

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

-----X
In the Matter of

LANDS OF JOSEPH M. SAFFIOTTI
(26-13)
21 Sky View Court
Section 17, Block 1, Lot 121
Zone RR
-----X

INITIAL APPEARANCE
TWO-LOT SUBDIVISION

Date: June 18, 2026
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE:
Darren C. Doce, P.E.
-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. The Town of Newburgh Planning Board would like to welcome you to their meeting of the 18th of June 2026. This evening we have four agenda items and no business after that. So, we will get going 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. CORDISCO: Dominic Cordisco, Planning Board attorney.

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

MS. MULLARKEY: Quinn Mullarkey, MHE Engineering.

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

CHAIRMAN EWASUTYN: At this

1

2

point, we'll turn the meeting over to
our consulting engineer, Quinn.

3

4

5

6

MS. MULLARKEY: Please stand
for the Pledge and silence your cell
phones.

7

8

(The Pledge of Allegiance was
recited.)

9

10

11

12

13

14

15

16

CHAIRMAN EWASUTYN: Our first
item of business this evening is the
Lands of Joseph M. Saffiotti, project
number 26-13. It's initial
appearance for a two-lot subdivision.
It's located on 21 Sky View Court in
an RR zone. And it's being
represented by Darren C. Doce.

17

18

19

20

21

22

23

24

25

MR. DOCE: Good evening. I'm
Darren Doce, representing Joseph
Saffiotti. The proposal is for a
two-lot residential subdivision of an
approximate 10-and-a-half-acre site.
The site contains an existing
single-family home. The new lot will
also propose for a single-family
dwelling on that site. Soil testing

1

2

3

4

5

6

7

8

9

10

11

12

13

was done on it, and it will be serviced by an in-ground septic system and an individual well. It's, like the Chairman said, in an RR zone, requires two acre lots. These are five plus acre lots. It will have access off of Sky View. There is an existing Road Maintenance Agreement for Sky View that was submitted and allows -- has provisions in it for subdivision of the existing lots.

14

15

16

17

18

19

20

21

22

23

The parcel where the proposed development is is open lawn area requiring no tree clearing and minimal grading, so we are requesting a waiver from the requirement to do a tree survey. During development approximately six tenths of an acre will be disturbed to construct the home, put the driveway in, do the septic system.

24

25

CHAIRMAN EWASUTYN: Thank you. Jim Campbell, any comments?

1

2

MR. CAMPBELL: I have no
comments on this one.

3

4

CHAIRMAN EWASUTYN: Quinn?

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

The narrative did indicate that
zero trees are to be taken down.

21

22

23

24

25

MR. DOCE: Correct, yeah. I
don't know if anybody has been up
there, but this whole area is just an
open lawn.

MS. MULLARKEY: So, we do have

1
2 a comment about compliance with the
3 Tree Preservation Ordinance. If you
4 could note on the plan that no trees
5 be being taken, and I don't think an
6 inventory would be required if no
7 trees are coming down.

8 We do need a calculation on the
9 septic, just showing how --

10 MR. DOCE: That is on the
11 sheet, too.

12 MS. MULLARKEY: Okay.

13 MR. DOCE: It's already on
14 there. It's on the plans.

15 MS. MULLARKEY: Confirmation
16 that all wells within 200 feet of the
17 sanitary sewer disposal system. The
18 project is located in the reservoir
19 residential zone, and it is in the
20 Chadwick Lake reservoir critical
21 environmental area. We have attached
22 a map of that area. And because it
23 is in this environmentally sensitive
24 area, this project is considered a
25 Type I action under SEQRA, so

1

2

3

4

5

6

the Planning Board should consider
declaring its intent for lead agency
and circulate to the interested and
involved agencies, such as DEC,
County Planning.

7

8

9

10

11

12

We had noted that since it is
within 500 feet of State Route 32,
that it will have to go to Orange
County Planning for review, but I
think there may be an exception that
Dominic can discuss.

13

14

15

16

17

18

19

20

21

22

23

MR. CORDISCO: Yes. The Town
entered into a memorandum of
understanding with County Planning
Department, which exempts certain
projects from referral requirement.
And that includes residential
subdivisions that are fewer than five
lots, provided that the access roads
and structures are not located within
a 100-year floodplain. I assume that
is not the case here.

24

25

MR. DOCE: That's correct.
That's not the case.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. CORDISCO: So, as such,
this would be an exempt application
from the County Planning Department.
But as Quinn noted, because the
status has a Type 1 action, merely
because of its location within the
critical environmental area, it is a
Type 1 action. So, the Board, as an
initial step, will have to circulate
for lead agency.

CHAIRMAN EWASUTYN: Thank you.

John Ward?

MR. WARD: No comment.

MS. CARVER: Nothing further.

MR. BROWNE: No further
comment.

CHAIRMAN EWASUTYN: No comment.

MR. MENNERICH: No questions.

MS. DeLUCA: No questions.

MR. DOMINICK: Nothing.

CHAIRMAN EWASUTYN: We have
heard from Dominic Cordisco, who will
declare intent for lead agency this
evening and will also initiate the

1

2

adjoiners' notices. Can I have a

3

roll call vote as far as circulating

4

for the intent for lead agency?

5

MR. DOMINICK: Aye.

6

MS. DeLUCA: Aye.

