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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

WELLNOW FACILITY
(2022-01)

Route 17K
Section 60; Block 1; Lot 32.11
IB Zone
----- X

SIX-MONTH EXTENSION

Date: August 7, 2025
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X
MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: Good evening,
3 ladies and gentlemen. The Town of
4 Newburgh Planning Board would like to
5 welcome you to their meeting of August 7,
6 2025. This evening we have eleven agenda
7 items. Of those eleven, three are public
8 hearings.

9 At this point we'll call the
10 meeting to order with a roll call vote.

11 MR. DOMINICK: Present.

12 MS. DeLUCA: Present.

13 MR. MENNERICH: Present.

14 CHAIRMAN EWASUTYN: Present.

15 MS. CARVER: Present.

16 MR. WARD: Present.

17 MR. CORDISCO: Dominic Cordisco,
18 Planning Board Attorney.

19 MS. CONERO: Michelle Conero,
20 Stenographer.

21 MR. HINES: Pat Hines with MHE
22 Engineers.

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

25 CHAIRMAN EWASUTYN: At this point

2 we'll turn the meeting over to Ken
3 Mennerich.

4 MR. MENNERICH: Please stand for
5 the Pledge.

6 (Pledge of Allegiance.)

7 MR. MENNERICH: Please put your
8 phones on off or on vibrate.

9 CHAIRMAN EWASUTYN: The first item
10 of business this evening is Wellnow
11 Facility, project number 22-01. It's
12 located on Route 17K in an IB Zone. It's
13 before us for a six-month extension.
14 Justin Dates will discuss the project
15 with us.

16 MR. DATES: Sure. Good evening,
17 Mr. Chairman and Board. Justin Dates,
18 Colliers Engineering & Design on behalf
19 of the applicant, Wellnow.

20 One of the final conditions of
21 the site plan approval was for the
22 installation of a sidewalk along
23 Route 300 and then a pedestrian
24 crossing at Meadow Hill Road. That
25 has been constructed. The sidewalk

2 is in, the ped crossing is up and
3 functional. We are just waiting for
4 the limited area of grass to establish
5 to a ninety percent coverage per
6 DOT's requirement.

7 Our final extension expires
8 actually today. If the Board was
9 looking to get a final sign off from
10 DOT to kind of closeout that condition,
11 I would request this additional
12 extension to secure that.

13 CHAIRMAN EWASUTYN: Questions or
14 comments from Board Members.

15 MR. DOMINICK: No.

16 MS. DeLUCA: No.

17 MR. MENNERICH: No.

18 CHAIRMAN EWASUTYN: No.

19 MS. CARVER: No.

20 MR. WARD: No.

21 CHAIRMAN EWASUTYN: Pat Hines with
22 MH&E, we will be granting the extension
23 to what date?

24 MR. HINES: Today's date until
25 February 7, 2026.

2 CHAIRMAN EWASUTYN: Would someone
3 move for a motion then to grant a six-
4 month extension for Wellnow Facility from
5 the 7th of August 2025 to February 7, 2026.

6 MR. DOMINICK: So moved.

7 MS. DeLUCA: Second.

8 CHAIRMAN EWASUTYN: I have a motion
9 by Dave Dominick. I have a second by
10 Stephanie DeLuca. Can I have a roll call
11 vote starting with Dave Dominick.

12 MR. DOMINICK: Aye.

13 MS. DeLUCA: Aye.

14 MR. MENNERICH: Aye.

15 CHAIRMAN EWASUTYN: Aye.

16 MS. CARVER: Aye.

17 MR. WARD: Aye.

18 CHAIRMAN EWASUTYN: Dominic Cordisco,
19 Planning Board Attorney, you'll have a
20 resolution on this?

21 MR. CORDISCO: I can prepare one if
22 you'd like.

23 CHAIRMAN EWASUTYN: Thank you.

24 MR. DATES: Great. Thank you.

25 (Time noted: 7:04 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding 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 12th day of August 2025.



MICHELLE CONERO

STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

SPARK CAR WASH
(2023-23)

1229 Route 300
Section 96; Block 1; Lots 4 & 5
IB Zone
----- X

SITE PLAN

Date: August 7, 2025
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JENNIFER PORTER

----- X
MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: Our second item
3 of business is Spark Car Wash, project
4 number 23-23. It's a site plan
5 application. It's in an IB Zone and it's
6 located on Route 300. It's represented
7 by Stonefield Engineering & Design. I
8 believe Jennifer Porter will address the
9 Board.

