

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

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In the Matter of

CANNABIS HUTS / GURU BABA, INC.
(25-32)
5306 Route 9W
Section 23, Block 2, Lot 1
Zone R3
-----X

PUBLIC HEARING
AMENDED SITE PLAN / SPECIAL USE PERMIT

Date: June 4, 2026
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE:
Joseph Saffioti, Esq., Saffioti & Anderson
-----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 our meeting of the 4th of June 2026. We have four agenda items. The first item on the agenda is a Public Hearing. We'll introduce the procedure to you when we get to that point. At this time, I call for a roll call vote starting with Dave Dominick.

MR. DOMINICK: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MS. CARVER: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board attorney.

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

MR. HINES: Pat Hines with MHE Engineering.

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

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CHAIRMAN EWASUTYN: At this
point, we'll turn to Jim Campbell.

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MR. CAMPBELL: All rise for the
Pledge of Allegiance.

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(The Pledge of Allegiance was
recited.)

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MR. CAMPBELL: Please put your
cell phones on silent or turn them
off.

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CHAIRMAN EWASUTYN: Item number
one, Cannabis Huts/Guru Baba, Inc.
It's a Public Hearing for an amended
site plan special use permit. It's
located on Route 9W in the R-3 zone.
And the representative is Joseph --

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AUDIENCE MEMBER: Louder. I
can't hear you. Do you have a
microphone?

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CHAIRMAN EWASUTYN: What part
couldn't you hear? Do you want me to
start all over?

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MR. HINES: We will turn the
air off.

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CHAIRMAN EWASUTYN: The first

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2 item on the agenda is Cannabis
3 Huts/Guru Baba, Inc, project number
4 25-32. It's here this evening for a
5 Public Hearing and amended plan
6 special use permit. It's located on
7 Route 9W in an R-3 zone, and it's
8 being represented by Joseph Saffioti
9 of Saffioti & Anderson. At this
10 time, Ken Mennerich will read the
11 Notice of Hearing.

12 MR. MENNERICH: Just prior to
13 reading the hearing, I would like to
14 explain how the Planning Board
15 manages Public Hearings, so as they
16 have an orderly and productive
17 Hearing. The project applicant or
18 representative of the project will
19 give an overview of the project. The
20 Planning Board Chairman will then
21 open the Hearing for questions or
22 comments on the project. At this
23 point, you can raise your hand and be
24 recognized by the Chairman. Please
25 give just your first name before

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asking a question or commenting. The applicant or Planning Board technical representatives may respond to your questions. Once you have finished, you need to wait until all persons have had an opportunity to speak.

Once everyone has had the opportunity to speak, the Chairman will recognize people that want to speak again. The Planning Board welcomes your comments and input on the issues pertaining to the project. Thank you.

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 185-48.9 of the Town of Newburgh Code on the application of:

Cannabis Huts/Guru Baba, Incorporated, cannabis dispensary, project number 2025-32. The project

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2 proposes retail cannabis dispensary
3 within an existing structure located
4 at 5306 Route 9W. The project is
5 located in the southeast corner of
6 New York State Route 9W and McCall
7 Place. The project proposes to
8 occupy 2,040 square feet of the
9 existing structure for the retail
10 cannabis dispensary. The project is
11 located on an existing 1.65-acre
12 parcel of property. The project is
13 being reviewed under the Town's
14 Zoning Code, Chapter 185-48.9,
15 regarding retail cannabis
16 dispensaries. The project is known
17 on the Town's tax maps as section 23,
18 block two, lot one. The site is
19 located in the Town's B zoning
20 direct.

21 A Public Hearing will be held
22 on the 4th day of June 2026 at the
23 Town Hall meeting room, 1496
24 Route 3400, Newburgh, New York at
25 7:00 p.m. or as soon thereafter, at

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2 which time all interested persons
3 will and given an opportunity to be
4 heard.

5 By order of the Town of
6 Newburgh Planning Board, John P.
7 Ewasutyn, Chairman, Planning Board
8 Town of Newburgh, dated 4 May 2026.

9 CHAIRMAN EWASUTYN: Thank you,
10 Ken.

11 So, Joe Saffioti, would you
12 present the project?

13 MR. SAFFIOTI: Good evening,
14 Members of the Board. We've been
15 here several times. We were before
16 the Zoning Board of Appeals. This is
17 the existing Valero gas
18 station/Subway sandwich shop, located
19 on 9W. It is an existing site that
20 is fully built out. There is a
21 2,000-square-foot space on the end
22 that the cannabis dispensary would
23 occupy. The related businesses are
24 operated by related parties, other
25 family members, who have good control

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2 of the site. The cannabis dispensary
3 itself is highly regulated by New
4 York State. There are no site
5 improvements. All of the existing
6 site improvements are in place. The
7 Zoning Board of Appeals approved all
8 of the variances needed for the
9 change of use.

10 CHAIRMAN EWASUTYN: Okay. This
11 is the point in the meeting where, as
12 Ken Mennerich had mentioned, raise
13 your hand, give your first name and
14 your questions or comments. Ma'am?

15 JOANN: My name is Joann, and I
16 have a comment. I'm old, so I have
17 to read it. I am very concerned
18 about the crime rate given along with
19 the neighborhood and the
20 characteristics of unemployment,
21 single parents, and single-parent
22 households. Newburgh is rating
23 highest in the national average with
24 crime. And I can't see why we can't
25 build something that maybe helps the

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2 veterans, service animals, children.
3 This is the ninth cannabis. What has
4 happened to the town? I have been
5 living here for 51 years. I am
6 77 years old, and I am so
7 disappointed because this is kind of
8 ridiculous. Nine in the town?

9 CHAIRMAN EWASUTYN: Pat Hines,
10 Jim Campbell, would someone want to
11 speak on the code as it relates to
12 cannabis?

13 MR. HINES: Sure. The town
14 adopted Section 185-48.9, which
15 permits various cannabis uses, one of
16 which being a retail dispensary, so,
17 it is a permitted use in the code.
18 As the applicant's representative
19 said, they are regulated by the
20 State. The sites have to be licensed
21 by the State, and that license has to
22 be maintained active. There are a
23 couple section requirements in the
24 code regarding security, lighting,
25 disposal of the product that were

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2 adopted from the State's model
3 ordinance. This ordinance flowed
4 down from the State to localities.
5 So, it is a special use in this zone,
6 so it is a use which is permitted
7 with a special use permit. So, this
8 Board, as an administrative review
9 board, has to review the project with
10 regard to compliance with the Town
11 code, but has very limited
12 discretion, only under the special
13 use requirements, in order to allow,
14 say, you know, they can't just say no
15 to this because it is a special use
16 in the code.

17 There is no limit on the number
18 of any type of business in the code
19 for any use, and this Board has no
20 jurisdiction over deciding what the
21 use is. I will say that the majority
22 of the cannabis uses that we have
23 seen, I think, all of them have been
24 in fill in existing buildings. No
25 one has constructed a new facility

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2 for a cannabis use. They are filling
3 in retail spaces throughout the Town.
4 But this Board has no jurisdiction to
5 tell an applicant that they can or
6 can't put this use in any section or
7 any area that meets the code.