7

MR. MENNERICH: Aye.

8

CHAIRMAN EWASUTYN: Aye.

9

MR. BROWNE: Aye.

10

MS. CARVER: Aye.

11

MR. WARD: Aye.

12

CHAIRMAN EWASUTYN: It's an

13

action. Anything else?

14

MR. DOCE: No, thank you.

15

When would you schedule the

16

Public Hearing?

17

CHAIRMAN EWASUTYN: When we

18

hear back from the County. If

19

everything is in the place it should

20

be, it would be approximately -- we

21

will have to look at the schedule at

22

that point. What we know now is we

23

decided not to have a meeting on the

24

2nd of July. Members would like to

25

celebrate the 250th anniversary of

1

2 the country. Someone is preparing to
3 get married a few weeks after, so
4 they need some time to get focused.
5 All I am really saying in answer to
6 your question, the next meeting will
7 be held on the 18th of July.

8 MR. DOCE: (Unintelligible) --
9 is unavailable.

10 CHAIRMAN EWASUTYN: Excuse me?

11 MR. DOCE: First meeting in
12 August --

13 MR. CORDISCO: Just to clarify,
14 so the meeting is actually on
15 July 16th. That would be the next
16 meeting of the Planning Board. I
17 defer to the Board. I mean, we are
18 circulating for lead agency, and the
19 County Planning is exempt. So, the
20 Board could perhaps schedule the
21 Public Hearing for either that time
22 or a meeting in August, at your
23 pleasure. It's unlikely that the
24 lead agency circulation notice would
25 present any obstacles to proceeding

1

2

with the Public Hearing.

3

4

CHAIRMAN EWASUTYN: So, you are recommending what date?

5

MR. DOCE: I would --

6

7

CHAIRMAN EWASUTYN: I was speaking to Dominic Cordisco.

8

MR. DOCE: Sorry.

9

10

11

12

13

MR. CORDISCO: I think to accommodate Mr. Doce's schedule, it could be possible to schedule the Public Hearing for August 6th. That would be the first meeting in August.

14

15

CHAIRMAN EWASUTYN: And that works with your schedule?

16

17

18

19

MR. DOCE: Yeah, I cannot make the second meeting in July. If you were going to set a Public Hearing, I would request that August meeting.

20

21

22

CHAIRMAN EWASUTYN: Okay.

Questions or comments from Planning Board members?

23

(No Response.)

24

25

CHAIRMAN EWASUTYN: Dominic, the date one more time?

Lands of Joseph M. Saffiotti

1

2

MR. CORDISCO: That would be

3

Thursday, August 6th.

4

CHAIRMAN EWASUTYN: August 6th?

5

MR. CORDISCO: Yes, sir.

6

CHAIRMAN EWASUTYN: Can I have

7

a motion from the Planning Board,

8

subject to the outstanding

9

conditions, to set Lands of Joseph M.

10

Saffiotti, project number 26-13, for

11

a Public Hearing?

12

MS. CARVER: So moved.

13

MR. WARD: So moved.

14

15

(Time noted 7:09 p.m.)

16

17

18

19

20

21

22

23

24

25

1

2

C E R T I F I C A T E

3

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 28th 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

WALMART NEWBURGH NY OPD EXPANSION
(26-14)
1201 NY Route 300
Section 95.1, Block 39, Lot 21
Zone IB
-----X

INITIAL APPEARANCE
AMENDED SITE PLAN / ARB

Date: June 18, 2026
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

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

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRMAN EWASUTYN: Item
number two is Walmart Newburgh NY OPD
Expansion, project number 26-14.
It's initial appearance for amended
site plan/ARB. It's located 1201
Route 300. It's an IB zone, and it's
being represented by Justin Dates.

MR. DATES: Good evening, Mr.
Chairman, Members of the Board.
Justin Dates, Colliers Engineering &
Design here on behalf of the property
owner, Walmart Real Estate Business
Trust. This has been before the
Board a couple of times. From the
original application to most recently
was 2004 for the expansion. If you
look at our overall site plan, you
can kind of see where that divide
line is and when that expansion
occurred.

As the Chairman mentioned, this
parcel is within the IB zoning
district. It's about 38.7 acres in
size, and it has the Walmart

1
2 Supercenter on the parcel here. One
3 thing about the parcel is the Town of
4 Newburgh and the Town of New Windsor
5 boundary cuts through the site.
6 North would be Newburgh, and south is
7 New Windsor. And we are here for the
8 Board to consider this expansion for
9 the online pickup and delivery.

10 If everybody who has been to
11 this particular facility, this
12 southwest corner is where that
13 currently exists, and there is also
14 -- outside there is a small canopy
15 for some of the dedicated spots for
16 the online pickup, as well as some
17 open air spaces for that as well.

18 So, Walmart is looking to make
19 an expansion specifically for the OPD
20 and have a dedicated area, a larger
21 area, for that and the workers. So,
22 it's on this southeast corner, same
23 location where the existing is,
24 except it will be expanded by 6,158
25 square feet. That's the sole use for

1
2 this OPD. It'd really be a cooler in
3 there, it'd be a series of storage
4 shelves, and things like that, so
5 they can set up and have coolers
6 ready for when customers come to pick
7 it up.