10 MS. PORTER: Good evening, Board
11 Members. Jennifer Porter with CSG Law on
12 behalf of the applicant for a car wash.

13 When we last appeared a few weeks
14 ago in front of the Board, there were a
15 couple of open items. The Board had set
16 a date for written comments to be
17 provided. It's our understanding that
18 no further written comments were
19 received by the Board in connection with
20 our application.

21 In addition to that, we needed to
22 provide an updated flow letter from the
23 City of Newburgh, which we did.

24 We're back this evening to address
25 any further questions or any additional

2 information that the Board would like
3 regarding our application.

4 CHAIRMAN EWASUTYN: Questions or
5 comments from Board Members. Dave
6 Dominick.

7 MR. DOMINICK: Not at this time.

8 MS. DeLUCA: No.

9 MR. MENNERICH: No questions.

10 CHAIRMAN EWASUTYN: No comment.

11 MS. CARVER: Nothing.

12 MR. WARD: Nothing.

13 CHAIRMAN EWASUTYN: Jim Campbell,
14 Code Compliance.

15 MR. CAMPBELL: Nothing additional.

16 CHAIRMAN EWASUTYN: Pat Hines with
17 MH&E.

18 MR. HINES: As was mentioned, a
19 revised City of Newburgh flow acceptance
20 letter has been received. That revision
21 was based on input we received at the
22 public hearing and the applicant's
23 representatives identifying an increase
24 in the hydraulic loading of 11,552
25 gallons a day.

2 We received a revised long form
3 EAF. The Planning Board, we're
4 suggesting, should review the part 2
5 long form EAF. I will, if the Board
6 wishes, walk you through that.

7 We have received Ken Wersted's
8 comments several times on the traffic.

9 There will be a requirement for
10 stormwater securities and inspection
11 fees, landscape security and inspection
12 fees and demolition permits from the
13 Town Code Enforcement. That is
14 required prior to removing the
15 structure.

16 CHAIRMAN EWASUTYN: Do you want to
17 walk us through?

18 MR. HINES: Sure. Again, the Board
19 has received the traffic study, a
20 stormwater pollution prevention plan with
21 updates to both of those documents, as
22 well as site plans and other information.

23 Based on the long form EAF and that
24 information, I'll walk through the part 2.

25 Number 1 is impact on land. We're

2 suggesting that that answer be a yes.

3 The bulleted items, the proposed
4 action may involve construction on land
5 where depth to water table is less than 3
6 feet. We have that as a no to small
7 impact.

8 The proposed action may involve
9 construction on slopes greater than 15
10 percent. That would be a no.

11 The proposed action may involve
12 construction on land where bedrock is
13 exposed or generally within 5 feet of the
14 ground surface. That is a no to small
15 impact.

16 The proposed action may involve
17 excavation and removal of more than 1,000
18 tons of natural material. That one is a
19 no.

20 The proposed action may involve
21 construction that continues for more than
22 one year or in multiple phases. That
23 would be a no.

24 The proposed action may result in
25 an increase in erosion, whether from

2 physical disturbance or vegetation
3 removal (including treatment by
4 herbicides). We are suggesting that that
5 would be a small impact. The applicants
6 have prepared a stormwater pollution
7 prevention plan. Although the site
8 construction disturbs a little less than
9 one acre, post-development water quantity
10 and quality treatment have been incorporated
11 into that plan.

12 The proposed action is or may be
13 located in a coastal erosion or hazard
14 area. That answer is no.

15 Number 2 is impact on geological
16 features. The proposed action may
17 result in modification or destruction
18 of, or inhibit access to, any unique
19 or unusual land forms on the site.
20 That is a no. There are no unique
21 geological features.

22 Impact on surface water. The
23 proposed action may affect one or
24 more wetlands or other surface water
25 bodies. We're suggesting that answer

2 would be a yes.

3 The bulleted items under that
4 are, the proposed action may create
5 a new water body. That is a no.

6 The proposed action may result
7 in an increase or decrease of over
8 10 percent or more than a 10-acre
9 increase or decrease in the surface
10 area of any body of water. That's a
11 no.

