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

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In the Matter of

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

-----X

PUBLIC HEARING  
AMENDED SITE PLAN / SPECIAL USE PERMIT

Date: May 21, 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: JAMES LINDEMAN, ESQ.  
JAMES CAMPBELL  
PATRICK HINES  
QUINN MULLARKEY

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

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. The Town of Newburgh Planning Board would like to welcome you to the meeting of the 21st of May 2026. This evening we have four agenda items, one Board business item. And the first item on the agenda is a Public Hearing. At this point, we will call the meeting to order with a roll call vote.

MR. DOMINICK: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MS. CARVER: Present.

MR. WARD: Present.

MR. LINDEMAN: James Lindeman, Planning Board attorney.

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

MR. HINES: Pat Hines with MHE Engineering.

MS. MULLARKEY: Quinn

The Leaf New York, LLC

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Mullarkey, of MHE Engineering.

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MR. CAMPBELL: Jim Campbell,

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Town of Newburgh Code Compliance.

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CHAIRMAN EWASUTYN: At this

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point, we'll turn the meeting over to

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Lisa Carver.

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MS. CARVER: Please stand the

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for the Pledge.

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(The Pledge of Allegiance was

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recited.)

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MS. CARVER: Please either turn

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off your phone or silence them.

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Thank you.

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CHAIRMAN EWASUTYN: The first

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item of business this evening is The

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Leaf New York, LLC, project number

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26-01. It's a Public Hearing on

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amended site plan and special use

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permit. Ken Mennerich, Board member,

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will read the Notice of Hearing.

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MR. MENNERICH: Notice of

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Hearing, Town of Newburgh Planning

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Board. Please take notice of the

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Planning Board of the Town of

The Leaf New York, LLC

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Newburgh, Orange County, New York will hold a Public Hearing pursuant to Section 274-A of the New York State Town Law and Chapter 185-48.9 the Town of Newburgh Code on the application of Autumn Sky Plaza - Cannabis Dispensary, The Leaf New York, project number 2026-01.

The project proposes the approval of retail cannabis dispensary as a special use under Town Code 185-48.9. The project is proposed change of use for two adjacent retail suites, suites 104 and 105, in an existing commercial building for use as a New York State OCM licensed adult use cannabis dispensary. Project will be located within an existing structure with no exterior changes to the site. The project is located in the Town's IB zoning district. Site is accessed by New York State Route 17K. The project is known on the Town tax maps

The Leaf New York, LLC

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as Section 86, block 1, lot 86. The project address is 254 Route 17K.

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A Public Hearing will be held on the 21st day of May 2026, at the Town Hall meeting room, 1496 Route 300, Newburgh, New York, at 7:00 p.m. or as soon thereafter at which time all interested persons will be given an opportunity to be heard.

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By order of the Town of Newburgh Planning Board, John P. Ewasutyn, Chairman, Planning Board Town of Newburgh, dated 24 April 2026.

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CHAIRMAN EWASUTYN: And the representative for the project, Ken Mennerich just read the Notice of Hearing, is Joseph Minuta, Minuta Architecture.

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MR. MINUTA: Good evening, Mr. Chairman, members of the Board, consultants. My name is Joseph Minuta, Minuta Architecture. We have

1  
2           been through the process here with  
3           the Town with regard to the Planning  
4           Board and Zoning Board. We are here  
5           before you this evening for a Public  
6           Hearing for this project. We hope to  
7           seek approval at your will, and I  
8           think we've accomplished all of the  
9           items prior that have been requested.

10                   So, with that, I did hear from  
11           last meeting some concerns or some  
12           suggestions, I might say, as  
13           regarding the lighting and some of  
14           the plannings. So, what I heard from  
15           that is you would like to see more  
16           consistency in the lighting, and you  
17           would like to see a little curb  
18           appeal. So, what we have done since  
19           then is we've identified the lights  
20           that are at the perimeter. Now,  
21           these are new. They were installed  
22           sometime last year. The owner came  
23           in, you know, decided he wanted to to  
24           refresh the lights that were there.  
25           Those are 5,000 kelvin lights, and

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they are LEDs. Unfortunately, they are not switchable, so the cost to do that would be quite exorbitant. We did take a look at the lighting around the building itself. That does have some inconsistency with the coloring, 3,000 kelvin, 5,000 kelvin, et cetera. So, we were hoping to work with the Board and make all of those that we can make consistent, the same 5,000 kelvin, or if you would like a different kelvin we are happy to do that. So, that's the lighting portion of it.

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The landscaping portion, I did hear the curb appeal aspect of it, and I don't disagree with you. The parking lot and the site plan that was approved prior, it is what it is, and it's sustained for all of this time. I did take an opportunity -- I have been working with Lynn Warren (Phonetic), who is going to probably doing the landscaping on this, as

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well the landlord. And what we've

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come up with, I think, is a practical

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solution and very reasonable. What

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we would like to do is on either side

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of the entrance and on this portion

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here (Indicating) and over here

8

(Indicating) provide some Redbud

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trees, which will provide a pop of

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color during the season and also

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provide a little bit of scaling down

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the area, so it's not just a vast,

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open space. I have prepared some

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some quick renderings, if you would

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like to see them, as to what the

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before and after would like like.