8 This site did need some
9 variances based on the existing
10 structure, and they did apply to the
11 Zoning Board of Appeals and received
12 those variances. It is a Type II
13 action under SEQRA, which is an
14 action that does not require review
15 under the State Environmental Quality
16 Review Code. And it's here tonight
17 for a Public Hearing, which is
18 required for the special use to hear
19 neighbors and public opinion, but
20 it's allowable use under the code.

21 CHAIRMAN EWASUTYN: Your name,
22 please.

23 DONNA: Donna. How do you do?
24 So, the Public Hearing is really just
25 to say things, but it can't change

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because it's already under the code

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adopted by our Town Board, right?

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It's allowed to happen, so our

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opinions, although we can voice them

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here, really won't change the fact

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that, you know, like, personally, I

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don't want it. I feel like we have

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enough. I agree. I feel like we

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have, what, eight cannabis shops

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already? And I was just looking up,

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since you mentioned the address of

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this new one, it is going to be a

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mile away from the one that already

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is on 9W. One mile away.

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CHAIRMAN EWASUTYN: Very good

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question. Jim Campbell, would you

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please address the code as far as

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distance?

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MR. CAMPBELL: The Town code

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allows for the same type of use it's

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got to be a minimum of a thousand

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feet away.

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DONNA: So, we can have another

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cannabis shop a thousand feet away

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2 from that one?

3 MR. CAMPBELL: Because the --

4 DONNA: I'm sorry.

5 MR. CAMPBELL: The section of

6 the --

7 DONNA: The --

8 (Unintelligible Due to Multiple
9 Speakers.)10 DONNA: The Town code says it
11 is okay to have them. There is no
12 restrictions on how many we can have.
13 In fact, if another one wants to open
14 a thousand feet away from those two,
15 they can, correct?

16 MR. CAMPBELL: Yes.

17 DONNA: And there is nothing
18 you can really do about it because
19 you just have to follow what the Town
20 Board has written in terms of
21 legislation, right, or code?

22 MR. HINES: Yes.

23 DONNA: They write the code?

24 MR. HINES: Yes.

25 DONNA: You guys enforce it.

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MR. HINES: I believe that the
Town adopted the model ordinance that
flowed from the State --

DONNA: --

(Indiscernible Due to Multiple
Audience Speakers.)

CHAIRMAN EWASUTYN: Let's stop
for a second.

Dominic Cordisco, do you want
to elaborate on the conversation?

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: Dominic
Cordisco, Planning Board attorney
with Drake Loeb.

MR. CORDISCO: Thank you, Mr.
Ewasutyn. As Mr. Hines mentioned,
you know, this is on for Public
Hearing, and the Board's discretion
it very limited because it is to
determine whether or not they meet
the requirements of code. But it's
also important to hear from the
public on site-specific issues. So,
if there is something in how the site

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2 is laid out, or parking is being
3 handled with adjacent properties, or
4 other concerns that you have,
5 something site specific is very
6 important for the Board because the
7 Board does have some discretion over
8 how the actual site is being used,
9 other than the fact that the general
10 use as cannabis retail is allowed by
11 the code.

12 So, general objections. And I
13 understand your concern. I am not
14 trying to minimize them. It's just
15 that this Board doesn't have any
16 authority to say, "Eight is enough."
17 And I am old enough to remember that
18 television show. Eight is enough,
19 and you shouldn't have nine in the
20 Town. That would be what is called
21 an arbitrary and capricious decision
22 because the Board doesn't have the
23 ability to say no to number nine.

24 DONNA: And anyone one could
25 build, like I said, a thousand feet

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2 away from that one?

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4 MR. CORDISCO: That's what the
code allows. That's right.

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6 DONNA: So, right now, how our
town looks can really change based on
7 that code, right?

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9 MR. CORDISCO: But if you had
10 site-specific concerns, like the
location of the dumpster, you know,
11 or how the parking is being handled,
12 things that are specific to this
13 particular site and how it's going to
14 be used for this use is really
15 germane to this Board because that is
16 actually what this Board does. They
17 focus on the site, not on the overall
18 concepts as to what is allowed in the
19 Town or not. This Board doesn't have
20 any say over that.

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22 DONNA: Just curious. Is the
Planning Board involved in any way
23 with the Town's comprehensive
24 planning?

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MR. CORDISCO: No.

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DONNA: You're not? So, the
Board does the comprehensive
planning?

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MR. CORDISCO: The Town Board
does the comprehensive planning,
correct. The Town Board also adopts
the zoning.

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DONNA: Thank you.

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MR. CORDISCO: You're welcome.

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CHAIRMAN EWASUTYN: The
gentleman in the back.

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PETER: I'm just curious to
know --

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CHAIRMAN EWASUTYN: Your name,
please.

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PETER: Peter.

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CHAIRMAN EWASUTYN: Thank you,
Peter.

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PETER: Who is responsible for,
like, making the codes, and approving
them, and so on, and so forth? Is
that this committee or you guys?

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MR. CORDISCO: It's the Town
Board.

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PETER: The Town Board makes up
the codes?

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MR. CORDISCO: Yes, sir.

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PETER: Thank you.

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CHAIRMAN EWASUTYN: Do you have
an additional question?

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JOANN: Yes. I wonder where
the Curaleaf is coming from, the
cannabis, what companies, because a
lot of them are owned by millionaires
and billionaires. And I wonder if
this has something to do with it,
like money kickback or whatever you
want to call it.

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MR. SAFFIOTI: My clients are
operating three cannabis
dispensaries. They have no
relationship with Curaleaf. They are
independent businessmen. They
operate several gas stations. This
is just a business opportunity for
them.

JOANN: But where do they get
cannabis from?

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MR. SAFFIOTI: There's suppliers that are regulated by the State that they buy from. There are growers.

JOANN: And do you know their names?

MR. SAFFIOTI: They are all over the state.

JOANN: Okay, thank you.

PETER: Just to piggyback off the question asked before of who makes the codes. Do you guys kind of collaborate with them as to what goes into it? I mean, how does that work? They just say here is what we want? Do you guys write it up and that's it, or is there any kind of communication between yourself and them?

MR. CORDISCO: I can answer that. So, this Board is not a legislative Board. What I mean by that is this Board does not set policy. The Town Board sets policy,

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2 and they can decide to do something.
3 They can decide not to do something.
4 They can decide to ignore things or
5 be proactive. That's the Town Board,
6 and that is what it means to be a
7 legislature, and that is what the
8 Town Board is.

9 PETER: So --

10 MR. CORDISCO: If I may finish?
11 The Town Board, if they want to
12 change zoning, then they introduce
13 say what is called a "local law."
14 They have a Public Hearing on that
15 local law. They also, to answer your
16 question, if it is involving zoning,
17 they send it to this Board for this
18 Board to comment on it, and then it
19 goes back to the Town Board. But
20 then the Town Board makes the
21 decision whether to adopt it or not.

