

sanitary sewer disposal system

6

designed alongside it.

7

We do have some issues with

8

needing a variance in the existing

9

house. We also -- the grading for

10

this site requires us to encroach on

11

this parcel here (Indicating), and as

12

we build a wall, Mr. Grzechowski has

13

informed me this is his sister's land

14

here, and would have no trouble

15

providing a grading easement there.

16

And Mr. Grzechowski will be the

17

co-owner of all of this throughout

18

the duration of the development. So,

19

where we are encroaching on his

20

property a bit that won't be an

21

issue.

22

CHAIRMAN EWASUTYN: Jim

23

Campbell, Code Compliance?

24

MR. CAMPBELL: Couple comments.

25

Please dimension the driveway

1

2

width on the plan. And the rear yard

3

variance was granted back in

4

December 2003, so this would not have

5

to be referred again.

6

MR. MILLEN: Okay, good news.

7

We also understand that there

8

will be a tree survey done in the

9

area there's expected disturbance.

10

It be part of the submittal.

11

CHAIRMAN EWASUTYN: Pat Hines

12

at MHE?

13

MR. HINES: Yeah. This is an

14

initial appearance before the Board

15

for this two-lot subdivision.

16

Adjoiners' notices will have to be

17

sent out.

18

As Mr. Millen noted, this

19

private road recently had water mains

20

installed in it as part of the New

21

York City DEP aqueduct repair

22

project. So, Town water is now

23

available to this site. The proposed

24

house will connect to Town water, and

25

the existing house does have Town

1
2 water, while it still has its
3 existing well, they opted during that
4 project to keep their well. So,
5 there is a well depicted on that
6 site, but we did confirm this is
7 connected to Town water.

8 The Town does typically require
9 a long form EAF for projects.
10 Compliance with Chapter 172 of the
11 Tree Preservation Ordinance must be
12 documented. In this case, the size
13 of this lot, you will have to -- not
14 just the disturbance area, but the
15 trees on the lot will --

16 MR. MILLEN: Okay, understood.

17 MR. HINES: -- will have to be
18 analyzed. There is -- in a
19 residential zone, 50 percent of the
20 various types of trees that are
21 protected in the ordinance have to be
22 documented. The short Environmental
23 Assessment Form did identify
24 potential habitat for Indiana Bats.
25 During the lead agency circulation,

1

2

we will include DEC in there, which will most likely have a tree-clearing timeframe.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

We talked about the ZBA previously issuing the variance, so my comment six is no longer valid. It does require grading easement on the adjoining property. We will require that as well as either an easement or notes on the apparent parcel house should things happen, if transfer of ownership happens before that, so I think there's going to be a need for two easements to be shown in order to install the driveway. Those will be submitted to Dominic's office for review.

The water main should be depicted -- or the water lateral should be depicted to the proposed new house, and we are asking that a review based on the length of the proposed service lateral from the cul-de-sac to the house that you

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

provide an analysis of the available pressure at that house and size of the water lateral appropriately. The septic system design will be required in the future. And a private road -- I'm suggesting that the existing McDonald Drive private road Access and Maintenance Agreement be submitted to make sure there is no prohibition on future subdivision in that.

So, at this time, adjoiners notices is the only action we could take, sorry, as well as lead agency.

CHAIRMAN EWASUTYN: Dominic Cordisco, do you have anything to add, Planning Board attorney?

MR. CORDISCO: Nothing further sir. Thank you.

CHAIRMAN EWASUTYN: Thank you.

Would someone make a motion to have Pat Hines work with the applicant to circulate the adjoiners' notices and declare ourselves lead

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

agency?

MR. MENNERICH: So moved.

MS. CARVER: Second.

CHAIRMAN EWASUTYN: First was Ken Mennerich, I believe. Ken Mennerich made a motion, Lisa Carver seconded the motion. Can I have a roll call vote starting with Dave Dominic?

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. MILLEN: Thank you very much.

(Time noted 7:39 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 20th day of May 2026.



VICTORIA CHUMAS ARIAS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

-----X

In the Matter of

3 MARINERS COURT
(24-35)
3 Mariners Court
Section 60, Block 3, Lot 23
Zone R-1

-----X

CLEARING & GRADING PERMIT

Date: May 7, 2026
Time: 7:39 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE:
Jesse Shih

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRMAN EWASUTYN: Our sixth item of business this evening is 3 Mariners Court, project number 24-35. It's before us this evening for a clearing and grading permit. It's located on 3 Mariners Court in an R-1 zone, and it's being represented by David Niemotko.