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CHAIRMAN EWASUTYN: So, you

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have outsourced this?

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MR. MINUTA: Yes.

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(Handing Documents to the

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Board.)

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CHAIRMAN EWASUTYN: Thank you.

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MR. MINUTA: So, what you're

24

seeing, the top image, is what

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exists, and the bottom image is what

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it would look like in an illustrated  
3 rendition of planting these four  
4 trees and how it significantly it  
5 changes the appearance. I think you  
6 will agree it's an improvement.

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MR. BROWNE: On your bottom  
image, how long is the blossom, if  
you will, of the trees looking like  
this? Is that like a week, two  
weeks, a month? How long would that  
be?

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MR. MINUTA: I happen to have  
them on my property. It lasts about  
a month.

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MR. BROWNE: Early?

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MR. MINUTA: They are early.  
As a matter of fact, the ones I have  
on my property are still in bloom.  
Right now, they are just starting to  
fade out.

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MR. DOMINICK: What is the size  
caliber of the tree?

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MR. MINUTA: I believe two, two  
and a half inch caliber at that

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point.

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MS. CARVER: What type of tree  
did you say?

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MR. MINUTA: Sure. So, this is  
the Eastern Redbud, and this is the  
Cercis Canadensis.

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CHAIRMAN EWASUTYN: Thank you.

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They have a measure of height  
of around 15 feet. They have a very  
interesting leaf; it's a heart-shaped  
leaf. And Mr. Minuta is correct,  
they are just in their final stage of  
flowering.

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Any questions or comments from  
the Public before I turn it over to  
the Planning Board members?

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(No response.)

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CHAIRMAN EWASUTYN: Okay. Let  
the record show that there is no  
comment from the public.

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Although you asked a question,  
I will start with you one more time,  
please, Dave. Any additional  
questions or comments?

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MR. DOMINICK: No, nothing further. Mr. Minuta answered what I had already.

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MS. DeLUCA: You seem to have addressed everything that is a concern, so very nice. Thank you.

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MR. MENNERICH: I agree with Stephanie.

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CHAIRMAN EWASUTYN: I agree with other Board members.

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MR. BROWNE: With respect to the -- so with the lighting, you indicated that the outdoor light is 5,000.

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MR. MINUTA: The pole lights are 5,000 and lights that are on the building vary --

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MR. BROWNE: On the building, which one?

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MR. MINUTA: The lights that are on the building vary in their lighting conditions. All of the exterior lights that are the pole lights are 5,000.

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MR. BROWNE: The Town does not have a code for that; however, what you are looking at in this room, these lights (Indicating) the 5,000, those lights (Indicating) are 3,000, those lights (Indicating) are 4,000. That 5,000 to my mind is inappropriate for the outdoors. Most towns in the area are going to 3,000, on the end down here. That's all. It would have to be a decision from the rest of board members, what they would like and what they don't like or what they think is appropriate for outdoor lighting. I think the 5,000 is really inappropriate. We can go from there.

CHAIRMAN EWASUTYN: Lisa Carver?

MS. CARVER: I have no questions, just 5,000 kelvin is bright, correct?

MR. BROWNE: May I? No, the brightness is not a function of the

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2 kelvin. The brightness is how much  
3 light, not what it is.

4 MS. CARVER: Okay. Nothing  
5 further.

6 CHAIRMAN EWASUTYN: John Ward?

7 MR. WARD: That is a big  
8 improvement for the look of the  
9 building itself. With the island, I  
10 was suggesting something done there.  
11 I'd even put rive rock or something  
12 because the mulch gets washed out  
13 with plowing and everything else, you  
14 know? But the owner or whatever, the  
15 center island in the parking lot --

16 MR. MINUTA: Yes.

17 MR. WARD: -- they put mulch  
18 down just to cover it. But the mulch  
19 gets washed out. River rock you'd  
20 never have to change.

21 MR. MINUTA: I don't see a  
22 problem with that suggestion. I will  
23 tell you there's -- it's 30 inches  
24 wide, so nothing is really going to  
25 grow in there. You know, some of the

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tenants plant plants in there because they like to do that. But to the extent that one of the concerns we have here is that the trucks that do enter the site, for whatever reason, like to go over these islands. It's crazy, but that's what they do. So, why, I don't know, but we just actually watched one do that today. So, I don't know what to tell you on that one, but this is the way the site is configured and how it's being used. So, happy to accommodate that if that if makes sense.

MR. WARD: Yes. Because like the entrance going into Lowe's off 17K it's all rive rock. And like you said, trucks going over it. It's never damaged, you know?

MR. MINUTA: Is there a size you would prefer to see, a number two or number three?

MR. WARD: It's preference to what you think.

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MR. MINUTA: Thank you.

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MR. WARD: And like I said, it's a nice improvement from 17K putting something there than a bare animal there.

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MR. MINUTA: It's a difficult embankment because the high part of embankment, the berm, rather, is that the property line is split sort of at the top of the berm. So, New York State DOT is on one side, and the owner is on the other. That's why we proposed what we proposed.

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MR. WARD: Thank you.

MR. MINUTA: I can just address the lighting problem if that's okay.