22 PETER: Okay. If I may ask,
23 when the Town Board presented this
24 idea, this additional cannabis shops,
25 as well as all of these stores going

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on, what was the response among you
guys?

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CHAIRMAN EWASUTYN: Back to the
Comprehensive Plan, I am taking you
back, the Town is reviewing and will
soon have a Public Hearing on the
Comprehensive Plan. Because the Town
also held four Public Hearings in
different sections of the Town, and
your section is called "the
Middlehope section," there was a
Public Hearing looking for input as
to concerns that they have, changes
they want to have. I was at that
Public Hearing, and the majority of
concerns -- and the Town was looking
for input -- was people commenting on
traffic, safety, children, school
buses, speeding. But again, you
know, that would have been the time
to speak to the Town for them to
consider it in their overall master
plan.

PETER: Thank you.

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CHAIRMAN EWASUTYN: But to answer Dominic's question, besides the Town Board, there are two others we will call them who are part of the Comprehensive Plan, the Zoning Board of Appeals chairperson and the Planning Board chairperson, that being myself.

DONNA: Donna again. As the chairperson, I would just ask that until we have that new Comprehensive Plan perhaps we just put a moratorium. Let's wait for the Comprehensive Plan to come out before we approve anything else.

CHAIRMAN EWASUTYN: Dominic Cordisco can speak on that.

MR. CORDISCO: That is a Town Board function. The Planning Board doesn't have the authority to impose moratoriums, but the Town Board does.

DONNA: But you are on that...

CHAIRMAN EWASUTYN: I'm part of the advisory group because there is a

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2 Zoning Board, and then there is a
3 Planning Board, so the Town Board
4 wants representation from each board.
5 Darrin Scalzo represents the Zoning
6 Board of Appeals. John Ewasutyn
7 represents the Planning Board.

8 DONNA: So, it would be the
9 Town Board that could actually issue
10 a moratorium?

11 MR. CORDISCO: Yes.

12 DONNA: Like nothing else until
13 we get a Comprehensive Plan on the
14 table.

15 CHAIRMAN EWASUTYN: Dominic
16 Cordisco, explain, like, the depths
17 of looking at a Comprehensive Plan --
18 looking at a moratorium. What are
19 some of the functional matters of
20 that?

21 MR. CORDISCO: So, moratorium
22 is also a local law. It just -- the
23 Town Board has to actually have
24 Public Hearing. They have to take
25 certain procedural steps to make that

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2 happen. It takes a couple months for
3 that to happen. It also has to
4 provide opportunity in there for
5 projects that are pending, so that
6 they are not adversely affected
7 because projects that have relied on
8 existing code with possibility that
9 the code may change, you know? It is
10 frowned upon. And also, potentially,
11 you know, something that -- as far as
12 litigation is concerned would be
13 problematic for the Town to
14 particularly target areas and adopt a
15 moratorium to stop particular
16 projects that are pending.

17 DONNA: I am not suggesting any
18 particular project. And you are
19 right, if they are already in
20 process, let that situation play out.
21 I'm not saying to stop that. I am
22 saying as I'm thinking ahead with all
23 of the storage sheds and everything
24 else that I'm sure you are all aware
25 folks are always complaining about,

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right, nothing new right now. You

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know what I mean? Or at the next

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Town Board meeting next Tuesday, or

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Monday, or whatever day it is, the

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residents could request of the Town

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Board, right?

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MR. CORDISCO: Yes, they could.

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DONNA: A moratorium going

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forward until we a Comprehensive Plan

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on the table so everyone can really

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see, like, where is our town going.

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I am hearing what you are

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saying. You have been here for

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50-some years.

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JOANN: 51 years.

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DONNA: You know, there's a lot

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on here regularly, you know? I don't

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know where you guys live, but folks

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are upset with storage shed places.

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They are upset with cannabis places.

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They are upset, like you said, with

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the traffic; the traffic is a

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nightmare. So, like, the

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Comprehensive -- let's look at that

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2 plan. How are we going to address
3 this traffic? How many cannabis
4 shops will the Town Board say nine is
5 enough, we don't need any more, so
6 they can write a resolution limiting
7 the number. Like, we need to start
8 guiding the vision of this town, not
9 just letting things pop up all over
10 because well, um, it's allowed. The
11 Town Board said we can't restrict it.
12 So, that's my take.

13 CHAIRMAN EWASUTYN: Thank you.

14 Gentleman in the back?

15 PETER: Pete Ramon. You don't
16 have to answer this question, and I
17 perfectly understand why you don't,
18 but you guys aren't asked to advise
19 on any plans that the Board proposes,
20 right, the codes and things like
21 that? I am just curious to know,
22 what are your feelings on the fact
23 that we have a lot of these cannabis
24 shops popping up and storage units?
25 What is the long-term socioeconomic

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plan for the vision of the Town of

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Newburgh? I can see if you don't

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want to answer the question why, but

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do you guys kind of...

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CHAIRMAN EWASUTYN: I can turn

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it over to the Planning Board

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members. Do you want to respond to

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his question? As far as opinion, do

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you have an opinion? What is your

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opinion, or you may not have an

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opinion?

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MS. CARVER: I do, but is it

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fine to give my opinion?

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CHAIRMAN EWASUTYN: Again, I am

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just responding to a question from

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the public. As he said, I don't

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think anyone is going to answer it,

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but that is a judgment call. Peter

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is your name?

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PETER: Yes.

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CHAIRMAN EWASUTYN: A judgement

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call on Peter's part. I will open it

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up to the Planning Board members if

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they want to comment or they don't

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want to comment. Peter is looking

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for some satisfaction along that

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line, so do you have a comment?

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MS. CARVER: I think that their

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concerns should be brought to the

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Town Board and that it's a good idea

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to limit numbers of warehouse or, you

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know, cannabis. But you know, I

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think their opinion should be brought

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to the Town Board, and it should be

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discussed.

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(Audience Clapping.)

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CHAIRMAN EWASUTYN: Ken

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Mennerich?

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MR. MENNERICH: I think the

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purpose of the Planning Board is as

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an administrative board. We don't

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make the rules and make the decisions

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about how many cannabis places or how

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many anything, basically. We have to

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follow what the zoning requires, and

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if the zoning needs to be changed,

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public opinion has got to get to the

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Town Board.

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PETER: I understand that.

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CHAIRMAN EWASUTYN: Stephanie
DeLuca?

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MS. DeLUCA: I am just trying
to collect my thoughts about this
because it has been, honestly, if I
could say, a bone of contention for
me. And the Board members know of
that. And it has -- I am very
concerned, and like you, I have lived
here all of my life. I have asked
the same kind of question, what do we
want to say? What is it that we want
to say about the Town of Newburgh?
And with the changes that have been
made, and the -- I am also
disappointed, to to be honest with
you.

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DONNA: Thank you.

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PETER: Appreciate it.

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MS. DeLUCA: Yes, our requests
need to be made known to the Town
Board, absolutely. So, I hear you,
and I am right there with you.