12 The proposed action may involve
13 dredging of more than 100 cubic yards
14 of material from a wetland or water
15 body. That answer would be a no.
16 There is no dredging proposed.

17 The proposed action may involve
18 construction within or adjoining a
19 freshwater wetland or a tidal wetland
20 or in the bed or banks of any other
21 water body. We're suggesting that's
22 a small impact. The applicants have
23 coordinated with the New York State
24 Department of Environmental Conservation.
25 There are small Federal wetlands on

2 the site that have been determined
3 not to be under DEC's jurisdiction.
4 They are not impacting those, as
5 well as there is construction along a
6 Class A stream, but the stream will
7 not be disturbed.

8 The proposed action may create
9 turbidity in a water body, either
10 from upland erosion, runoff or by
11 disturbing bottom sediments. We're
12 suggesting that would be a small
13 impact based on the information
14 provided in the stormwater pollution
15 prevention plan.

16 The proposed action may include
17 construction of one or more intakes
18 for withdrawal of water from surface
19 water. That is a no.

20 The proposed action may include
21 construction of one or more outfalls
22 for discharge of wastewater to
23 surface waters. That is a no.

24 The proposed action may cause
25 soil erosion or otherwise create a

2 source of stormwater discharge that
3 may lead to siltation or other
4 degradation of receiving water bodies.
5 We're suggesting that would be a
6 small impact.

7 If the Board disagrees with any
8 of these, you can weigh in on that
9 and we can talk about it or change it.

10 The proposed action may affect
11 the water quality of any water bodies
12 within or downstream of the site.
13 Based again on the stormwater
14 pollution prevention plan, we're
15 suggesting that be a small impact.

16 The proposed action may involve
17 the application of pesticides or
18 herbicides in or around any water
19 body. That is a no.

20 The proposed action may require
21 construction of new or expansion of
22 existing wastewater treatment facilities.
23 That is also a no.

24 Impact on groundwater, number 4.
25 The proposed action may result in new

2 or additional use of groundwater or
3 may have the potential to introduce
4 contaminants to groundwater or an
5 aquifer. That is a no. None of the
6 bulleted items under that would be
7 exceeded.

8 Number 5, impact on flooding.
9 The proposed action may result in
10 development on lands subject to
11 flooding. That is a no. The project
12 is not located in a floodplain. None
13 of the bulleted items under there
14 would be exceeded.

15 Number 6, impact on air. The
16 proposed action may include a state
17 regulated air emission source. That
18 answer is a no. Again, none of the
19 bulleted items under that, A through
20 E, would be impacted.

21 Impact on plants and animals.
22 The proposed action may result in a
23 loss of flora or fauna. We're
24 identifying that as a no. The
25 applicants initially had provided

2 information on the site with the DEC.
3 There was potential habitat identified
4 for the Upland Sandpiper. I'll defer
5 to the bird expert. There was
6 determined not to be a suitable
7 habitat there, as well as there is
8 minimal tree removal. There would be
9 no impact to potential bat habitat.
10 The other bulleted items under there
11 will not be exceeded.

12 Impact on agricultural resources.
13 The proposed action may impact
14 agricultural resources. That is a
15 no. The project is not in a farm
16 area, in an Ag District and has no
17 impact to agriculture.

18 Impact on aesthetic resources.
19 The land use of the proposed action
20 are obviously different from or in
21 sharp contrast to current land use
22 patterns between the proposed project
23 and a scenic or aesthetic resource.
24 That answer is no. It's in an IB
25 Zone along a busy State highway.

Number 10, impact on historic and archeological resources. The proposed action may occur in or adjacent to a historic or archeological resource. That is a no. There were no archeological or sensitive resources identified during the project review.

Impact on open space. The proposed action may result in a loss of recreational opportunities or a reduction of municipal open space. That is a no.

Number 12, impact on critical environmental areas. That is a no. The project is not located in a critical environmental area.

Impact on traffic. The proposed action may result in a change to existing transportation systems. We had extensive discussion regarding traffic. We're suggesting that be a yes. The bulleted items under those we'll review.

2 Traffic increase may exceed
3 capacity of existing roadway networks.
4 We're suggesting that would be a no
5 to small impact.