8 If no one has done that before,
9 basically, you would do your shopping
10 online, pick out all of your
11 products, pay for it, and then you
12 come and park in the designated
13 spots. And then, through the app,
14 you let them know that you are there,
15 what spot you are at, and it's
16 brought out to your car.

17 The facility expansion itself
18 is really all for the employees.
19 Customers do not -- they are not
20 going inside of this part of the
21 store. It's all brought out to them
22 in the parking area.

23 Let's see. Existing, there is
24 29 of the OPD parking spaces at the
25 facility right now. We will be

1
2 increasing those up to 45. And,
3 again, within that addition, there is
4 no bathrooms or anything like that.
5 Again, just the improvements that I
6 mentioned.

7 The -- I will just flip this
8 over. This is that southeast corner
9 of the building. I am looking at the
10 demolition plan right now to give you
11 an idea. The canopy that's existing
12 right there is right in this location
13 of these seven or eight spaces. That
14 would be coming down, and the
15 building expansion will be going in
16 that area. It's mostly parking
17 spaces or sidewalks, just small
18 planting -- raised planting island
19 bed that would be removed for a the
20 addition.

21 Utilities that run through here
22 (Indicating). There is an existing
23 water line that goes through this
24 area that actually happens to line up
25 right with the new face of the

1

2

building. So, part of the project is to reroute that water line around the addition. Otherwise, all of the other utilities in that area will remain.

6

7

8

9

10

11

12

Overall disturbance, we're talking about 0.53 acres of disturbance for the site. That includes the building addition, modifications to the sidewalks, and the rerouting of the water.

13

14

15

16

17

18

19

20

21

Other things or other proposals, there's some way-finding signage that will be put up for directional signing to kind of direct people to the online pickup location. Obviously, some striping of the parking stalls as well as some modifications to the lighting in this corner of the facility.

22

23

24

25

So, as I mentioned, this has been before the Board at least two other times. We would consider this an amended site plan. The facility

1
2 is being increased by 6,158 square
3 feet. So now, the total size of the
4 Walmart center is 214,869 square
5 feet. At least on the current
6 parking requirements for the Town,
7 that would require 1,074 spaces.
8 Through this modification, we are at
9 877 spaces, so that is a deficiency
10 of 197 parking spaces. But what I
11 would like to point out is right now,
12 there is 912 spaces. So, there's
13 already less than required as it
14 exists today. If anyone's driven by
15 that facility, most of the the time,
16 those spaces that are out by 300 --
17 in this area, it actually kind of
18 shows it. This area here is
19 underutilized, mostly, in my opinion.
20 Even now, Fourth of July, the
21 fireworks tent is set up out in that
22 area and uses it. So, though there
23 is a deficiency, you know, we feel
24 that the facility has sufficient
25 parking. With that being said, I do

1
2 understand that would be a variance
3 that we would be looking to get or a
4 referral to a ZBA to get that
5 variance. That's it.

6 CHAIRMAN EWASUTYN: Quinn,
7 would you want to start off, and then
8 we will it turn over to Dominic
9 Cordisco, or would you prefer that
10 Dominic introduce the project now?

11 MS. MULLARKEY: No preference.
12 Dominic can start.

13 MR. CORDISCO: I'm happy to.
14 This is an interesting situation
15 given the Town line that bisects the
16 site. And many of other improvements
17 that have happened out here, you
18 know, the majority of them have been
19 on the Town of Newburgh side. But in
20 this case, you know, the proposed new
21 structure, expansion rather, is
22 predominantly in New Windsor.

23 MR. DATES: Correct.

24 MR. CORDISCO: And it raises
25 the issue of whether or not the town

1
2 of New Windsor, you know, Planning
3 Board can and should be involved.
4 And so, my experience, you know, in
5 dealing with, for instance, the Sonic
6 drivethrough, that facility is on the
7 New Windsor side, where a small
8 portion of it was in Newburgh. And
9 so, that particular project had to
10 get approval from the Town of New
11 Windsor, but they also needed a
12 portion of their approvals in
13 Newburgh. But Newburgh deferred its
14 review, if you will, predominantly to
15 New Windsor. I'm sorry if I am
16 making this more complicated than it
17 needs to be. The question came up in
18 the engineering comments, and it's
19 valid, it's that it would seem that
20 you would also need approval from the
21 Town of New Windsor for site plan
22 approval for improvements that are
23 occurring in the Town of New Windsor.
24 You know, unless there is some
25 historical information here as to

1
2 some deference between the two towns,
3 which I am not aware of, it would
4 seem to me that the question is which
5 Planning Board wants to take lead for
6 the improvements that admittedly are
7 predominantly or almost entirely in
8 the New Windsor portion of the site.

9 MR. DATES: So, we actually did
10 have a Planning Board workshop
11 meeting this week with the Planning
12 Board in the Town of New Windsor.

13 MR. CORDISCO: I don't know who
14 the engineer is in New Windsor that
15 doesn't tell me these things.

16 MR. DATES: Sorry to hear that.
17 He got wind by MHE that we were
18 coming in. So, we have done a pretty
19 extensive FOIL dive into previous
20 applications, and what we found was
21 on that prior application, Town of
22 Newburgh Planning Board was the lead
23 agent, and that they both -- both
24 Planning Boards had a site plan
25 approval resolution for that

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

addition.

MR. CORDISCO: Yeah.