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PETER: Thank you very much.

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(Audience Clapping.)

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CHAIRMAN EWASUTYN: Dave

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Dominick?

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MR. DOMINICK: First, thank you for your concerns. And we are really taking some notes here. But you need to express that to the Town Board. The group has to go to the Town Board and say hey, look, here is how we feel. Here is the vision. I have lived here my whole life, and I see a change, but I don't like that direction, you know? And that could be subjective to. I have two business degrees, so I am all about business. If I was one of the shop owners, I would be like there is nothing wrong with a cannabis shop compared to a liquor store. Or, you know, do we need another pizza shop from here to Walmart? There is already five or six on them. On the same kind of token, and I am trying

1
2 to compare apples to apples with as
3 far as "do we need another one so
4 close," okay? You know, I am in that
5 traffic with you on 300 at 2:00 in
6 the afternoon. I'm sitting at that
7 light, you know, with all of you.
8 And yeah, the town is growing, and we
9 are subject of that.

10 As far as warehouses, probably
11 99.9 percent of us order from Amazon
12 a couple times a month. We are a
13 product of that. We are a product of
14 warehouses coming in here. I agree
15 with you, and I agree you need to
16 talk to the leadership, the Town
17 Counselman who you have elected to
18 see some change. Thank you.

19 CHAIRMAN EWASUTYN: Peter, does
20 that help you with your...

21 PETER: I'm fine. I'm
22 perfectly fine.

23 CHAIRMAN EWASUTYN: I will
24 speak on my own. I have no opinion
25 one way or another on any application

1

2

that comes before the Planning Board.

3

My foundation, I have being doing

4

this for many, many years, taken

5

many, many courses, I'm not here to

6

have an opinion. I am here to follow

7

what's in the code. And I have said

8

this over the years, 90 percent of

9

the businesses in the Town of

10

Newburgh I don't frequent because of

11

my lifestyle, but that's not

12

important to me. I can remember when

13

Walmart came in, and everyone,

14

"That's the end of Newburgh." I

15

happen to be proud of Walmart because

16

it provides product and services to

17

the masses, and that satisfies their

18

needs. So, generally speaking,

19

whatever is in the town one way or

20

the other satisfies the needs of

21

others.

22

My last story was, I, Ken

23

Mennerich, was here many, many years

24

ago when the first cell tower was

25

presented in the Town of Newburgh.

1

2

And wonderful people, like yourself,

3

showed up, and you had all of the

4

reasons why -- health reasons

5

primarily why there shouldn't be a

6

cell tower. Now, when Ken Mennerich

7

reads the minutes or introduces the

8

Notice, he says, "Please turn off

9

your cell phone." So, we went from a

10

society that was anti cell phones to

11

a society that you really can't talk

12

to people anymore because they are so

13

engrossed in their cell phone.

14

Dave Dominick kind of alluded

15

to it, but we wind up shooting

16

ourselves in the foot one way or the

17

other. I will elaborate on what Dave

18

was saying. You want the

19

conveniences of staying home and

20

ordering online; you then wind up

21

with warehouses. You then wind up

22

with Amazon trucks all over the road.

23

But it is satisfying your particular

24

need.

25

DONNA: I was talking about

1

2 storage sheds, actually.

3 CHAIRMAN EWASUTYN: Same thing.

4 There is a need for -- people

5 accumulate so much these days that

6 does it make sense to store it? They

7 just accumulate it.

8 JOANN: I don't think the

9 warehouses for Amazon has anything to

10 do with selling cannabis, marijuana,

11 whatever you want to call it. With

12 the crime rate in Newburgh, you are

13 looking for trouble. I can't

14 understand it. This is so

15 disappointing. When is that meeting,

16 Monday or Tuesday? I will be there.

17 CHAIRMAN EWASUTYN: I don't

18 know when it is.

19 MR. DOMINICK: I am trying to

20 find it. The Town Board meeting

21 would be June 8th at 7:00 p.m.

22 CHAIRMAN EWASUTYN: I would

23 like to bring this to a close soon.

24 Ma'am?

25 LAUREN: Yeah. My name is

1

2

Lauren, and I have a different

3

perspective that I want to present.

4

I do need to respond to Mr.

5

Dominick. I really appreciate what

6

you said about directing the

7

complaints where they belong. I must

8

tell you that when have I directed

9

those complaints to where they

10

belong, I was told it's you guys. Go

11

back to you guys. So, I just want to

12

note that is what we hear as

13

constituents and residents. So, talk

14

to your friends because they're not

15

being honest.

16

(Audience Clapping.)

17

LAUREN: To you, sir, I can't

18

say your last name, I apologize.

19

CHAIRMAN EWASUTYN: I'll help

20

you with it. Ewasutyn.

21

LAUREN: It's that you were

22

talking about cell phone owners and

23

serving a need. My perspective is a

24

little different. Up and down 9W

25

there are many, many low income

1
2 hotels that have become homeless
3 shelters for this Town of Newburgh.
4 And I don't know if everyone in this
5 room is aware, but in the City of
6 Newburgh, the Newburgh School
7 District where we send our children,
8 where I work as a school nurse, and I
9 am not representing them, so please
10 -- just so I'm clear, I'm just
11 representing myself. And, you know,
12 there is almost 3,000 children in
13 that school, in the high school, and
14 a percentage of them I'm going to say
15 at least 80 to 100 to 150 of those
16 kids are homeless. And a good
17 portion of those kids live on 9W.
18 And those kids are in my office with
19 THC toxicity and overdose. And those
20 kids are getting those vapes, carts,
21 whatever you want to call them from
22 home. From home.

23 Now, we can't argue the
24 legality of cannabis; that
25 conversation is gone. But it's here,

1
2 and we have a responsibility to those
3 children who don't have enough common
4 sense, because God has not given them
5 enough yet because they are too
6 young, to not take a pull from a cart
7 they get from their friend in the
8 bathroom, and are then vomiting, and
9 unconscious, and we are not sure do
10 they have fentanyl if that cart. Do
11 we need to give them NARCAN? And
12 believe me, I have administered more
13 NARCAN at the school than I have ever
14 in my 38 years of being a nurse.

15 My son died of a fentanyl
16 overdose in my house in the Town of
17 Newburgh almost eight years ago. And
18 that drug overdose started with
19 cigarettes, and we know that.
20 Evidence tells us that cigarettes,
21 nicotine, and THC are the entranceway
22 to drug use. These are our children.
23 My child grew up in Newburgh. My
24 other child, thank God, you know, he
25 is a homeowner in Newburgh. He is a

1
2 local plumber, so thank God, you
3 know, he did not succumb. But it was
4 2017, it was a bad year for fentanyl
5 use, and he was one of the kids that
6 died. You know, just graduated from
7 college. I bring him up because I am
8 a Town of Newburgh resident. He died
9 in my home a few miles away from
10 here. He got those drugs in the City
11 of Newburgh, and he started smoking,
12 you know? He started smoking. And
13 this crap -- I am trying to control
14 my language -- comes from these smoke
15 shops, and from the bodegas, and from
16 the illegal sales, and from the
17 stealing that people get, and the
18 selling of medical grade marijuana
19 that they buy from Curaleaf. So, I
20 apologize for my level of passion,
21 but I see this every day in my health
22 office. Every day. I shouldn't say
23 every day; that is a lie. I would
24 say at least every week there is a
25 kid sick from THC in my office. And

1

2

I only see however many kids I see.