CHAIRMAN EWASUTYN: Sure.

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MR. MINUTA: You are correct. I see other communities that I represent; they are going with a more formal understanding of what color rendition they want of the lights. And we do see 5,000. We do see 3,000. It's really matter matter of

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preference of the community. To the

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extent that I explained earlier,

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obviously, these are brand-new

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lights. They cost thousands of

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dollars to have them re-lamped. The

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owner is intent on keeping those.

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But again, we would be very happy to

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modify the existing building to one

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or the other, whatever you prefer.

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MR. BROWNE: From my

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perspective, whatever is done should

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be -- how do I say it -- so it kind

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blends together, works together, not

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just like in here. You look at it

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and say, Why do we have this? It

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looks odd, right? So, yeah. I don't

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want anything -- I don't want to see

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anything odd, but as long as it all

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kind of works together. Again, you

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have rest of the Board, not just me.

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CHAIRMAN EWASUTYN: Mr. Minuta,

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as a matter of record, Cliff Browne

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brought in his lighting meter, so the

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numbers that he spoke of were just

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studied today. So, he has factual

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information to present this

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discussion this evening. Again, not

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picking one from the other, but just

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an observation.

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MR. MINUTA: Is there anything

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else?

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CHAIRMAN EWASUTYN: Any other

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questions or comments? Any questions

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or comments from the public?

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(No response.)

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CHAIRMAN EWASUTYN: Jim

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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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MHE?

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MR. HINES: We did submit this

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to County Planning as it's on a state

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highway. They issued a local

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determination. It is a Type II

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action under SEQRA, so no SEQRA

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action is required. And I believe

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the Board would be in a position to

The Leaf New York, LLC

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issue an approval tonight with any  
conditions it deems necessary.

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CHAIRMAN EWASUTYN: Thank you.

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Can I have a motion from the Board to

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close the Public Hearing on The Leaf

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New York, LLC that's here before us

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for an amended site plan and special

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use permit?

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MR. MENNERICH: So moved.

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MS. DeLUCA: Second.

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CHAIRMAN EWASUTYN: Dave

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Dominick?

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MR. DOMINICK: Aye.

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MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

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MR. BROWNE: Aye.

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MS. CARVER: Aye.

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MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Can I have

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a motion from the Board to declare a

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-- it's a Type II action? Pat, do we

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still do a neg dec?

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MR. HINES: No, there is no

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2 SEQRA review.

3 CHAIRMAN EWASUTYN: All right.  
4 Could you give us the conditions of  
5 approval, Pat Hines, for The Leaf New  
6 York?

7 MR. HINES: The conditions  
8 would be to submit the plans that  
9 have the landscaping on there. I  
10 think their plan should also be  
11 consistent with the lighting  
12 discussion that we had. It sounds  
13 like the lights will be 5,000 model  
14 on the building to match the parking  
15 lot lights. And then, there are  
16 standard conditions for these, based  
17 on the section of the code. I  
18 believe it is 185.49.9 that has the  
19 general conditions. I think James  
20 may have some other input on that as  
21 well.

22 MR. LINDEMAN: Yes. The only  
23 additional condition -- two  
24 conditions. Compliance with the ZBA,  
25 I understand there is some work with

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variances there. And the second and more cumbersome is you have to provide your Certificate of Licensure from the New York Office of Cannabis Management. And with that, there is going to be a condition to the resolution that if that certificate OCM is expired or revoked, the special use permit will be automatically revoked as well. That also applies to any changes of ownership. So, if the current applicant were to sell the existing business, the prospective purchaser would have to come before this Board to receive a new special use permit.

CHAIRMAN EWASUTYN: Thank you.

We have the conditions of approval. I am going to ask for a motion to approve those conditions.

MR. WARD: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second

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by Cliff Browne. Can I have a roll

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call vote starting with Dave

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Dominick?

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MR. DOMINICK: Aye.

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MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

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MR. BROWNE: Aye.

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MS. CARVER: Aye.

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MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Motion

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carried.

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MR. MINUTA: Thank you all very

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much.

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(Time noted 7:16 p.m.)

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The Leaf New York, LLC

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C E R T I F I C A T E

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of June 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

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: May 21, 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: JAMES LINDEMAN, ESQ.  
JAMES CAMPBELL  
PATRICK HINES  
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:  
Umberto Baldinucci, JMC PLLC

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

## Overlook Farms A Farrell Community

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CHAIRMAN EWASUTYN: The second item of business this evening is on Overlook Farms A Farrell Community, project 19-23. It's here this evening for an amended site plan. It's located on 5417 Route 9W. It's in an R-3/B zone, and it's being represented by Umberto Baldinucci.

CHAIRMAN EWASUTYN: Do you have a business card or can you give a spelling?

MR. BALDINUCCI: U-M-B-E-R-T-O B-A-L-D-I-N-U-C-C-I. Sorry about the name.

CHAIRMAN EWASUTYN: And you are with JMC?

MR. BALDINUCCI: Correct.

CHAIRMAN EWASUTYN: Please.