MR. SHIH: Good evening, Jesse Shih, J-E-S-S-E S-H-I-H, filling in for David Niemotko. Since our last submission, we've redesigned the proposed retaining wall to be more cost effective for the owner. So, rather than the single around 20-foot retaining wall, we've switched it out to have two 10-foot block retaining walls and terrace them so the that engineering wouldn't be as rigorous for that design. Along with that, we are proposing that the covert extension would tie directly into the drainage pipes along the side of the property there so then we won't have

1

2 the any erosion issues from the storm
3 water going out at the wall.

4

5 I saw that your engineer had
6 brought up referral to the DEC, so we
7 have been coordinating with them and
8 just working on getting that approved
9 for the eagle's nest, and yeah.

9

10 CHAIRMAN EWASUTYN: And you
11 received Pat Hines's review comments?

11

12 MR. SHIH: Yes.

12

13 CHAIRMAN EWASUTYN: And do you
14 want to go through them now? Just
15 can you read them off and see how you
16 are in compliance with his review
17 comments? Do you have them with you?

17

18 MR. SHIH: Yeah. Yeah, sure.

18

19 CHAIRMAN EWASUTYN: Please.

19

20 Thank you.

20

21 MR. SHIH: So, in regards to
22 the first one, with geotechnical
23 engineer retention with the resigned
24 retaining wall, given it's a lot less
25 of a load for each of the walls, we
were looking to see if that would be

1

2

necessary. Along with that we also have an engineer in our office that could certify the wall if that is what you are looking to do.

6

7

8

9

10

Number two, as I've already said, we submitted to DEC and are waiting on their approval of the eagle -- on the general permit for the eagle nest.

11

12

13

14

15

16

17

With the limits of disturbance, it's not a problem. I guess it was mistakenly removed, so we will add that back on. And we are working with the owner on just getting that easement agreement to present to your attorney.

18

19

CHAIRMAN EWASUTYN: Jesse,

thank you.

20

Jim Campbell, Code Compliance?

21

22

23

24

MR. CAMPBELL: Yeah. What you just said, I don't think that negates the need for a geotechnical evaluation. That needs to be done.

25

MR. SHIH: So, that would be --

1

2

I was re-looking at that. You guys are looking for testing of the fill that was previously placed?

5

MR. CAMPBELL: Yes.

6

MR. SHIH: Okay.

7

8

MR. CAMPBELL: And the design of the wall, and the whole thing.

9

10

11

12

13

MR. SHIH: Yeah. We have the engineer who can certify the wall design, and if need be, we can hire, like, a testing company out there to get the soil out there tested.

14

15

16

17

18

19

20

21

22

23

24

25

MR. HINES: So, that was the pathway forward that was discussed at the technical work session meeting, that your client was going to bring on the geotechnical engineer to evaluate that. Both of those -- there's three walls proposed. The existing wall that was constructed in a previous rendition of this plan, and it was actually constructed, as well as the two new proposed walls. At least the two new proposed walls

1

2

are on fill that has been placed

3

previously with no compaction testing

4

or I don't know any compaction at

5

all, whether that was just pushed off

6

or based on the fill. So, I think my

7

office is recommending, and I believe

8

the Building Department is requiring,

9

that that geotechnical evaluation be

10

undertaken.

11

Again, the DEC regarding Bald

12

Eagle is something that needs to be

13

resolved prior to this Board moving

14

forward.

15

The limits of disturbance are

16

larger than you're depicting. The

17

site has been disturbed from the

18

stabilized entrance pad to the

19

property line, so everything that's

20

disturbed needs to be incorporated

21

into that limits of disturbance.

22

Right now, I think you are just

23

showing it on the proposed grading,

24

but there has been a lot of activity

25

on this site over the course of this

1

2

project, so we want to see everything
that's disturbed depicted on the --

3

4

MR. SHIH: Okay. So, you want
what was previously disturbed as
well?

5

6

7

MR. HINES: Yeah, I think it
still is disturbed, though.

8

9

10

And then, again, the
information pertaining to the
drainage easements and your client's
rights to connect to what is a Town
drainage easement on an adjoining
property. So, those issues, the
legal issues of connecting to that
Town drainage easement and crossing
the adjoining property need to be
resolved. We're suggesting that
information pertaining to that
easement be submitted to the Planning
Board attorney for review and
possibly the Town attorney to
determine what rights your client
and/or the Town has to allow that
connection.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: There is a lot of additional technical information that's required for this.