3

That's happening all over the place.

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So, I think we really have a responsibility as a community to take care of our families, and especially the vulnerable familiars, like you were mentioning Joann, the ones that are struggling, that are homeless, that are housing insecure, that are house surfing from family to family and don't even have a place to rest their head in the same place every night or sharing their hotel room with their three brothers and their mother and father. Yeah, those kids come in reeking of weed sometimes. And you know why they are reeking of weed? Because the hotel room is reeking of weed. Because their car that they got driven to school in is reeking of weed. And their jackets are reeking of weed. They're not even high. They're just getting contact from all of this weed.

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So, again, I know this isn't your jurisdiction, but I am telling you it is affecting you personally. It is affecting your families. And we may look back and say oh, this is what the community wants, it's serving the community. Well, it's not serving me, sir, and I'm part of this community.

CHAIRMAN EWASUTYN: You can call me John.

LAUREN: Many, many parents like me who have lost children, who are going to lose children, and it makes me sick that we are still in this place that we still haven't learned. So, thank you for letting my share that.

(Audience Clapping.)

CHAIRMAN EWASUTYN: Thank you. Any additional questions or comments?

MR. DOMINICK: Monday, June 8th at 7:00 p.m. is the next Town Board

1

2

Meeting for everyone in this room.

3

4

5

6

7

DONNA: Thank you. Yes. I
just want to say what she was saying,
what Lauren was mentioning about the
Town Board telling folks to come to
you --

8

9

10

11

12

13

14

15

JOANN: Boy, that's a lie.

DONNA: Yeah, no, but they do.

They have no control over you, that
you guys let all of this happen. Its
not them. Go talk to the Planning
Board, right? That's what they said,
talk to the Planning Board. They
have nothing to do with it.

16

17

18

CHAIRMAN EWASUTYN: Have you
gotten any satisfaction this evening
talking to us?

19

20

21

22

23

24

25

DONNA: I'm very glad that
folks were willing to share their
opinion. I think it was bold of you.
It probably wasn't easy. You put
yourself out there a little bit. I
appreciate that, you know? Yeah, it
seems like you all were very

1

2

interested in hearing us. I hope

3

maybe you could at least talk -- why

4

don't you guys talk together?

5

CHAIRMAN EWASUTYN: Not

6

allowed. Not allowed.

7

DONNA: You are not allowed to

8

talk to the Town?

9

CHAIRMAN EWASUTYN: I am very

10

adamant on that, that Planning Board

11

members --

12

JOANN: Do you live in the Town

13

of Newburgh?

14

CHAIRMAN EWASUTYN: I wouldn't

15

be on the Board if I didn't.

16

JOANN: That's why I can't

17

see...

18

CHAIRMAN EWASUTYN: Dominic,

19

can you explain the legality of

20

talking amongst ourselves?

21

MR. CORDISCO: Yeah. And this

22

is a Public Hearing for the Board to

23

hear your comments on this specific

24

site plan, you know, on elements of

25

this particular project. And it's

1

2

not -- I think it is fair to say that

3

while it has been, you know, pretty

4

in depth conversation, it has also

5

gotten fairly far afield from the

6

this particular application. So, the

7

Board itself is not supposed to

8

pre-judge a particular application.

9

It is supposed to hear from the

10

public and then make its decision

11

after it closes the Public Hearing.

12

And if there is nothing further on

13

this particular application, I would

14

encourage and obviously provide the

15

public an opportunity to comment on

16

this application. But I would

17

encourage the Board to close the

18

Public Hearing.

19

CHAIRMAN EWASUTYN: Last

20

question. Lady raising your hand.

21

LAUREN: My name is Lauren.

22

I'll just say that to you, sir, my

23

point is about the children that are

24

on 9W that have access, very easy

25

access. I don't have the footage and

1

2

perhaps you know where, you know, the

3

Havarest Hotel, the -- I don't know

4

the name of the hotel that is right

5

across the street. This is not far

6

from that Valero, you know, from Parr

7

Valley Condominiums, you know? Those

8

all residential areas where there's

9

teens. Again, those teens are coming

10

into my health office, so I think the

11

conversation is relevant to what

12

we're talking about.

13

MR. CORDISCO: I am not

14

discounting your particular concerns.

15

Obviously, they --

16

LAUREN: I'm just saying.

17

MR. CORDISCO: Obviously, they

18

are very compelling. But in my

19

opinion, you know, as far as this

20

Board is concerned, the comments that

21

have been raised tonight are really

22

questions about policy. And issues

23

of policy are set by the Town Board.

24

Regardless of what you may have

25

heard, this Board does not have the

1

2

ability to change the zoning. And as

3

I said earlier, it does not have the

4

ability to say "eight is enough."

5

CHAIRMAN EWASUTYN: That being

6

said, having heard from Planning

7

Board attorney Dominic Cordisco, I am

8

going to move for a motion to close

9

the Public Hearing. And I thank you

10

for your input for Cannabis Huts/Guru

11

Baba, located on Route 9W in an R-3

12

zone. Would someone move to close

13

the Public Hearing on the amended

14

site plan and special use permit?

15

MR. MENNERICH: So moved.

16

MS. DeLUCA: Second.

17

CHAIRMAN EWASUTYN: I have a

18

motion by Ken Mennerich. I have a

19

second by Stephanie DeLuca. Can I

20

have a roll call vote starting with

21

Lisa Carver?

22

MS. CARVER: Aye.

23

MR. BROWNE: Aye.

24

CHAIRMAN EWASUTYN: Aye.

25

MR. MENNERICH: Aye.

1

2

MS. DeLUCA: Aye.

3

MR. DOMINICK: Aye.

4

CHAIRMAN EWASUTYN: Motion

5

carried.

6

Dominic Cordisco, can you give
us the conditions of approval for a
resolution?

8

9

MR. CORDISCO: Yes. So, as you

10

noted earlier, this is a Type II

11

action, or Mr. Hines did, so there is

12

nothing further regarding SEQRA for

13

this particular application. And it

14

also came back from County Planning,

15

I believe, and so there is nothing

16

procedurally outstanding at this

17

point.

18

The conditions of the approval

19

would include the fact that the

20

applicant has to maintain their

21

license from New York State for the

22

cannabis retail facility. Any

23

transfer of that license would

24

trigger the need for re-approval from

25

this Board. If that license also

1

2

expires, then the approval from this

3

Board to operate this facility would

4

also expire. And only what is

5

allowed as part of the application

6

can be conducted as business there.

7

If there is any expansion in the

8

future, including any changes in

9

state law regarding additional items

10

that could be sold within the

11

facility, that would also trigger the

12

need to return to this Board for

13

review of those particular aspects of

14

the project.