MR. BALDINUCCI: Good evening, Chairman, members of the Board. My name is Umberto Baldinucci with JMC. I'm here on behalf of the applicant who is seeking to amend the previous site plan ARB approval for the

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Overlook Farms project. As discussed at the last meeting, the applicant is proposing a new clubhouse building and parking lot configuration. What was originally proposed in regards to the unit count, residential unit count remains the same. The total square footage of retail doesn't change as well. As just indicated, we are proposing a new clubhouse building, which is 4,150 square feet. It's less than the original clubhouse building 5,085 square feet.

We are also revising the parking configuration to have a turnaround around the front the of clubhouse building, which is an improvement to the original parking lot. The configuration was a dead-end scenario.

In addition to the clubhouse and parking lot configuration, we are revising two proposed Pickleball courts versus two tennis courts

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originally approved.

Since our last meeting, we provided the Planning Board with a revised layout plan, which provided two benches at the Pickleball court location. And then we have a bicycle rack proposed at the clubhouse building. In addition to the layout changes, we proceed the Board with a technical memorandum -- a SEQRA technical memorandum, which analyzes the proposed action, which is the amended site plan versus the approved plan. This basically summarized that there is going to be less disturbance with this amendment. We are going to have less impervious area. There's no changes to storm water runoff because of that. We're removing less trees. There's no impacts to traffic because we are not changing the residential unit count, and we are not changing the total retail proposed. So, again, we're here to

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seek amended site plan approval and

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ARB approval. And I am here to

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answer any questions that you guys

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might have.

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CHAIRMAN EWASUTYN: Thank you.

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Dave Dominick?

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MR. DOMINICK: Umberto, just a

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quick question. The mailboxes that

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you have near the gazebo near 9W, are

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those just standard mailboxes for

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letters, or what happens when

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residents get larger packages,

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Amazon, FedEx, UPS, any of that

15

stuff?

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MR. BALDINUCCI: So, this is

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the mailbox location, so we have a

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parking area that is going to be dual

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use with the school bus stops. I am

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not sure about the details of how

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large the mailboxes are going to be.

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It's something that's going to be

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coordinated with the post office, but

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if that information is needed,

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I'll...

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MR. DOMINICK: Just curious.

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MR. BALDINUCCI: My assumption is that it's going to have larger than normal mailboxes, and it's going to allow for bigger packages.

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MR. DOMINICK: Will your clubhouse act as a pickup point for that, or no, it's going to be just club house?

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MR. BALDINUCCI: I'm not sure.

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

14

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MS. DeLUCA: No further questions.

16

MR. MENNERICH: No questions.

17

CHAIRMAN EWASUTYN: No comment.

18

MR. BROWNE: Nothing more.

19

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MS. CARVER: The retail space, is that intended for one occupant, or is it going to be broken up, or does it depend on who is interested?

21

22

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MR. BALDINUCCI: There is no specific tenant that is targeted. It is a retail space we are proposing,

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you know, but it's intended for one  
use. But it may change.

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MS. CARVER: Okay, thank you.

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MR. WARD: No more comments.

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CHAIRMAN EWASUTYN: Stan

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Schutzman, attorney for the

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applicant, do you have you any

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questions or comments?

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MR. SCHUTZMAN: No, thank you.

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CHAIRMAN EWASUTYN: You're

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welcome.

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Jim Campbell, Code Compliance?

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MR. CAMPBELL: No comments.

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CHAIRMAN EWASUTYN: Pat Hines

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with MHE?

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MR. HINES: We received a

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revised Storm Water Pollution

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Prevention Plan addressing the

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changes to the site plan. That is

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under review. There are no

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substantive changes to it, but there

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was a -- the report needed to be

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updated with the changes. We are

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continuing to review that and would

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suggest that be an added condition of any approval.

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The applicants did provide a detailed SEQRA consistency memo identifying each of the environmental conditions that were in the original negative declaration for the project and an analyses of the potential impacts, each of which was reduced because, as Mr. Baldinucci said, the changes to the site are less pervious surface, less parking, less clubhouse size. So, that very detailed report was received, and we believe that it does identify that a SEQRA consistency determination could be issued.

Any original conditions of approval should be restated for tracking purposes. They have completed many of them, but I think they all should be reiterated in this approval and for future tracking purposes that we can eventually have

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a list that they are all done. We

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were recommend, again, that the

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conditions include a pre-construction

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meeting for any clearing and grading

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activities, as well as coordination

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with the Storm Water Pollution

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Prevention Plan. But the original

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conditions, along with those, would

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be sufficient for the amended

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approval.

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CHAIRMAN EWASUTYN: So, would

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you give us a motion, Pat Hines, as

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to what the approval be subject to

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and such? It would be subject to a

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SEQRA consistency determination?

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MR. HINES: I would recommend

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the Board do that as a separate

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resolution, that determination that

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project is consistent with the

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original negative declaration filed

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for the project, as a well as adopt

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the original conditions of approval.

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I believe there was some 25 of them.

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Again, many of them have been

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addressed, but some may still be

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outstanding, with the addition that

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the technical review of the Storm

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Water Pollution Prevention Plan be

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included in that as well.

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CHAIRMAN EWASUTYN: I heard one

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comment, and I am not quite sure if

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we had completed an ARB approval one

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time.

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MR. BALDINUCCI: Yes, you did.