MR. HINES: Yes. Eventually, the clearing and grading ordinance will require this to have another Public Hearing eventually. It's is a shall have in the code, but I believe that should be done after these technical comments and the Building Department's comments have been addressed.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board attorney?

MR. CORDISCO: I concur.

CHAIRMAN EWASUTYN: Any questions or comments from Planning Board members, John Ward?

MR. WARD: I agree with our Town engineer.

MS. CARVER: I have nothing further.

MR. BROWNE: With respect to the geotechnical study, we require

1

2

that so that our engineers and our

3

consultants can go through and dig

4

through the detail itself, so we're

5

looking for something not just for

6

somebody on your end to say Yeah,

7

it's good. We need the details so

8

that they can look at it and study

9

it, so they can refer to make sure it

10

is, in fact, good that what we

11

require, the Planning Board, it is.

12

So, it's not just someone on your end

13

saying, Yeah, it's good. We need the

14

detailed study to go to to our

15

consultants.

16

MR. SHIH: Okay.

17

CHAIRMAN EWASUTYN: No

18

comments.

19

MR. MENNERICH: No questions.

20

MS. DeLUCA: No questions.

21

MR. DOMINICK: Nothing further.

22

CHAIRMAN EWASUTYN: Thank you.

23

24

(Time noted 7:46 p.m.)

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 20th day of May 2026.



VICTORIA CHUMAS ARIAS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

-----X

In the Matter of

CHRISTIAN FRIENDS WELCOME ASSEMBLY CHURCH
(26-03)
7 D'Alfonso Road
Section 97, Block 1, Lot 63
Zone R-2

-----X

AMENDED SITE PLAN

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

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

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

APPLICANT'S REPRESENTATIVE:
Scott Sicina, Lanc & Tully Engineering

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

1

2

3

4

5

6

7

8

9

CHAIRMAN EWASUTYN: Our Planning Board's seventh item on tonight's agenda is Christian Friends Welcome Assembly Church, project number 26-03. It's an amended site plan located on D'Alfonso Road in an R-2 zone. And it's being represented by...

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. SICINA: Good evening, ladies and gentleman of the Planning Board. My name is Scott Sicina, S-I-C-I-N-A. I work for Lanc & Tully Engineering. We are here today to represent Christian Friends Welcome Assembly Church. The applicant is proposing to provide daycare services in the existing church, weekdays Monday through Friday 6:00 a.m. to 6:00 p.m. The Existing church is approximately 19,000 square feet, and is in the R-2 zoning district, and is located off D'Alfonso Road near the intersection of Route 17K. Route 17K would be just up here (Indicating).

1
2 The proposed daycare use will
3 not require alterations to the
4 existing church. Additionally, the
5 proposed daycare hours of operation
6 do not conflict with the existing
7 uses on the site. This allows for
8 combined parking lot per Town Code.
9 The existing parking area exceeds the
10 number of parking spaces that are
11 required for the code. Code requires
12 235; the site has 240. When the
13 applicant was last before the
14 Planning Board, it was unclear if the
15 type of use proposed, nursery school,
16 met the definition of "daycare,"
17 which is allowed as an accessory use
18 in the district. That applicant was
19 referred to the ZBA for a code
20 interpretation, and during the
21 April 23, 2026, Town of Newburgh
22 Zoning Board meeting, the Board made
23 the interpretation that a nursery
24 school and a daycare are the same
25 use, and no variances are required.

1

2

3

4

5

6

7

Now that it has been determined that a variance is not required, we are looking continue to progress the application through the Planning Board to obtain amended site plan approval.

8

CHAIRMAN EWASUTYN: Thank you.

9

10

Pat, what is the next step for the application?

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. HINES: So, the project requires referral to the Orange County Planning Department as an amended site plan or amended use of the site. We didn't do that last time until the Zoning Board weighed in. Now that the zoning issue has been resolved, we are suggesting that Orange County Planning submission would be appropriate. As well, at some point in the future the Board would have to make a decision whether or not to hold a Public Hearing on this project. But with the zoning hurdle out the way, procedurally the

1

2

project can proceed forward.

3

4

5

CHAIRMAN EWASUTYN: Was there a
Public Hearing held as far as the
interpretation?

6

MR. SICINA: At the ZBA?