15

CHAIRMAN EWASUTYN: Having

16

heard conditions of approval

17

presented by Planning Board Dominic

18

Cordisco, would someone move for a

19

motion to accept the resolution as

20

said?

21

MR. DOMINICK: So moved.

22

CHAIRMAN EWASUTYN: I second

23

the motion.

24

Can I have a roll call vote

25

starting with Lisa Carver?

1

2

MS. CARVER: Aye.

3

CHAIRMAN EWASUTYN: Aye again.

4

MR. MENNERICH: Aye.

5

MS. DeLUCA: Aye.

6

MR. DOMINICK: Aye.

7

CHAIRMAN EWASUTYN: Motion

8

carried. Thank you all.

9

10

(Time noted 7:41 p.m.)

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C E R T I F I C A T E

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4

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

5

6

7

8

9

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

10

11

12

13

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.

14

15

16

17

18

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.

19

20

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

21

22

23

24

25



VICTORIA CHUMAS ARIAS

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

-----X
In the Matter of

CHRISTIAN FRIENDS WELCOME ASSEMBLY CHURCH
(26-03)
7 D'Alfonso Road
Section 97, Block 1, Lot 63
Zone R2
-----X

AMENDED SITE PLAN

Date: June 4, 2026
Time: 7:42 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE:
Thomas Depuy, P.E., T.M. Depuy Engineering
& Land Surveying, PC
-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

1

2

3

CHAIRMAN EWASUTYN: The second
item of business -- you are the
third.

6

MR. DEPUY: Actually, I'm here
subbing.

8

CHAIRMAN EWASUTYN: Desire, you
have some pull.

10

11

12

13

14

15

Christian Friends Welcome
Assembly Church, project number
26-03, it's an amended site plan
located on 7 D'Alfonso Road in an R-2
zone, and it's being represented
by...

16

MR. DEPUY: Thomas Depuy.

17

CHAIRMAN EWASUTYN: Tom Depuy.

18

Thank you.

19

20

21

22

23

24

MR. DEPUY: I believe the only
outstanding item we had was to get
the letter from the County Planning,
which I believe came in today, and I
think that was the last issue for the
approval of the amended site plan.

25

CHAIRMAN EWASUTYN: Jim

1

2

Campbell, Code Compliance, any

3

comments?

4

MR. CAMPBELL: Nothing

5

additional, just a reminder if and

6

when this Board approves, you still

7

have to get a building permit for the

8

change of use.

9

CHAIRMAN EWASUTYN: Pat Hines,

10

MHE Engineering?

11

MR. HINES: Yes. The

12

applicants received a Zoning Board of

13

Appeals approval for the project on

14

23 April 2025. Those minutes and a

15

approvals are on file. We did today

16

hot of the press receive the Country

17

Planning 239 review with a local

18

determination, so that box has been

19

checked.

20

This Board waived the Public

21

Hearing at the May 2026 Planning

22

Board meeting. There are no changes

23

to exterior of the building and no

24

construction activity. All work will

25

be within the interior of the

1

2 building.

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We would recommend a negative declaration for the project. And the application identifies that the childcare use on the site will not occur at the same time as the site is used as a place of worship. So, we have no outstanding comments on this.

CHAIRMAN EWASUTYN: Lisa Carver, Planning Board member, any comments?

MS. CARVER: Nothing further.

CHAIRMAN EWASUTYN: I can't think of any now.

MR. MENNERICH: No questions.

MS. DeLUCA: Nothing.

MR. DOMINICK: Nothing.

CHAIRMAN EWASUTYN: Dominic Cordisco, the first action is declare a negative declaration?

MR. CORDISCO: Yes, sir.

CHAIRMAN EWASUTYN: Thank you.

Can I have a motion to declare a negative declaration for Christian

1

2

Friends Welcome Assembly Church?

3

MR. MENNERICH: So moved.

4

MS. DeLUCA: Second.

5

6

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

10

MS. CARVER: Aye.

11

CHAIRMAN EWASUTYN: Aye.

12

MR. MENNERICH: Aye.

13

MS. DeLUCA: Aye.

14

MR. DOMINICK: Aye.

15

16

CHAIRMAN EWASUTYN: Dominic
Cordisco, can you give us the
conditions of approval for the
resolution?

17

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MR. CORDISCO: Yes. Since
there's no exterior changes that are
being proposed, it is very straight
forward. The applicant is limited by
the description of the activities
that you put in your application.
So, only what you have applied for

1
2 can you conduct. And so, if there is
3 any changes beyond that, then you
4 would have to come back to the Board
5 to seek an amended approval.

6 DESIRE: Understood.

7 MR. CORDISCO: And payment of
8 fees, and there is no other special
9 conditions.

10 CHAIRMAN EWASUTYN: Thank you,
11 Dominic. Having heard the conditions
12 of approval presented by Planning
13 Board attorney Dominic Cordisco,
14 would someone move for that motion?

15 MR. DOMINICK: Make a motion.

16 MS. CARVER: Second.

17 CHAIRMAN EWASUTYN: I have a
18 motion by Dave Dominic, a second by
19 Lisa Carver. Can I have a roll call
20 vote starting with Lisa Carver?

21 MS. CARVER: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MR. MENNERICH: Aye.

24 MS. DeLUCA: Aye.

25 MR. DOMINICK: Aye.

1

2

CHAIRMAN EWASUTYN:

3

Congratulations.

4

MR. DOMINICK: You got yourself

5

a nursery school.

6

DESIRE: Thank you.

7

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(Time noted 7:46 p.m.)

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C E R T I F I C A T E

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

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

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

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

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



VICTORIA CHUMAS ARIAS

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

-----X
In the Matter of

LONGVIEW FARMS
(06-39)
Barbara Drive
Section 20, Block 1, Lots 1 & 3.36
Zone AR

-----X
SUBDIVISION / SIX - MONTH EXTENSION

Date: June 4, 2026
Time: 7:47 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE:
Thomas Depuy, P.E., T.M. Depuy Engineering
& Land Surveying, PC

-----X
VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: Our third item of business is Longview Farms, project number 06-39. It's a subdivision/six-month extension. It's located on Barbara Drive in an AR zone, and being represented by Thomas Depuy.

MR. DEPUY: We are in front of the Board asking for another six-month extension on all phases. We've got phase two, three, and four. But also, I had talked to Pat about -- they want to construct some of the work prior to placing the bond, which is allowable. But I guess the big issue is we've got to have the escrow money in place, and that we make sure that our NOI and storm water stuff is up to date. I think that is where we're at, so.