6 The proposed action may result
7 in the construction of paved parking
8 for 500 or more vehicles. That is a
9 no.

10 The proposed action will degrade
11 existing transit access. That would
12 be a no.

13 The proposed action will degrade
14 existing pedestrian or bicycle
15 accommodations. That is a no.

16 The proposed action may alter
17 the present traffic patterns or
18 movement of people or goods. We're
19 suggesting that would be a small
20 impact. Again, that was based on the
21 extensive traffic studies and input
22 from Creighton Manning's office on
23 the traffic provided to the Board.

24 Impact on energy. The proposed
25 action may cause an increase in the

2 use of any form of energy. That's
3 going to be a yes. Obviously there
4 will be some impact to energy. It
5 does not exceed any of the bulleted
6 items, A through E, below, which are
7 substantial energy users.

8 15, impact on noise, odor and
9 light. The proposed action may
10 result in an increase in noise, odors
11 or outdoor lighting. We're identifying
12 that as a no. The project is in a
13 commercial IB Zoning District. The
14 lighting plan identifies appropriate
15 lighting for the site, including
16 dark-sky compliant lighting fixtures.

17 Number 16, the final item, impact
18 on human health. The proposed action
19 may have an impact on human health
20 from exposure to new or existing
21 sources of contamination. We're
22 identifying that as a no.

23 The project is not located
24 within 1,500 feet of a school, hospital
25 or licensed daycare center, group

2 home or nursing home.

3 The proposed action is currently
4 undergoing remediation. That is a
5 no.

6 There is a completed emergency
7 spill requirement. That is a no.

8 The additional items, D through
9 I, under that are not exceeded in any
10 way.

11 I'm sorry. I said 16. There's
12 a 17 and an 18.

13 Consistency with community plans.
14 The proposed action is not consistent
15 with adopted land use plans. That is
16 a no. Again, it's in an IB Zone. It
17 is a use permitted with site plan
18 approval.

19 Consistency with community character.
20 The proposed action is inconsistent
21 with the existing community character.
22 We're suggesting that would be a no, too,
23 as it is located in the IB Zone along
24 a busy State highway corridor.

25 With that, if the Board concurs

2 with that review that we just did,
3 you identified no moderate to large
4 impacts, you would be in a position
5 to issue a negative declaration
6 consistent with any comments that
7 Dominic may have.

8 CHAIRMAN EWASUTYN: Dominic Cordisco,
9 Planning Board Attorney.

10 MR. CORDISCO: If the Board makes a
11 determination that there is no potential
12 for significant environmental impacts
13 associated with the review contained in
14 the long form EAF part 2 as just
15 described to you by Pat Hines, then the
16 Board would be in a position to adopt a
17 negative declaration in connection with
18 this project.

19 CHAIRMAN EWASUTYN: Comments from
20 Board Members. John Ward.

21 MR. WARD: No comment.

22 MS. CARVER: No comment.

23 CHAIRMAN EWASUTYN: No comment.

24 MR. MENNERICH: No comment.

25 MS. DeLUCA: Nothing.

2 MR. DOMINICK: No comment.

3 CHAIRMAN EWASUTYN: Having heard
4 from Pat Hines with MH&E and Dominic
5 Cordisco, Planning Board Attorney, would
6 someone move for a negative declaration
7 since it's been discussed that there will
8 be no potential adverse impacts.

9 MR. MENNERICH: So moved.

10 MS. DeLUCA: Second.

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

15 MR. WARD: Aye.

16 MS. CARVER: Aye.

17 CHAIRMAN EWASUTYN: Aye.

18 MR. MENNERICH: Aye.

19 MS. DeLUCA: Aye.

20 MR. DOMINICK: Aye.

21 CHAIRMAN EWASUTYN: Motion carried.

22 Dominic Cordisco, can you give us
23 conditions of approval for the resolution.

24 MR. CORDISCO: The conditions of
25 approval would include addressing any

2 outstanding comments from the Board's
3 consultants as far as final plan
4 revisions are concerned. Conditions also
5 include obtaining all outside agency
6 approvals, including coverage under the
7 DEC general permit for stormwater
8 discharges, as well as obtaining
9 conceptual approval from the DOT for the
10 access improvements that are proposed.
11 They have to obtain the conceptual
12 approval prior to the signing of the site
13 plan. The highway work permit must be
14 issued prior to any building permits
15 being issued for the project. You
16 mentioned stormwater. In addition to
17 that, there's also a performance security
18 for the stormwater. There is also a
19 landscape security that will be required
20 as well.