MR. DATES: So again, I think that, you know, if that similar process that could be done, I think that that's --

MR. CORDISCO: Well, what I was going to suggest was that New Windsor Planning Board has a meeting coming up on Wednesday, and since I'll be there as well, my suggestion would be that, you know, I informally raise it with the Board and see if they wanted to defer, you know, their review as far as leading the review, right? Because I think you still need to apply to New Windsor no matter what. But if this Board is going to be lead, then, you know, I think you would need New Windsor to say even though these improvements are all within New Windsor, because this has been treated as, you know, a comprehensive site, and Newburgh has

1
2 taken lead previously, perhaps New
3 Windsor may continue to defer to this
4 Town. It raises an interesting
5 wrinkle, though, because now you also
6 need variances, and you know, the
7 majority of the parking is in New
8 Windsor -- excuse me -- Newburgh. I
9 am going to trip over myself before
10 the night is over, for sure. The
11 majority of the parking is in
12 Newburgh.

13 MR. DATES: Correct.

14 MR. CORDISCO: But the parking
15 that you are eliminating is in New
16 Windsor. So, it becomes a bit more
17 complicated. It might be the
18 simplest thing for New Windsor just
19 to say, Newburgh, you deal with it
20 because you dealt with it, you know,
21 with the site predominantly because
22 most of Walmart is in Newburgh. But
23 we just don't know that at this
24 particular time. So, unless you've
25 got direction from Mr. Weeks, I was

1

2

not at that meeting.

3

4

5

6

7

8

9

10

MR. CORDISCO: Yes.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. DATES: No, it was let's see how Thursday night goes. From the parking standpoint, too. Ironically, the parking required in New Windsor and Newburgh are the same. So, one per 200 square feet, so that variance would be the same.

MR. DATES: The one exception, as I understand it, is that within the Town of New Windsor the Planning Board has the authority to waive a discrepancy or reduction in parking.

MR. CORDISCO: Right, but most of the parking is in Newburgh.

MR. DATES: Correct.

MR. CORDISCO: You probably couldn't get a waiver of what you needed to obviate the need for the variance in New Windsor, you know? Because you don't have enough parking in New Windsor.

MR. DATES: Solely in New

1

2

Windsor, no.

3

MR. CORDISCO: Right.

4

5

6

MR. DATES: Not at all. Both of those parking numbers are the site in totality.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. CORDISCO: I can defer to Quinn and Jim's technical reviews, which I think we should get to in a moment, but my suggestion would be that I take it upon myself to have an informal discussion with New Windsor, get direction from them at their Wednesday meeting, and then report back to the Board, as well as to you, Justin. So that, as far as, you know, taking into the next steps, certainly there are certain things that are required. Adjoiners' notices are required. Referral to County Planning is required. And once again, I defer to Quinn and Jim on this as to that. At the end of the day, I think the statement is correct that we need both New Windsor

1
2 and Newburgh Planning Board
3 approvals. We also need a variance
4 from someone, probably the Newburgh
5 Zoning Board. But then, the question
6 is will one of the Planning Boards
7 defer to the other so that there is
8 not kind of simultaneous and
9 potentially conflicting and doubling
10 of efforts.

11 CHAIRMAN EWASUTYN: Thank you.

12 Jim Campbell, comments on this
13 application?

14 MR. CAMPBELL: The only comment
15 I had was on the EAF about
16 construction hours. It is stated
17 6:00 to 6:00. It should be 7:00 to
18 7:00. I don't know what New Windsor
19 has on their side.

20 CHAIRMAN EWASUTYN: Quinn, your
21 review of the subject property?

22 MS. MULLARKEY: The water
23 system for the site is served by the
24 Town of Newburgh, so the Water
25 Department will need to review the

1
2 revised -- or the modifications to
3 the site. Also, Health Department
4 approval will be required. The EAF
5 identifies protected species, the
6 Indiana Bat and Upland Sandpiper, so
7 coordination with DEC is required.

8 The modifications to the storm
9 water management system should be
10 identified. It appears that the work
11 is all within impervious areas
12 currently, so we just need
13 confirmation that there is no
14 increase in impervious surface and
15 that any additional runoff will be
16 addressed.

17 Any additional sanitary sewer
18 flow would require a City of Newburgh
19 Flow Acceptance Letter. I think you
20 had stated that there will be no
21 bathrooms.

22 MR. DATES: Correct.

23 Ms. MULLARKEY: The limits of
24 disturbance, as Justin noted 0.53
25 acres. So, any disturbance greater

1
2 than an acre would require coverage
3 under the DEC construction storm
4 water permit.

5 The Planning Board should
6 determine whether the Town's traffic
7 consultant should comment on the
8 internal traffic of the site and how
9 this modification would affect that.

10 Dominic discussed the parking
11 variance that may be required.
12 Another item is the architectural
13 review. Town of Newburgh Planning
14 Board has the authority to do the
15 architectural review. I think Town
16 of New Windsor Planning Board does
17 not, so that could be part of
18 Dominic's discussion with the Board.

19 MR. DATES: There are -- I'm
20 sorry. There are architecturals
21 being developed, so next submission
22 would have that.

23 MS. MULLARKEY: And then, the
24 parking spaces identified are 10 by
25 18, slightly larger than what is

1
2 required. But just a detail for the
3 striping on the plan would be
4 required.