MR. HINES: In addition to that, the Town Board has approved the security amounts to be posted, so there'll be escrow based on those

1
2 amounts. This is a subdivision, so I
3 believe, and I'll defer to Dominic,
4 there are provisions to construct at
5 preliminary. You will be doing so at
6 your own risk because you don't have
7 final approval. If some approvals
8 float out of -- some zoning changes
9 float from the comprehensive --

10 MR. DEPUY: We have final
11 approval. We haven't filed the map,
12 so we are at risk of something
13 happening --

14 MR. HINES: Change in zoning
15 could affect the ability to file
16 those maps, just so you are aware of
17 that.

18 MR. DEPUY: Yup.

19 MR. HINES: Compliance with
20 updated storm water regulations will
21 have to be documented. This project
22 is dated, I believe there was some
23 revisions, but we need to make sure
24 that the project complies with the
25 regulations in effect the day you

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2 begin.

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A pre-construction meeting with representatives of the Town of Newburgh, your office, and those that are going to do any storm water inspections is an absolute requirement before any construction would commence. And I am going to defer to Dominic to discuss constructing at preliminary without filing and posting of securities or not.

MR. CORDISCO: I mean, I would have to look at that. That is not something that I was anticipating, but we can certainly, if the Chairman would allow it, we could have an offline conversation with Mr. Depuy.

CHAIRMAN EWASUTYN: It's news to me, and there is some depth to what is being requested.

MR. HINES: Typically, we require posting of completion of all that -- I would add there needs to be

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documentation of completion of all
conditions of approval.

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MR. DEPUY: We had all of that
because I actually had --

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MR. HINES: Typically, that is
done, and then the maps are signed.

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We've got to make sure if we are
going to change this process, we need

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to make sure that all of the Is are
dotted and Ts are crossed. Again,
storm water management facilities are
in line and in place, and drainage
district lots. There is an issue
with that, that we don't have
drainage district lots approved yet,
so, we need to talk through some
issues with construction.

19

MR. DEPUY: Okay.

20

21

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MR. HINES: But right now, I
know you want to discuss with the
Board the phasing, but you are also
here for a six-month extension, which
would run from June 15, 2026 through
December 15, 2026. But I did want to

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note that we do have some issues to
address.

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MR. DEPUY: Yes, the storm
water, and -- yes.

5

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CHAIRMAN EWASUTYN: What are
the dates again?

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8

MR. HINES: June 15th, which is
when their current approval will
lapse, and then that would extend --
six months would extend through
December 15, 2026.

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CHAIRMAN EWASUTYN: Okay. And
all other conversation is off in
another direction between yourself,
Dominic Cordisco --

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MR. HINES: And Mark Taylor,
probably, yes.

18

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

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MS. CARVER: No questions.

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CHAIRMAN EWASUTYN: No
questions.

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MR. MENNERICH: No questions.

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MS. DeLUCA: No questions.

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MR. DOMINICK: No.

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CHAIRMAN EWASUTYN: Would

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someone move for a motion to grant a

6

six-month extension from June 15th

7

through December 15th for Longview

8

Farms, project number 06-39?

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MS. CARVER: So moved.

10

MS. DeLUCA: Second.

11

CHAIRMAN EWASUTYN: I have a

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motion by Lisa Carver. I have a

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second by Stephanie DeLuca. Can I

14

have a roll call vote starting with

15

Lisa Carver?

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MS. CARVER: Aye.

17

CHAIRMAN EWASUTYN: Aye.

18

MR. MENNERICH: Aye.

19

MS. DeLUCA: Aye.

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MR. DOMINICK: Aye.

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MR. DEPUY: Thank you very

22

much.

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(Time noted 7:50 p.m.)

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Longview Farms

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C E R T I F I C A T E

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

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

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

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

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



VICTORIA CHUMAS ARIAS

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 R1
-----X

CLEARING & GRADING PERMIT

Date: June 4, 2026
Time: 7:51 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE:
David Niemotko, RA
-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: Item
number four this evening is 3
Mariners Court, project number 24-35,
here this evening for a clearing and
grading permit. It's an R-1 zone,
and it's being represented by David
Niemoetko.

MR. NIEMOTKO: Well, I think we
are nearing the end of the project.
Many revisions, many technical
details were updated. I just
received MHE's comments, and we
received Jim Campbell's comments. I
am here to go over it with them. Not
much has changed in design from when
we last presented. It is still going
to be a three-teared system. We did
provide the testing results for the
backfill that's in place, which
passes or satisfies the manufacture's
specifications. We do understand
that they want to continue that
process. I'm sure we can incorporate
that into the plans.

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CHAIRMAN EWASUTYN: Thank you.

Jim Campbell, Code Compliance,
any questions or comments?

MR. CAMPBELL: Yes. I just
want to say a stop-work order is
still in place regarding this
project. The retaining wall will
require a building permit full design
by a licensed professional,
third-party inspections, and a
certification when completed by New
York State licensed professional.
This requirement should be in the
decision resolution. The design of
the walls will need to take the
methods of fill placement and the
lack of compaction into consideration
when designing the walls. The
existing storm sewers should be
checked and cleaned, if necessary.
It seems as though a full
geotechnical evaluation is not going
to be performed. The information
submitted by Fairway Testing is only

1
2 for two isolated locations at the
3 same depth and does not necessarily
4 reflect the condition of the rest of
5 the fill. The design of the walls
6 need to reflect this. And then last
7 is just a question about how many
8 yards are there, and what any more
9 are proposed to be brought in.

10 CHAIRMAN EWASUTYN: Pat Hines
11 at MHE?

12 MR. HINES: So, there was some
13 soil testing done, and I concur with
14 Mr. Campbell's statements that the
15 additional design for the wall needs
16 to be submitted to the building
17 department. And my office structural
18 engineers took a look at that and
19 concurred with that as well.

20 We did receive a general permit
21 submitted by the applicant from the
22 U.S. Fish and Wildlife Service
23 identifying the eagle issue. The
24 applicant did state in their
25 submission that they were going to

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confirm with the DEC. So, I think

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that confirmation from the DEC should

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be a condition of any approval, just

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to have them sign off on it. I

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believe you have been working with

7

Lisa Massie (Phonetic) at the DEC.

8

MR. NIEMOTKO: Yes, we received

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an email confirmation from her on

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May 21st.

11

MR. HINES: I didn't get it.

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MR. NIEMOTKO: Her exact words

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were, "nothing else is needed on my

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end."

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MR. HINES: Okay. Can we get

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that for the Planning Board's file?

17

I got the Fish and Wildlife Service

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permit that they issued. That was

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interesting.

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MR. NIEMOTKO: No problem.

21

MR. HINES: That signoff from

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the DEC should be provided for the

23

file.

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The limits of disturbance have

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been updated on the plan to be 0.48

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acres, roughly half an acre. Any

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disturbance greater than an acre --

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this is a standard comment -- would

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require a permit. You are under

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that, but you need to document that

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you are going to stay under that. We

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would suggest that orange

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construction fencing be placed prior

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to additional earth movement on the

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side to delineate those limits of

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disturbance to identify the work

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area.

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Information pertaining to

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easement on the adjoining property

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has been provided. Notes from the

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original subdivision map were

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provided by, I believe, the title

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company for Mr. Papaleo (Phonetic).