21 The applicant will be conducting a
22 post-development traffic monitoring
23 study. I defer to the Board as to the
24 timing of that study. Typically it's
25 done within either six months to a year

2 following the issuance of the CO for the
3 project. I would suggest that it be done
4 a year after the project so that there's
5 time for people to start getting used to
6 and perhaps the initial flush of
7 customers going to the new facility has
8 abated and become more regular. At that
9 time not only is there the obligation to
10 report back to the Board with the results
11 of the traffic monitoring study, but the
12 Board may require at that time additional
13 measures to be taken to mitigate any
14 traffic impacts that are identified as
15 part of that study.

16 I think I mentioned landscape
17 security as well. This Board would also
18 grant Architectural Review Board approval
19 based on the plans that are submitted.
20 Only what has been shown and approved by
21 the Board can be constructed. That also
22 goes for all outdoor fixtures and
23 amenities. Only the things that are
24 shown on the plan can actually be
25 constructed.

2 The Board has also adopted a
3 negative declaration which will be
4 written up by Mr. Hines. All of the
5 mitigation measures that are identified
6 as part of the SEQRA negative declaration
7 are conditions of the approval as well.

8 Finally, there is a limitation on
9 the use. The applicant is proposing to
10 eliminate the existing structures and
11 construct the automated car wash and the
12 related amenities. This approval is only
13 for that particular use of this site. If
14 there were any changes in that use, then
15 they would have to apply to the Board for
16 an amended approval.

17 CHAIRMAN EWASUTYN: Comments or
18 questions from Board Members. John Ward.

19 MR. WARD: No comment.

20 MS. CARVER: Nothing further.

21 CHAIRMAN EWASUTYN: No comment.

22 MR. MENNERICH: No questions.

23 MS. DeLUCA: No questions.

24 MR. DOMINICK: Nothing further.

25 CHAIRMAN EWASUTYN: Having heard

2 the conditions of approval presented by
3 Planning Board Attorney Dominic Cordisco,
4 would someone move for a motion to move
5 on that and grant conditional final
6 approval.

7 MR. MENNERICH: So moved.

8 MS. DeLUCA: Second.

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

13 MR. WARD: Aye.

14 MS. CARVER: Aye.

15 CHAIRMAN EWASUTYN: Aye.

16 MR. MENNERICH: Aye.

17 MS. DeLUCA: Aye.

18 MR. DOMINICK: Aye.

19 CHAIRMAN EWASUTYN: Motion carried.

20 Thank you.

21 MS. PORTER: Thank you very much.

22

23 (Time noted: 7:20 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding 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 12th day of August 2025.



MICHELLE CONERO

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

- - - - - X
In the Matter of

UNITY PLACE WAREHOUSE
(2021-29)

Old Little Britain & Unity Way
Section 97; Block 2; Lots 14.1 & 19.12
IB Zone

- - - - - X

CONCEPT PLAN

Date: August 7, 2025
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: JOHN CAPPELLO
DENNIS ROCKS
JASON ANDERSON
PHILLIP GREALLY

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The third item
3 of business this evening is Unity Place
4 Warehouse, project number 21-29. It's in
5 an IB Zone. It's located on the
6 northwest corner of Old Little Britain
7 Road and Unity Place. It's a concept
8 plan. It's being represented by Brooker
9 Engineering. Their attorney is John
10 Cappello.

11 MR. CAPPELLO: John Cappello, J&G
12 Law. I also have Dennis Rocks from
13 Brooker Engineering, project engineer;
14 Jason Anderson from Anderson Design,
15 project architect; and Phil Grealy from
16 Colliers Engineering, the traffic
17 consultant.

18 We're here tonight to discuss an
19 amendment to a previously approved plan
20 for the warehouse on Unity Place. I'm
21 sure the Board is very familiar with it.
22 It was before the Board for awhile. It
23 was originally approved for a 155,000
24 square foot warehouse. Subsequent to
25 that, the applicant was approached by two

2 of the neighboring property owners closer
3 to Kohl's. There were two existing
4 residents who offered to sell the
5 property to the applicant. The applicant
6 purchased these two additional properties.