7

CHAIRMAN EWASUTYN: Yeah.

8

9

MR. SICINA: Yes, I believe
there was a Public Hearing held.

10

11

12

CHAIRMAN EWASUTYN: Did anyone
speak on behalf of the application in
favor or opposed to it?

13

DESIRE: Not opposing.

14

15

16

CHAIRMAN EWASUTYN: Thank you.
Just for matter of records, are you
Desire?

17

CHAIRMAN EWASUTYN: Hi, Desire.

18

DESIRE: Hi.

19

20

21

22

23

24

CHAIRMAN EWASUTYN: So, Desire,
Pat Hines will explain to you why we
have to refer this to the Orange
County Planning Department and the
timeframe that they are allowed.
Pat?

25

MR. HINES: Sure. Because the

1
2 project's located within 500 feet of
3 the a state highway, that being
4 Route 17K, there is a New York State
5 law, 239 L, M, or N, I think Dominic
6 could probably speak to this better,
7 but there is a requirement that this
8 Planning Board submit all projects
9 that require County Planning review
10 to the County under that regulation
11 so that County Planning had an
12 opportunity to weigh in on the
13 amended site plan change of use that
14 we're reviewing here. Once they
15 receive that, they have 30 days to
16 issue their findings on that. Either
17 they will give mandatory requirements
18 that require a change. Oftentimes,
19 they give advisory comments for the
20 Board. But it's a procedural matter
21 that has to be done for projects that
22 meet the requirements for County
23 Planning. It could be a municipal
24 boundary. There's a whole list of
25 items that have to get referred to

1

2

the County. I don't know if Dominic

3

can do that better than I just did,

4

but it has to get done as part of

5

this project.

6

CHAIRMAN EWASUTYN: Dominic,

7

please.

8

MR. CORDISCO: Yes, so Pat is

9

absolutely correct. It's a general

10

municipal law that requires these

11

referrals. And from the point that

12

it's referred to the County, the

13

County has 30 days to review it. And

14

during that 30-day time period, the

15

Planning Board cannot act as a matter

16

of law. So, you know, at this point,

17

it be would my recommendation to the

18

Planning Board that you refer this to

19

the County, start that 30-day clock,

20

and that way, the Board could look to

21

place this on the agenda in the June

22

timeframe if that is convenient for

23

the Board. But the Board could not

24

act at any time before that.

25

CHAIRMAN EWASUTYN: So, it

1
2 would be close to work within the
3 window that Pat Hines and Dominic
4 Cordisco are speaking of. We'll note
5 that it will be on the agenda for the
6 18th of June. We may suggest that
7 you reach out to the Orange County
8 Planning Department, if you'd like.

9 MR. HINES: The 18th of June,
10 we will be okay by then. We will get
11 this out tomorrow.

12 CHAIRMAN EWASUTYN: Okay, good.

13 MR. HINES: So, that one month
14 will lapse before then.
15 Unfortunately, we can't do it before
16 the first meeting in June. The
17 timeframe won't have lapsed.

18 CHAIRMAN EWASUTYN: Okay.
19 Would the Board be comfortable in
20 discussing whether or not we will
21 hold a Public Hearing for the subject
22 matter? Dave Dominick?

23 MR. DOMINICK: Given there was
24 a Public Hearing at the Zoning Board
25 and there was no negative comments,

1

2

according to the applicant, I don't

3

think it is -- I think we could waive

4

the Public Hearing.

5

MS. DeLUCA: I agree.

6

MR. MENNERICH: I agree.

7

CHAIRMAN EWASUTYN: I agree.

8

MR. BROWNE: I agree with

9

Dave's comments, yes.

10

MS. CARVER: I believe we can

11

wave it.

12

MR. WARD: I agree.

13

CHAIRMAN EWASUTYN: Let the

14

record show that the Planning Board

15

waived the Public Hearing on

16

Christian Friends Welcome Assembly

17

Church, project number 26-08.

18

So, at the meeting of the 18th,

19

I know Desire has been waiting some

20

time now, is it possible this may

21

reach that closure point on that

22

meeting?

23

MR. CORDISCO: Assuming there

24

is no significant comments, and it's

25

hard to imagine to be quite honest

1

2

any significant comments coming from

3

the County on this particular

4

application, the Board would be in a

5

position to move it to the decision

6

at that point.

7

CHAIRMAN EWASUTYN: Okay.