12

CHAIRMAN EWASUTYN: So, then,

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it was stated this evening here for

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ARB approval, but we've already

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accomplished this task?

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MR. BALDINUCCI: That's

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correct.

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MR. HINES: But the amended

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approval will include that same ARB

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again.

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CHAIRMAN EWASUTYN: Okay.

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Having heard conditions of

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approval presented by Pat Hines with

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MHE Engineering, can I have someone

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move for that motion?

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MR. BROWNE: So moved.

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MS. CARVER: Second.

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

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MR. DOMINICK: Aye.

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MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

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MR. BROWNE: Aye.

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MS. CARVER: Aye.

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MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Motion careered.

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MR. BALDINUCCI: Thank you.

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MR. HINES: John, I just want to reiterate, we did send this to County Planning, and we did receive a local determination back from that. I know that was one of Dominic's questions, but we did get that.

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MR. BALDINUCCI: Thank you,

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(Time noted 7:26 p.m.)

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C E R T I F I C A T E

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of June 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

NEWBURGH SHOPPES PHASE III  
(23-16)  
1217 & 1219 Route 300  
Section 96, Block 1, Lots 6.2 & 11.1  
Zone IB

-----X

SITE PLAN / ARB SIGNAGE

Date: May 21, 2026  
Time: 7:26 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: JAMES LINDEMAN, ESQ.  
JAMES CAMPBELL  
PATRICK HINES  
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:  
Kelly Libolt, KARC Planning Consultants

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: The third item of business this evening is Newburgh Shoppes Phase III. It's here this evening for an ARB approval of the signage. The project is located on Route 300 in an IB zone. It's being represented by Kelly Libolt.

MS. LIBOLT: Thank you, Mr. Chairman. I'm Kelly Libolt with KARC Planning Consultants. We're representing the applicant for two wall signs that they are proposing on the project, which is located behind Cosimos. We call it "The Shoppes." I think we have been before you many times for this project. We're happy to report that the project is under construction, and we are here now to start the application procedure with the Town for this signage.

We're proposing two wall signs on the three-story building, which is the temperature-controlled building.

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It was approved by this Board. The Town permits wall signs to be no higher than the first floor and also doesn't the permit a sign on the rear side of the building. So, in this particular scenario, we're asking -- we're going to go before the ZBA to ask for permission to put the signs on the top floor of the building, and we're also seeking to put a sign on the north side, which is the side that faces Lowe's. I believe we're here tonight to go over the architectural display of the signs. I'm happy answer any questions you may have of any additional details you may need.

CHAIRMAN EWASUTYN: Dave

Dominick, questions on the signage?

MR. DOMINICK: Just curious, is the name of the company a national chain or is this just a local?

MS. LIBOLT: It is. So, Extra Space is the one that will manage

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this site, yeah. But it will be

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owned by, you know, I think everyone

4

knows the owners Nicolas DiBrizzi and

5

Nick Citera.

6

MR. DOMINICK: Thank you.

7

MS. LIBOLT: You're welcome.

8

CHAIRMAN EWASUTYN: Stephanie

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DeLuca?

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MS. DeLUCA: No, nothing

11

further.

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MR. MENNERICH: The coloring of

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the Extra Space storage, is there a

14

reason why you have storage in that

15

color?

16

MS. LIBOLT: It's their

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standard. You know, of course, it

18

could be deviated, but this is the

19

standard that Extra Space uses with

20

the green and the red.

21

CHAIRMAN EWASUTYN: No comment.

22

MR. BROWNE: No comment. Thank

23

you.

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MS. CARVER: Nothing further.

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MR. WARD: No comment.

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CHAIRMAN EWASUTYN: Jim Ward --  
excuse me -- Jim Campbell?

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MR. CAMPBELL: The applicant  
stated that two variances are  
required, one for the sign being  
higher than the first floor; they're  
proposing on the third floor, and  
then, the signage in the rear of  
building, which is the Lowe's side of  
the building. I believe that could  
be handled one or two ways, that this  
Board refers or the Building  
Department refers it to the ZBA;  
whatever your pleasure is.

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CHAIRMAN EWASUTYN: Pat Hines  
with MHE?

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MR. HINES: Yeah, I think the  
Building Department can do that if  
you received an application and those  
two non-compliances could be  
submitted for the variance. This is  
not subject to County Planning  
review, so it could proceed to the  
ZBA at this point.

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CHAIRMAN EWASUTYN: Can I have a motion from the Board to authorize the Building Department to refer this to the Zoning Board of Appeals for the required variances?

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MR. DOMINICK: Make a motion.

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MR. WARD: So moved.

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

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MR. DOMINICK: Aye.

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MS. DeLUCA: Aye.

16

MR. MENNERICH: Aye.

17

CHAIRMAN EWASUTYN: Aye.

18

MR. BROWNE: Aye.

19

MS. CARVER: Aye.

20

MR. WARD: Aye.

21

CHAIRMAN EWASUTYN: Thank you.

22

MS. LIBOLT: Thank you very

23

much.

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MR. CAMPBELL: John, can I ask

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a question?

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CHAIRMAN EWASUTYN: Sure.