7 What we're here tonight to discuss
8 is the incorporation of these parcels
9 into the project, the expansion of
10 the warehouse from 155,000 to 240,000
11 square feet, which is a size that is
12 more likely to attract a substantial
13 company and a good rateable for the
14 area.

15 After that brief introduction,
16 I'm going to turn it over to Dennis.

17 I do want to reiterate to the
18 Board, in case anyone is here, that
19 the improvements we're proposing or
20 the expansion is all going towards
21 the commercial area. None of the
22 project components will be any closer
23 to the residential area. Some of the
24 residents raised some legitimate
25 concerns that we did address.

2 The last thing before I turn
3 it over to Dennis is, Eliot Spitzer,
4 the applicant, apologizes. It's his
5 birthday today and he wasn't able to
6 attend. He will be at subsequent
7 meetings.

8 MR. ROCKS: Good evening,
9 everybody. Dennis Rocks from Brooker
10 Engineering.

11 This is the plan that was
12 approved by this Board two years ago.
13 John pointed out the location of the
14 two properties that were incorporated.
15 This was approved as a 14.9 acre site.
16 These two properties comprise 2.6 acres.
17 Now it's a total of 17.5 acres.

18 This is the proposed amendment.
19 What you see here is the length of
20 the building has not changed. The
21 treatment in the front of the
22 building has not changed along Unity
23 Place.

24 The treatment along the southern
25 elevation has not changed. This is

2 O l d L i t t l e B r i t a i n R o a d .

3 W h a t h a s c h a n g e d i s t h i s
4 b u i l d i n g h a s b e e n p u s h e d o u t b y a b o u t
5 9 0 f e e t . H e r e a r e t h e t w o l o t s t h a t
6 w e r e i n c o r p o r a t e d r i g h t h e r e . W h a t
7 t h a t ' s e n a b l e d u s t o d o i s t o p u s h
8 e v e r y t h i n g o u t w e s t a n d t o e l i m i n a t e
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24 b u i l d i n g g o t p u s h e d 9 0 f e e t b a c k .
25 A l l o f t h i s g o t p u s h e d b a c k i n t o

2 these two new lots.

3 I'd be happy to answer any
4 questions or turn it over to Phil.

5 CHAIRMAN EWASUTYN: Let's hear
6 from Phil Grealy and then I'll turn
7 it over to the Planning Board Members.

8 DR. GREALY: Good evening, Mr.
9 Chairman, Members of the Board. Phillip
10 Grealy from Colliers Engineering & Design.

11 As part of the original approvals,
12 we had done detailed traffic studies.
13 There were certain mitigation measures
14 that were identified.

15 As Dennis indicated, the driveway
16 has shifted further to the west. The
17 sight distance is still good there, so
18 nothing has changed relative to that.

19 The design of the entrance off of
20 Unity Place is the same.

21 The modifications and the striping
22 in that vicinity will be the same.

23 There are some additional trailer
24 storage areas that are in here. Those
25 are going to be buffered, similar to the

buffering that was done before in anticipation of concerns about any noise impacts.

From a traffic standpoint, we had obtained permits from New York State Department of Transportation. As you may recall, there were certain offsite improvements. For example, at the intersection of Unity Place and 17K there were some radius improvements, pavement improvements, moving the guide rails and some traffic signal upgrades. We had obtained the permits from New York State DOT. Those are actually under construction at this time. Those improvements would support any additional traffic from this project.

As Dennis indicated, the number of loading docks is the same. That hasn't changed. It's more for storage area within the warehouse.

As part of our evaluation, based on the requirements of New York State DOT and the standard practice, we have to do

2 the generation based on the square
3 footage. On the warehouse square
4 footage, the increase here, there would
5 be a slight increase in traffic in the
6 order of ten total vehicle trips during a
7 peak hour. Of those trips, approximately
8 two or three would be truck-related
9 trips. Again, that's based on what we're
10 required to analyze.

11 The number of loading docks doesn't
12 change here. We don't see any significant
13 changes in term of traffic increases.
14 It's more for the storage area needed in
15 these facilities. However, that's what
16 we analyzed. We looked at that relative
17 to the improvements that were required
18 with the original application. Those
19 improvements would support this level of
20 additional traffic.

21 There were also some striping and
22 signal upgrades at the intersection of
23 Little Britain Road and Route 300 -- Old
24 Little Britain Road and 300, and, as I
25 mentioned, the improvements on 17K which

2 are in the process of being completed
3 now.