8

DESIRE: Thank you.

9

CHAIRMAN EWASUTYN: You are

10

welcome to attend that meeting if you

11

want to. I'm glad I finally got to

12

meet you.

13

DESIRE: I'm glad I got to meet

14

you.

15

CHAIRMAN EWASUTYN: Can I have

16

a motion to refer the Christian

17

Friends Welcome Assembly Church,

18

project number 26-03 to the Orange

19

County Planning Department?

20

MR. DOMINICK: So moved.

21

MR. WARD: Second.

22

CHAIRMAN EWASUTYN: I have

23

motion by Dave Dominick. I have a

24

second by John Ward. May I please

25

have a roll call vote?

Christian Friends Welcome Assembly Church

1

2

MR. DOMINICK: Aye.

3

MS. DeLUCA: Aye.

4

MR. MENNERICH: Aye.

5

CHAIRMAN EWASUTYN: Aye.

6

MR. BROWNE: Aye.

7

MS. CARVER: Aye.

8

MR. WARD: Aye.

9

CHAIRMAN EWASUTYN: Motion
carried. Thank you.

11

12

DESIRE: Thank you, all. I
appreciate it.

13

14

(Time noted 7:55 p.m.)

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 20th day of May 2026.



VICTORIA CHUMAS ARIAS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

-----X

In the Matter of

SNK NEWBURGH
(17-03)

-----X

EXTENSION OF CONDITIONAL SITE PLAN

Date: May 7, 2026
Time: 7:56 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE:
N/A

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

SNK Newburgh

1

2

CHAIRMAN EWASUTYN: We have
one item of Board business. Ken
Mennerich will read that email.

5

6

7

8

9

MR. MENNERICH: This is an
email that was sent to Chairman
Ewasutyn. This email is being sent
regarding SNK Newburgh, Planning
Board project 17-03.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

We respectfully request the
Town of Newburgh Planning Board
extend the conditional site plan
approval that was issued for the
project in May of 2025. We are
currently pursuing project approval
by the Orange County Department of
Health and New York City Department
of Environmental protection, and will
forward those approvals to you once
received. Please let us know if you
need any additional information from
the project's sponsors. Best
regards, Bill Sparkman, PE, Project
Engineer Langan.

25

CHAIRMAN EWASUTYN: Pat, you

1

2

want to walk us through this?

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. HINES: So, they're looking

for a six-month extension. I don't

have the exact date of when we

approved that in May of '25. They

would have had one year to get that

complete, which brings them to May of

'26. A six-month extension will

bring them to 7 November 2026, so six

months from tonight. And I am aware

that they are working with outside

agencies to finish their approvals.

CHAIRMAN EWASUTYN: Dominic

Cordisco, would you like to add to

that?

MR. CORDISCO: No, sir.

CHAIRMAN EWASUTYN: Would

someone move for a motion to grant a

six-month extension for Newburgh Park

Associates SNK, grant that extension

to the 7th of November 2026?

MR. MENNERICH: So moved.

MS. CARVER: Second.

CHAIRMAN EWASUTYN: I have a

1

2

motion by Ken Mennerich, a second by

3

Lisa Carver. Can I have a roll call

4

vote starting with Dave Dominick?

5

MR. DOMINICK: Aye.

6

MS. DeLUCA: Aye.

7

MR. MENNERICH: Aye.

8

CHAIRMAN EWASUTYN: Aye.

9

MR. BROWNE: Aye.

10

MS. CARVER: Aye.

11

MR. WARD: Aye.

12

CHAIRMAN EWASUTYN: Can I have

13

a motion to close the Planning Board

14

meeting of the 7th of May 2026?

15

MS. DeLUCA: So moved.

16

MR. WARD: Second.

17

CHAIRMAN EWASUTYN: I have a

18

motion by Stephanie DeLuca. I have a

19

second by John Ward. Again, can I

20

have a roll call vote starting with

21

Dave Dominick?

22

MR. DOMINICK: Aye.

23

MS. DeLUCA: Aye.

24

MR. MENNERICH: Aye.

25

CHAIRMAN EWASUTYN: Aye.

SNK Newburgh

1

2

MR. BROWNE: Aye.

3

MS. CARVER: Aye.

4

MR. WARD: Aye.

5

CHAIRMAN EWASUTYN: Motion

6

carried.

7

8

(Time noted 7:57 p.m.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 20th day of May 2026.



VICTORIA CHUMAS ARIAS