5 MR. DATES: Understood.

6 CHAIRMAN EWASUTYN: Dominic,
7 would you go along and set this up
8 for the meeting of the 16th of July?

9 MR. CORDISCO: Yes, sir.

10 CHAIRMAN EWASUTYN: And at that
11 point, we will understand who is
12 responsible as far as lead agency?

13 MR. CORDISCO: Yes. And as
14 well, the Board could, if we have a
15 clear understanding at that point, we
16 could also perhaps refer this to the
17 Zoning Board of Appeals at that point
18 as well. I just want to make sure
19 that New Windsor doesn't think that
20 you also need a variance from New
21 Windsor as well.

22 MR. DATES: Okay. So then, the
23 discussion next week is kind of to
24 get a feel out of New Windsor, see if
25 they do have interest based on the

1
2 most of the building was construction
3 being in the Town of New Windsor, not
4 the Town of Newburgh.

5 MR. CORDISCO: Correct.

6 MR. DATES: So, assuming that
7 discussion is being had, the Board is
8 not going to circulate for lead
9 agency until that discussion would be
10 had?

11 MR. CORDISCO: I would hold off
12 at that on this particular point.
13 They could do that on the 16th of
14 July.

15 MR. DATES: Okay.

16 MR. CORDISCO: But think about
17 that for a moment, as well, because
18 if the Board does circulate for lead
19 agency, then that complicates the
20 Zoning Board of Appeals process as
21 well. The ZBA, for coordinated
22 review of items that are not Type II
23 action, such as a parking variance,
24 that would then result in a situation
25 where you would not be able to have a

1
2 discission on a variance, actually
3 until you completed your Planning
4 Board reviews.

5 MR. DATES: Understood.

6 MR. CORDISCO: So, it might be
7 more prudent to wait to conduct lead
8 agency until after you handled the
9 Zoning Board of Appeals, if that
10 makes sense.

11 MR. DATES: Understood.

12 CHAIRMAN EWASUTYN: Comments
13 from Board members, John Ward?

14 MR. WARD: No comment.

15 MS. CARVER: I have a question.
16 The canopy, is that for customers to
17 pull up under the canopy and then
18 it's delivered to them, or do they
19 park and then their items are
20 delivered? How does that work?

21 MR. DATES: So, the canopy is
22 what's there right now. That is
23 actually being removed, and there
24 will not be a new canopy being built.

25 MS. CARVER: So then, the

1

2

customers will just park and use the
app?

3

4

MR. DATES: That's correct.

5

6

MS. CARVER: Alright, thank
you.

7

8

9

10

11

MR. BROWNE: Dominic, with the
informal inquiring with the Town of
New Windsor that can be done in such
a manner so that it's, I want to say,
a legal thing documented?

12

13

14

15

16

17

18

19

MR. CORDISCO: They would have
a Board business discussion, similar
to this Board. So, it would be at
the end of their meeting. It does
not require an application, nor even,
even unless you are looking to go out
another night, it doesn't require you
to come out.

20

21

22

MR. BROWNE: Also, just trying
to make sure it was also documented,
so there would be a history.

23

24

MR. CORDISCO: Yes, sir. It
would be part of their minutes.

25

MR. DATES: I could attend that

1

2

meeting if you thought it was -- I

3

already did the workshop meeting.

4

5

MR. CORDISCO: I will defer to

6

the Chairman in New Windsor, but I

7

will ask.

8

MR. DATES: Okay.

9

CHAIRMAN EWASUTYN: No comment.

10

MR. MENNERICH: No questions.

11

MS. DeLUCA: I was just

12

curious. Are the hours of operation

13

the same as the store hours for the

pickup, do you know?

14

MR. DATES: I don't know, to be

15

honest with you. Let me find that

16

out.

17

MS. DeLUCA: Okay, just

18

curious. Thank you.

19

MR. DOMINICK: No questions.

20

CHAIRMAN EWASUTYN: Thank you.

21

Can I have a motion from the

22

Board to set Walmart Newburgh NY OPD

23

Expansion, project 26-14, for next

24

agenda, which is July 16th, Dominic?

25

MR. CORDISCO: Yes, sir.

1

2

MR. MENNERICH: So moved.

3

MR. DOMINICK: So moved.

4

5

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

6

7

MR. WARD: Aye.

8

MS. CARVER: Aye.

9

MR. BROWNE: Aye.

10

CHAIRMAN EWASUTYN: Aye.

11

MR. MENNERICH: Aye.

12

MS. DeLUCA: Aye.

13

MR. DOMINICK: Aye.

14

CHAIRMAN EWASUTYN: Thank you.

15

16

MR. DATES: Thank. You have a
good night.

17

18

(Time noted 7:31 p.m.)

19

20

21

22

23

24

25

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

C E R T I F I C A T E

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 28th day of June 2026.



VICTORIA CHUMAS ARIAS

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

-----X
In the Matter of

MKJC REALTY, LLC
(23-11)
NY State Route 32
Section 35, Block 3, Lot 3.22
Zone B
-----X

AMENDED SITE PLAN / ARB

Date: June 18, 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: DOMINIC CORDISCO, ESQ.
JAMES CAMPBELL
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:
Scott Sicina, Lanc & Tully Engineering &
Surveying, DPC
-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRMAN EWASUTYN: This evening's third item of business is MKJC Realty, LLC, project number 23-11. It's an amended site plan/ARB, located on Route 32 in a B zone. It's being represented by John Queenan.