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And that note 10 on the original

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subdivision map stated all

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subdivision lot owners in the Town of

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Newburgh have right to discharge

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storm water into the town drainage

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system and across the emergency

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access easement on lot 14 into the
storm water detention basin on the --
what was then the marina parcel.

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And then, we received a letter
from the adjoining land owner, Mr.
Tosco (Phonetic), which gave the
current applicant permission to cross
a small piece of his property to tie
into what is in the Town's drainage
easement on the Tosco property. I
just want to make sure Dominic is
okay with that letter. It looks like
the neighbors are okay with that
work.

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MR. CORDISCO: Yes.

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MR. HINES: And the project had
a Public Hearing. Don't know where
we are at with the Board wanting to
do an additional Public Hearing, or
continued Public Hearing, or if the
original -- I don't believe there was
any input at the original Public
Hearing from anyone. And the
Planning Board may wish to reaffirm

1
2 its previously issued negative
3 declaration for this unlisted action,
4 and that reaffirmation should note
5 that the eagle issue has been put to
6 rest by the regulatory agencies.

7 CHAIRMAN EWASUTYN: Comments
8 from Board members? Lisa Carver?

9 MS. CARVER: No comment.

10 CHAIRMAN EWASUTYN: No comment.

11 MR. MENNERICH: No Comment.

12 MS. DeLUCA: Nothing furtherer.

13 MR. DOMINICK: Nothing further.

14 CHAIRMAN EWASUTYN: I will poll
15 the Board members to find out if they
16 want to have a Public Hearing on 3
17 Mariners Court. Lisa Carver?

18 MS. CARVER: I think based on
19 the fact that we've had one and there
20 was no one that attended with no
21 comments, that we don't need to have
22 another one.

23 CHAIRMAN EWASUTYN: I agree
24 with Lisa Carver.

25 MR. MENNERICH: I also agree.

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MS. DeLUCA: Agreed.

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MR. DOMINICK: I agree.

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CHAIRMAN EWASUTYN: Let the records show that the Planning Board waived the Public Hearing on 3 Mariners Court for a clearing and grading permit. Thank you all.

Next step, Dominic?

MR. CORDISCO: Would be to consider reaffirming your prior negative declaration based on the current set of plans, as well as the feedback from the regulatory agencies regarding endangered species.

CHAIRMAN EWASUTYN: Would someone move for a motion having heard for Dominic Cordisco, Planning Board attorney, procedurally?

MR. MENNERICH: So moved.

MS. CARVER: Second.

CHAIRMAN EWASUTYN: That would would be to reaffirm negative declaration. I have a motion by Ken Mennerich, have a second by Lisa

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Carver. We'll start with a roll call

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vote by Lisa Carver.

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MS. CARVER: Aye.

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CHAIRMAN EWASUTYN: Aye.

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MR. MENNERICH: Aye.

7

MS. DeLUCA: Aye.

8

MR. DOMINICK: Aye.

9

CHAIRMAN EWASUTYN: So,

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Dominic, the last step, is there a --

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there will be a resolution that will

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be prepared?

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MR. CORDISCO: That's correct.

14

CHAIRMAN EWASUTYN: And you

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will work with Pat Hines and Jim

16

Campell to pull that all together?

17

MR. CORDISCO: Yes. They have

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outstanding comments that need to be

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addressed at this point still, so a

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primary condition of that will be

21

addressing outstanding engineering

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and code compliance comments, as well

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as the other typical clearing and

24

grading conditions.

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MR. HINES: I think the only

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outstanding comment is a building

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permit, Building Department issue, so

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that would be addressed separate from

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our review. But we mentioned prior

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to issuance the wall design should be

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submitted.

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CHAIRMAN EWASUTYN: Does

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everyone understand what was just

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said? One more time in simple words.

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MR. CORDISCO: If I understand

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correctly, the wall design which Jim

13

had mentioned was only reviewed at

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the Building Department level, not by

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engineering.

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MR. HINES: Correct.

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MR. CORDISCO: And so my

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statement was an overstatement that

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the only technical requirements will

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be addressed through the Building

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Department.

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CHAIRMAN EWASUTYN: Should we

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move for a motion to approve that in

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the form of resolution?

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MR. CORDISCO: Yes, sir.

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CHAIRMAN EWASUTYN: Okay.

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Would someone move for a motion?

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MR. DOMINICK: So moved.

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MS. DeLUCA: Second.

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CHAIRMAN EWASUTYN: I have a motion by Dave Dominic and a second

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by Stephanie DeLuca. Can I have a

9

roll call vote starting with Lisa

10

Carver?

11

MS. CARVER: Aye.

12

CHAIRMAN EWASUTYN: Aye.

13

MR. MENNERICH: Aye.

14

MS. DeLUCA: Aye.

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MR. DOMINICK: Aye.

16

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CHAIRMAN EWASUTYN: Motion carried. All right. Thank you.

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MR. NIEMOTKO: Thank you. Have a good evening.

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CHAIRMAN EWASUTYN: I move for a motion to close the agenda of

22

June 4, 2026. I would like to know

23

peoples' plans. Will everyone be

24

present for the meeting of the 18th?

25

MR. DOMINICK: Yes. July 2nd,

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I will not be here.

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CHAIRMAN EWASUTYN: Do we have
a meeting July 2nd?

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MR. HINES: I believe it is on
the list because it did not hit the
Holiday, but I think we can cancel
that if we determine...

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CHAIRMAN EWASUTYN: Let's see
how that works out.

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MR. CORDISCO: At this point,
you have not scheduled any Public
Hearings for that night, and you
would have had to do that tonight in
order to have Public Hearings that
evening.

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CHAIRMAN EWASUTYN: My only
comment to that is how many items are
in the pipeline now, and can we
manage those items, or do we need to
shift something to the 2nd of July?

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MR. CORDISCO: Understood.
Just on a personal note, I have James
lined up to attend that meeting, as I
will be away that week.

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MR. HINES: I will not be at
the next meeting, John. Quinn will
be here.

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CHAIRMAN EWASUTYN: Let's put
that up for a motion. Is everyone in
favor of Pat Hines taking off? Lisa?

8

9

MS. CARVER: I think he
deserves a day off.

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CHAIRMAN EWASUTYN: No comment.

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MR. DOMINICK: He will have
plenty of days off in future.

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CHAIRMAN EWASUTYN: Present us
a note anyway. I think we can close
-- we were talking. One more time.
Can I have a motion to close the
Planning Board meeting of the 4th of
June?

19

MS. DeLUCA: So moved.

20

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CHAIRMAN EWASUTYN: Second.

22

23

24

I have a motion by Stephanie
DeLuca. I have a second my John
Ewasutyn. Can I have a roll call
vote starting with Lisa?

25

MS. CARVER: Aye.

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CHAIRMAN EWASUTYN: Aye.

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MR. MENNERICH: Aye.

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MS. DeLUCA: Aye.

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MR. DOMINICK: Aye.

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CHAIRMAN EWASUTYN: Thank you

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all.

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(Time noted 8:01 p.m.)

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C E R T I F I C A T E

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

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

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

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

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



VICTORIA CHUMAS ARIAS