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MR. CAMPBELL: As far as that,  
you did approve the ARB so they don't  
have come back?

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CHAIRMAN EWASUTYN: Good  
question. Would someone move for a  
motion to approve the ARB for the  
Newburgh Shoppes Phase III?

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MR. WARD: So moved.

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MS. DeLUCA: Second.

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

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MR. DOMINICK: Aye.

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MS. DeLUCA: Aye.

19

MR. MENNERICH: Aye.

20

CHAIRMAN EWASUTYN: Aye.

21

MR. BROWNE: Aye.

22

MS. CARVER: Aye.

23

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Thank you,

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Jim.

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MS. LIBOLT: Thank you.

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(Time noted 7:30 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 3rd day of June 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

89 5TH AVENUE SUBDIVISION  
(26-12)  
89 5th Avenue  
Section 69, Block 4, Lot 6.1  
Zone R-3

-----X

INITIAL APPEARANCE / 2 LOT SUBDIVISION

Date: May 21, 2026  
Time: 7:31 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: JAMES LINDEMAN, ESQ.  
JAMES CAMPBELL  
PATRICK HINES  
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:  
Justin Dates, RLA, Colliers Engineering &  
Design

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: The fourth item of business this evening is 89 5th Avenue Subdivision. It's project number 62-12. It's an initial appearance for a two-lot subdivision. I think the address is incorrect. The address also would be 89 5th Avenue. The zone is R-3, and the representative is Justin Dates with Colliers Engineering. Justin?

MR. DATES: Thank you, Chairman, members of the Board. Justin Dates. Colliers Engineering & Design, here on behalf of the owner and applicant -- (Name Unintelligible). So, the project site is located on the western side of 5th Avenue. It's a three-acre parcel, and there is an existing two-story dwelling on the southeast corner, and also buildings on the parcel. It does have a shared driveway with 89 5th Avenue as well. The zone is in the R-3 residential

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zone, and that has a minimum square foot of a lot of 12,500 square feet for a single-family home. So, the applicant's proposed to divide this parcel into two separate lots. Lot one, we've identified would encompass the existing dwelling and also the existing two-car garage that is at the western end of lot one there. And then, the remaining area or lot two, which is about 2.66 acres, is the size of the second lot.

So, they both comply with the bulk requirements for the R-3 zoning district, setbacks area, impervious coverage. And we did identify one area variance and had to deal with the accessory structures on lot one. And that was based on the size. That existing garage is just over 1,000 square feet. It's 1,045, and the maximum is 1,000 per the code, but it is also based on the size of the parcel, right? So, there is

1  
2 restrictions there that we exceeded.  
3 Mr. Campbell's review memo may have a  
4 little more dialogue on that and how  
5 that variance may play out, but  
6 that's what we identified thus far.  
7 That's all.

8 CHAIRMAN EWASUTYN: Jim  
9 Campbell, Code Compliance?

10 MR. CAMPBELL: Yes. On the  
11 proposed lot one and proposed lot  
12 two, there are car ports labeled on  
13 each one. There are no records in  
14 the Building Department for these car  
15 ports, so I was wondering what the  
16 plans were.

17 MR. DATES: So, I have some  
18 pictures, and so those are -- the car  
19 ports on the plan, they are kind of  
20 those temporary fabric or canvas  
21 covered type of structures. Based on  
22 your memo, Mr. Campbell, would the  
23 Town be considering those as an  
24 accessory structure?

25 MR. CAMPBELL: They are an

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accessory structure. They're

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actually a membrane structure and

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must conform to the Building Code,

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not the Residential Code. I don't

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think we have had one that would

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actually pass.

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MR. DATES: Okay. So then,

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with that being said, I think that

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would change our variances that we

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would be requesting. I can't confirm

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right now, but I believe the

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applicant would look to then remove

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those based on the circumstances.

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So, I would need to confirm that, but

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I believe that they would be changing

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that request then.

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CHAIRMAN EWASUTYN: So, if you

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could confirm that for when the

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referral to the Zoning Board of

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Appeals lists the items, they will be

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non-listed if that's where he goes.

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And you can let Jim Campbell know

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that.

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MR. DATES: Yes. We can put

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the final understanding of requests  
of the variances that we need.

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CHAIRMAN EWASUTYN: Jim,  
anything else?

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MR. CAMPBELL: There is an  
existing shed on the plans saying  
removal. If it's going to be  
removed, it should be removed before  
stamping of the plans. And the  
existing two-car garage has to go as  
well for size.

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CHAIRMAN EWASUTYN: Pat Hines,  
MHE?

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MR. HINES: This is the initial  
appearance before the Board.  
Adjoiners' Notices will be required  
to be circulated. We noted, as Mr.  
Campbell did, a variance for the  
garage on lot one. Couldn't figure  
out the calculations there. The  
garage is labeled as 1,045, but the  
calculations are 1,200. I don't know  
if you included the accessory  
buildings or --

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MR. DATES: Yeah, that northern structure we didn't end up including in that. Actually, I think we will verify that.

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MR. HINES: Compliance with the Tree Preservation Ordinance will have to be documented in future. The building envelope for the new structure on lot two is rather small, and the building is close to it, so we want the standard stakeout note required prior to pouring the foundations. Water and sewer notes are required. There is a sewer pump station and force main we'll need a design for.