MR. SICINA: Good evening. My name is Scott Sicina. I'm here on behalf of John Queenan.

CHAIRMAN EWASUTYN: Did you get all that,

MS. CHUMAS ARIAS: Yes.

MR. SICINA: I gave her my card.

I'm here to represent MKJC Realty. The applicant is seeking approval for an amended site plan of a project that was previously in front the this Planning Board. The project was originally approved as 10,000-square foot two-story commercial office and retail building. Since Planning Board

1

2

3

4

5

6

7

8

9

10

11

12

13

approval, the applicant has decided to remove the proposed second floor, that was previously intended for storage. The amended site plan that is before you today is identical to the site plan that was previously approved by this Board with the only exception being the removal of the second story of the proposed building. The overall height of the building has been reduced from 35 to 25 feet in total.

14

15

CHAIRMAN EWASUTYN: Quinn, your review of the project?

16

17

18

19

20

21

MS. MULLARKEY: So, the amended site plan removes the second story storage area from the structure. We do like to note that the previous amended site plan that was before the Board included a drivethrough.

22

23

24

MR. SICINA: It's no longer being proposed, and there will be a formal letter submitted to Board.

25

MS. MULLARKEY: Okay. Amended

1
2 architectural review will be required
3 on the building. The EAF that was
4 submitted indicates that the project
5 is within the Chadwick Lake critical
6 environmental area. It is not. I'm
7 not sure if that was just an
8 automatic checkoff, but that should
9 be revised.

10 MR. SICINA: That is an
11 automatic checkoff, yeah, we can.

12 MS. MULLARKEY: We would just
13 like to note this it is not in that
14 area. And Dominic's comments
15 regarding the project and whether or
16 not it must go to County Planning
17 should be received. And as this is
18 an amended site plan, adjoiners'
19 notices must be circulated.

20 CHAIRMAN EWASUTYN: Thank you.

21 Jim Campbell, Code Compliance?

22 MR. CAMPBELL: I have nothing
23 additional.

24 CHAIRMAN EWASUTYN: Dominic
25 Cordisco?

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. CORDISCO: As Quinn noted, the adjoiners' notices are required for the amended approval. And unfortunately, even though there is a Memorandum of Understanding with the County that waives certain things from having to go back or go to the County, this is not one of them. And so, since County Planning referral is one of those instances where strict compliance is required by the law, we're recommending that the Board refer this to County Planning tonight, so they can have that.

The one procedural item that the Board could also consider tonight would be whether or not to schedule a Public Hearing on the amended site plan, which is discretionary.

CHAIRMAN EWASUTYN:
Conversations from Board members,
John Ward?

MR. WARD: No comment.

MS. CARVER: So, there won't be

1

2 storage; it's just retail and office
3 building now?

4 MR. SICINA: Correct.

5 MS. CARVER: I noticed there is
6 quite a few doors. Do you already
7 have plans for the number of units
8 that you have?

9 MR. SICINA: Here are the
10 renderings, five entrances across the
11 front of the building.

12 MS. CARVER: Six.

13 MR. SICINA: Sorry, six.

14 MS. CARVER: So, the plan is
15 six, but that could change depending
16 on tenants?

17 MR. CONSORTI: Yeah.

18 CHAIRMAN EWASUTYN: For the
19 record, your name, and you could
20 speak to the Board.

21 MR. CONSORTI: Matthew
22 Consorti.

23 MS. CARVER: So, that is
24 proposed and --

25 MS. CONSORTI: Yeah, just one

1

2

door. It all depends how...

3

MS. CARVER: Right, okay. No

4

tenants yet?

5

MR. CONSORTI: Not yet.

6

MS. CARVER: Thank you.

7

MR. CONSORTI: You're welcome.

8

MR. BROWNE: Nothing, thank

9

you.

10

CHAIRMAN EWASUTYN: No comment.

11

MR. MENNERICH: No questions.

12

MS. DeLUCA: No questions.

13

MR. DOMINICK: Scott, with the

14

elimination of the drivethrough, does

15

that mean you will not have a fast

16

food franchise going in there?

17

MR. SICINA: That would be most

18

likely mean yes, no Dunkin' Donuts,

19

not McDonald's, anything like that.

20

MR. DOMINICK: Okay. Thank

21

you.

22

CHAIRMAN EWASUTYN: So, the

23

motion before us this evening is to

24

circulate the adjoiners' notices,

25

circulate to the Orange County

1

2

Planning Department, and to poll

3

members as to whether they want to

4

hold a Public Hearing on MKJC Realty.

5

And it's discretionary with site

6

plans.

7

MR. CORDISCO: Yes.

8

CHAIRMAN EWASUTYN: And we have

9

had Public Hearings on this in the

10

past. I'll turn to John Ward for his

11

comment.

12

MR. WARD: I don't think we

13

should have a Public Hearing because

14

before we had. This is not a drastic

15

change. If anything, it's a better

16

change.

17

MR. SICINA: Yup, overall

18

reduction in scope of the project.

19

MR. WARD: Thank you.

20

MS. CARVER: I don't believe we

21

should have a Public Hearing. Same

22

reasons, you are changing, reducing.

23

MR. BROWNE: I agree.

24

CHAIRMAN EWASUTYN: I agree.

25

MR. MENNERICH: I agree

MKJC Realty, LLC

1

2

MR. DOMINICK: Agreed.

3

MS. DeLUCA: Same.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRMAN EWASUTYN: Let the
record show that the Planning Board
decided not to have a Public Hearing
and they stated several reasons for
MKJC Realty, LLC, project number
23-11. So, you will work with
Quinn's office as far as adjoiners'
notices and circulate to Orange
County Planning Department?

MR. SICINA: Sure. Thank you.

(Time noted 7:38 p.m.)

MKJC Realty, LLC

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

C E R T I F I C A T E

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 28th day of June 2026.



VICTORIA CHUMAS ARIAS

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

-----X
In the Matter of

SITE PLAN 29 DANDELION LANE
(26-15)
29 Dandelion Lane
Section 2, Block 1, Lot 94
Zone AR

-----X

INITIAL APPEARANCE
SITE PLAN / ARB

Date: June 18, 2026
Time: 7:38 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE:
Todd Maurizzio, Fusco Engineering & Land
Surveying, DPC

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRMAN EWASUTYN: The last item of business this evening is Site Plan 29 Dandelion Lane. It's initial appearance for a site plan and ARB. It's located on 29 Dandelion Lane. It's an AR zone, and it's being represented by Fusco Engineering & Land Surveying. And for the record, your name, please?

MR. MAURIZZIO: My name is Todd Maurizzio.

CHAIRMAN EWASUTYN: Thank you.

MR. MAURIZZIO: So, currently we show up on the property with a single-family dwelling located at the end of the cul-de-sac. It was a single-family accessory apartment. It was converted to a two-family dwelling. We made provisions inside of the dwelling through the Building Department. But we are seeking approval of a two-family at the end of the undeveloped cul-de-sac. The applicant did go to Zoning. He was

1
2 granted three variances. One was an
3 area variance of about 2,500 square
4 feet. The 100,000 square foot was
5 the allowed, and they're around
6 97,500, so there is a 2,500 variance
7 that was given. A side setback on
8 this corner of the property, the west
9 corner, the size setback is 30 feet,
10 the dwelling currently is 27, 25.8.
11 And then, the front yard setback, the
12 variance was granted for that as
13 well, which -- I can't read it right
14 now. It was three variances granted.

15 After looking at the map and
16 looking at the variances that were
17 granted, I looked at our map, and
18 there was a lot frontage variance.
19 And the lot frontage was the offset
20 of the cul-de-sac for the 60-foot,
21 which gave you 182 feet. So, the
22 required front property width is 200,
23 so the 182 is applied for. So, the
24 map that I saw today in my office had
25 setbacks incorrect. They didn't show

1
2 the curvature of the cul-de-sac
3 offset the from front setback. That
4 is where the measured distance from
5 the dwelling is setback. That is
6 where the variance was granted for.
7 So, we do have a mapping change that
8 we have to change internally.

9 Other than that, I did read
10 MHE's letter. It talked about the
11 parking. Being a two-family, they
12 need four parking spots. There is an
13 attached garage, two-car garage on
14 the western portion of the house.
15 And there is parking on the right-
16 hand site.

17 There was a note on the septic
18 system. I have an as-built from
19 Adonny (Phonetic) Engineering that
20 shows -- which is kind of interesting
21 because it does have an asterisk with
22 the same variances that we requested
23 were granted, but back in 2004.
24 There is an as-built that shows those
25 variances with asterisk, but no

1
2 indication of the asterisk and what
3 it means or if anything was ever
4 granted. But it is an as-built, and
5 it does have an as-built of the
6 septic system. The septic system is
7 pretty detailed on here. I know that
8 was a comment that we want to make
9 sure the septic system can handle the
10 load of a two-family. So, we have an
11 as-built of the septic system

12 CHAIRMAN EWASUTYN: Dated when,
13 again?

14 MR. MAURIZZIO: Excuse me?

15 CHAIRMAN EWASUTYN: And the
16 date of that was?

17 MR. MAURIZZIO: This was 2004,
18 8/9/2004, and this was at the Town.

19 There was a comment about will
20 the septic system be capable of
21 handling a two-family dwelling. I
22 don't know if this Board would accept
23 a dye test, or if they want to camera
24 the existing system, or if there is
25 going to be any additional soil

1

2

testing. But I think that would be a question for the Building Department or the Town engineer.

5

6

CHAIRMAN EWASUTYN: I'll refer to the Town engineer. Quinn?

7

8

9

10

11

12

MS. MULLARKEY: I would say a dye test would be acceptable just showing that the existing absorption area is adequate for the flows of the two-family home, signed by a licensed engineer. That would be adequate.

13

14

15

MR. MAURIZZIO: Okay.

16

17

18

19

20

21

22

23

24

25

CHAIRMAN EWASUTYN: Additional comments?

MS. MULLARKEY: Yup. So, because this is an initial appearance, the adjoiners' notices will have to go out. We would like to note that the bulk table on the plans identifies that the zoning variances were granted on December 30, 2025. A review of the minutes shows that it is was on the ZBA November 25th meeting.