The highway superintendent's comments on the driveway as well as the force main in the Town right-of-way should be received. We would recommend at a minimum metallic tape be put over the force main so that it could be located in the future if someone is digging, or if

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they are digging, they will hit the  
tape before the force main. So, that  
could be added to the detail.

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City of Newburgh flow  
acceptance letter will be required  
for the additional unit. The utility  
serving lot one should be depicted.  
Finish the renovations on lot two as  
well as grading plan. There's  
clearly rocks sticking out on and the  
south side of the proposed structure,  
so we want to see that grading plan,  
and we also want to make sure that a  
less than one-acre disturbance is  
occurring. We'll need the limits of  
disturbance and the amount of  
disturbance labeled on that plan.

The existing shed to be removed  
should be removed prior to stamping  
of the plans or relocated in a  
compliant location prior to that. It  
looks like there may need a driveway  
covert for a proposed house. There  
is a swale depicted in the topography

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along the frontage. There is not a

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alone in front of the existing house,

4

but it looks like there is a swale

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developing as you head in a northerly

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direction there.

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MR. DATES: Okay.

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MR. HINES: The EAF needs to be

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completely filled out. There were

10

were some blanks there. Again,

11

limits of disturbance.

12

Orange County referral will be

13

required as the project's located in

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proximity to the county park at

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Gardnertown Road. That's within 500

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feet of that. And then, the shared

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driveway was noted, so a maintenance

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agreement or any other easements and

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such should be provided for that was

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well.

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MR. DATES: The owner was

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working on shared access.

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MR. HINES: It looks like they

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are in common ownership, so it

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shouldn't be an issue. But I think

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the only action tonight would be a  
referral to the ZBA.

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CHAIRMAN EWASUTYN: I am  
guessing you will work with Jim  
Campbell as far as the referral  
letter that will be made and  
presented to the ZBA?

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MR. DATES: Yes.

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One question, if I could, Mr.  
Chairmain?

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CHAIRMAN EWASUTYN: Yes.

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MR. DATES: Just so I  
understand correctly, those two car  
ports if we just removed those from  
the equation, we would just be  
looking at the square footage overage  
for the two-car garage?

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MR. CAMPBELL: Correct. The  
ideal way to do it would be to remove  
those. Because actually for the car  
ports at the house, accessory  
structures have to be a minimum ten  
feet from the residence, and then  
you're talking also some fire code

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2 issues there. It's a membrane  
3 structure, has to conform to Building  
4 Code, not the Residential Code. So,  
5 ideally, the best way would be to  
6 remove them.

7 MR. DATES: Understood. Thank  
8 you.

9 MR. CAMPBELL: And as far as  
10 the -- I can get the documentation of  
11 what is actually going to be needed  
12 to Dominic or to James as far as the  
13 referral letter.

14 CHAIRMAN EWASUTYN: Providing  
15 we get the referral letter out in  
16 five days. We're having difficulty  
17 with referral letters.

18 MR. HINES: The difference here  
19 is the signage was direct building  
20 permit. But this one, they would  
21 need to submit building plans to get  
22 a denial from Jim's office.

23 CHAIRMAN EWASUTYN: Alright.  
24 Would someone make a motion to, when  
25 it is compiled, to have a referral

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letter sent to the ZBA on the

3

variances that are required for 89

4

Fifth Avenue Subdivision?

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MR. BROWNE: So moved.

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MS. CARVER: Second.

7

CHAIRMAN EWASUTYN: A motion by

8

Cliff Browne. I have a second by

9

Stephanie DeLuca. Can I have a roll

10

call vote starting with Dave Dominic?

11

MR. DOMINICK: Aye.

12

MS. DeLUCA: Aye.

13

MR. MENNERICH: Aye.

14

CHAIRMAN EWASUTYN: Aye.

15

MR. BROWNE: Aye.

16

MS. CARVER: Aye.

17

MR. WARD: Aye.

18

CHAIRMAN EWASUTYN: Motion

19

carried. Thank you.

20

MR. HINES: John, we need the

21

adjoiners' notices authorized as well

22

County Planning 239.

23

CHAIRMAN EWASUTYN: Is it okay

24

to send out to County Planning before

25

they go before the ZBA?

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MR. HINES: To the County, yes.

3

We wouldn't make a SEQRA

4

determination until after that.

5

CHAIRMAN EWASUTYN: Then, let

6

the motion be that Pat Hines will

7

work with the applicant as far as the

8

adjoiners' notices that need to be

9

sent out, and then send the plans on

10

to the Orange County Planning

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Department.

12

Pat one more time, for the

13

record, the nature of referring to

14

the Orange County Planning Department

15

is because of the --

16

MR. HINES: Proximity to the

17

county park.

18

CHAIRMAN EWASUTYN: Thank you.

19

So, to restate the motion,

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besides the variances that are

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needed, we have a motion to work with

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Pat Hines and the applicant to send

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out the adjoiners' notices and to

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refer this to the Orange County

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Planning Department. Would someone

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make for that motion?

MR. WARD: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: We have a motion by John Ward. We have a second by Stephanie DeLuca. Can I have 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.