1

2

3

4

5

6

7

8

9

10

11

12

Two-family homes are subject to ARB approval, so as this is an existing structure, the Board may decide whether or not photos of the existing structure would be adequate to review. We talked about the septic system, and typically, any project within 500 feet of a State road would require Orange County Planning, but I believe that has an exemption that we discussed on an earlier project.

13

14

15

16

And we also -- you mentioned the off street parking. That has to be shown on the plan that it meets the Town Code Chapter 185.

17

18

MR. MAURIZZIO: The exception applies to us?

19

20

MS. MULLARKEY: I will let Dominic describe that.

21

22

23

24

25

MR. CORDISCO: Yes. Town of Newburgh entered into a Memorandum of Understanding with the County Planning Department that exempted certain classes of applications, and

1
2 site plan for construction of a
3 single-family or a duplex home one an
4 approved building lot is exempt from
5 referral to the County. And so, this
6 would be considered a duplex, a
7 two-family home; it does not need to
8 go to County Planning.

9 CHAIRMAN EWASUTYN: Jim
10 Campbell, Code Compliance?

11 MR. CAMPBELL: Yeah. When this
12 is all said and done, what is the
13 proposed bedroom count?

14 MR. MAURIZZIO: I don't have
15 that information. I will find the
16 existing bedroom count, and then that
17 will dictate the flow, if it going to
18 be 90 gallon per bedroom, if it is
19 going to be 460 gallons or 500
20 gallons.

21 MR. CAMPBELL: I believe the
22 original design was six bedrooms.

23 MR. MAURIZZIO: I know there is
24 two on the first floor. The second
25 floor, I don't remember. I think

1

2 there might be four on second floor.

3 And the septic system is pretty

4 substantial.

5 MR. CAMPBELL: My other two

6 comments have been touched upon.

7 CHAIRMAN EWASUTYN: Okay. So,

8 the action, Dominic, before us this

9 evening is to refer this to the

10 Zoning Board of Appeals -- actually

11 the building Code Compliance, but

12 let's talk on that.

13 MR. CORDISCO: Yes. So, as

14 Quinn mentioned, the ZBA decision was

15 actually granted on November 25th.

16 It was valid for six months, which

17 means that it expired in May.

18 However, it's my understanding that

19 the ZBA would consider a request for

20 an extension at this time.

21 MR. MAURIZZIO: Okay.

22 MR. CORDISCO: So, my

23 suggestion would be to not wait and

24 submit as soon as you possibly can a

25 request to the ZBA for a six-month

1

2

extension of their variance approval.

3

MR. MAURIZZIO: Got it. Thank

4

you.

5

MR. CORDISCO: Like tomorrow.

6

MR. MAURIZZIO: Okay. Monday

7

morning, definitely.

8

MR. CORDISCO: Understood. My

9

understanding is that the Chair will

10

be willing to place you on the next

11

available agenda for this, the Chair

12

of the ZBA. And the Board could

13

authorize the adjoiners' notices

14

tonight.

15

MR. MAURIZZIO: So, they grant

16

the variances at the meeting, or is

17

that letter that was issued stating

18

the variance, is that what our plan

19

has, December 30th, the letter? Is

20

it the date of letter, or does it go

21

by the actual date of...

22

MR. CORDISCO: If I may, the

23

date of the decision was November.

24

MR. MAURIZZIO: All right.

25

MS. MULLARKEY: There is just

1

2

the receipt stamp that says

3

December 30th, and that was when it

4

was received by the Town Clerk's

5

office.

6

MR. MAURIZZIO: Alright. I

7

will get that change in the plan.

8

CHAIRMAN EWASUTYN: Thank you.

9

So, can I have a motion from the

10

Board to circulate the adjoiners'

11

notices for site plan 29 Dandelion

12

Lane, project number 26-15?

13

MS. CARVER: So moved.

14

MS. DeLUCA: Second.

15

CHAIRMAN EWASUTYN: I have a

16

motion by Lisa Carver, a second by

17

Stephanie DeLica. Can I have a roll

18

call vote starting with John Ward?

19

MR. WARD: Aye.

20

MS. CARVER: Aye.

21

MR. BROWNE: Aye.

22

CHAIRMAN EWASUTYN: Aye.

23

MR. MENNERICH: Aye.

24

MS. DeLUCA: Aye.

25

MR. DOMINICK: Aye.

1

2

MR. MAURIZZIO: Thank you.

3

4

5

6

7

8

9

10

CHAIRMAN EWASUTYN: There being no further action this evening, I'll take a motion to close the Public Hearing on the 18th of June 2026. I remind everyone to have a Happy July 4th, and we'll see everyone again on July 16th. We won't have a meeting on the 2nd, okay?

11

MS. CARVER: So moved.

12

MS. DeLUCA: Second.

13

14

15

16

17

CHAIRMAN EWASUTYN: One more time, I have a motion by Lisa Carver, a second by Stephanie DeLuca. We'll go with a roll call vote starting with John Ward.

18

MR. WARD: Aye.

19

MS. CARVER: Aye.

20

MR. BROWNE: Aye.

21

CHAIRMAN EWASUTYN: Aye.

22

MR. MENNERICH: Aye.

23

MS. DeLUCA: Aye.

24

MR. DOMINICK: Aye.

25

(Time noted 7:48 p.m.)

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

C E R T I F I C A T E

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 28th day of June 2026.



VICTORIA CHUMAS ARIAS