(Time noted 7:43 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 3rd day of June 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

DARIGO SOLAR  
(19-14)

-----X

Date: May 21, 2026  
Time: 7:43 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: JAMES LINDEMAN, ESQ.  
JAMES CAMPBELL  
PATRICK HINES  
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:  
N/A

-----X

VICTORIA CHUMAS ARIAS  
Court Reporter, CopyCAT Court Reporting

Darigo Solar

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CHAIRMAN EWASUTYN: The last item of business Pat Hines will come forward and talk to the Planning Board Members.

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MR. HINES: I don't know if I can get out of here.

7

8

CHAIRMAN EWASUTYN: What?

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MR. HINES: I'm going to do it from here; I can't get out of here.

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The Darigo Solar project is nearing completion of the Lakeside Road and Patton Road, and is it Meadow Hill Road, as well? It has a lot of frontage. The applicants have been working with the Town's landscape architect consultant, Karen Aaron (Phonetic) and Jackie from Karen's office. They have worked out the landscaping issues to the satisfaction of Karen's office, including some additional trees that were placed along the access drive. They're proposing to put a stockage vinyl fence along the access drive on

1  
2 one side where it's close to one of  
3 adjoining properties. So, I know  
4 Jackie from Karen's office wrote a  
5 memo to that effect and sent the  
6 Board some plans, so they're looking  
7 to do that as a field change.

8 The other field change issue  
9 would be a payment in leu of  
10 installing and the covert under  
11 Patton Road at this time, as there's  
12 some easement issues with an  
13 adjoining property. So, the  
14 applicant's are looking to post a  
15 payment to the Town to be used in the  
16 future as those easement issues, if  
17 they can be resolved, or if another  
18 alternative drainage method could be  
19 done.

20 And the final one is that site  
21 has a DEC hazardous waste -- I don't  
22 know if it's a hazardous waste site,  
23 but a former remediation site that is  
24 fenced between the phase one and  
25 phase two. It was -- originally had

1  
2 a four-foot fence, which is not in  
3 the greatest shape. The phase one of  
4 the project has been constructed, and  
5 the six-foot fence around the solar  
6 arrays have been installed. That  
7 fence now ties into the four-foot  
8 fence that was existing. The  
9 applicants would like to have  
10 approval to leave the portion of  
11 four-foot fence that was still  
12 intact, replace those areas that need  
13 to be replaced with the four-foot  
14 fence rather than putting the  
15 eight-foot fence around the area  
16 designated as the DEC remediation  
17 site. The four-foot fence was  
18 previously there. Had the project  
19 not been constructed, that fence  
20 would still be there. And they're  
21 looking just not to put the  
22 eight-foot fence around what looks to  
23 be a vacant field area right now  
24 outside of their solar array. They  
25 have no intention -- they've

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identified the building to phase two solar array, and they are going to withdraw that from consideration.

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So, they are looking for those three items: The field change for the landscaping, the approval to remove the covert with a payment in lieu of installing that covert at this time, and the modification to the four-foot fence around the DEC remediation area identified on the plans.

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CHAIRMAN EWASUTYN: Comments from Board members. Dave Dominick?

MR. DOMINICK: Pat, just for the record, the landscape for item one, the neighbor requested a white vinyl fence, a privacy fence.

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22

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MR. HINES: Correct.

CHAIRMAN EWASUTYN: Thank you.

MS. DeLUCA: No further questions.

24

25

MR. MENNERICH: No comment.

CHAIRMAN EWASUTYN: No.

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MR. BROWNE: Nothing more.

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MS. CARVER: No questions.

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MR. WARD: No question.

5

6

CHAIRMAN EWASUTYN: Pat, we would consider this to be a field change?

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8

MR. HINES: Correct.

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10

CHAIRMAN EWASUTYN: Having heard from Pat Hines with MHE, noting the four items that make for a field change, would someone move for that motion?

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MR. DOMINICK: So moved.

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MR. WARD: So moved. Second.

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

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MR. DOMINICK: Aye.

22

MS. DeLUCA: Aye.

23

MR. MENNERICH: Aye.

24

CHAIRMAN EWASUTYN: Aye.

25

MR. BROWNE: Aye.

Darigo Solar

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MS. CARVER: Aye.

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MR. WARD: Aye.

4

CHAIRMAN EWASUTYN: Can I have  
a motion to close the Planning Board  
meeting of the 21st of May?

7

MS. DeLUCA: So moved.

8

MS. CARVER: Second.

9

CHAIRMAN EWASUTYN: I have a  
motion by Stephanie DeLucal. I have  
a second by Lisa Carver. Can I have  
a roll call vote starting with Dave  
Dominick?

14

MR. DOMINICK: Aye.

15

MS. DeLUCA: Aye.

16

MR. MENNERICH: Aye.

17

CHAIRMAN EWASUTYN: Aye.

18

MR. BROWNE: Aye.

19

MS. CARVER: Aye.

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MR. WARD: Aye.

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CHAIRMAN EWASUTYN: I wish  
everyone a happy Memorial Day  
weekend.

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(Time noted 7:47 p.m.)

Darigo Solar

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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 3rd day of June 2026.



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