4 All truck traffic, as you recall,
5 is to and from Unity Place. There's no
6 truck traffic permitted in this section.
7 This is all passenger car traffic which
8 will be controlled as part of the
9 operation. All of the other mitigation
10 measures are still proposed in this
11 scenario.

12 That's pretty much where we are.

13 CHAIRMAN EWASUTYN: Comments from
14 Board Members. Dave Dominick.

15 MR. DOMINICK: Nothing at this
16 time.

17 MS. DeLUCA: It looks good.

18 MR. MENNERICH: No questions.

19 CHAIRMAN EWASUTYN: No comment.

20 MS. CARVER: I'm curious, do you
21 have a tenant in mind yet or is this a
22 spec?

23 DR. GREALY: I don't know all the
24 details, but there have been some
25 discussions with prospective tenants.

2 There's no set tenant right now as far as
3 I know.

4 MS. CARVER: Thank you.

5 MR. WARD: If you could refresh the
6 Board in reference to keeping cars coming
7 from going into the loading dock area.
8 We emphasize that detail there.

9 DR. GREALY: At this point here we
10 have a control system. In terms of
11 passenger cars at this point, no trucks
12 can even extend past this point. We have
13 a gate controlled location.

14 MR. WARD: Thank you.

15 DR. GREALY: All truck traffic is
16 to and from here.

17 CHAIRMAN EWASUTYN: Jim Campbell,
18 Code Compliance.

19 MR. CAMPBELL: I did forward a copy
20 of this concept plan to the fire chief.
21 He did comment back that he had no
22 comments at this time.

23 CHAIRMAN EWASUTYN: Pat Hines with
24 MH&E.

25 MR. HINES: Our first comment

2 describes the project as the applicant's
3 representatives have, the increase from
4 154,700 to 240,000 square feet.

5 There will be a need for demolition
6 permits for the structures.

7 The access points we described as
8 Mr. Grealy just did, the one moved
9 further to the west and the one on Unity
10 Place remains the same.

11 This will basically be starting the
12 project over. Revised adjoiners' notices
13 per the code will need to be sent out.

14 A revised long form EAF should be
15 submitted.

16 A revised lead agency circulation
17 will be undertaken in the future.

18 One of the things that changed is
19 any potential impacts to the Federal
20 wetlands on the site may be impacted by
21 the DEC regulations changing in January.
22 That will have to be looked at.

23 The revised traffic study was
24 discussed.

25 The revised stormwater pollution

2 prevention plan.

3 The Planning Board tonight is
4 evaluating the concept plan in accordance
5 with Chapter 185-57 B(2) which allows the
6 Board to take a look at concept plans and
7 issue, as it states, a favorable or an
8 unfavorable report. If the Board so
9 desires, it can do that. It's a non-
10 binding input to the applicants at this
11 time under that section of the code.

12 We'll be doing further reviews upon
13 receipt of a complete application.

14 CHAIRMAN EWASUTYN: Dominic Cordisco,
15 Planning Board Attorney.

16 MR. CORDISCO: The project was
17 previously referred to the County
18 Planning Department. Once the Board is
19 in a position to have a complete
20 application before it, a re-referral of
21 this application would be required for
22 the amendment.

23 CHAIRMAN EWASUTYN: I'll have a
24 discussion now on the favorable ruling
25 for the new concept plan. We'll start

2 with Dave Dominick.

3 MR. DOMINICK: I'm for it.

4 CHAIRMAN EWASUTYN: Stephanie DeLuca.

5 MS. DeLUCA: Yes.

6 MR. MENNERICH: I'm in favor of it.

7 CHAIRMAN EWASUTYN: I'm in favor of
8 it.

9 MS. CARVER: I'm in favor.

10 MR. WARD: Yes.

11 CHAIRMAN EWASUTYN: Let the record
12 show that the Planning Board considered
13 and agrees with a favorable approval,
14 which is nonbinding, for the proposed
15 concept plan presented this evening.

16 I believe the action this evening
17 is to recirculate the adjoiners' notice.

18 MR. HINES: Yes.

19 CHAIRMAN EWASUTYN: Are there any
20 other actions?

21 MR. CORDISCO: No, sir.

22 MR. HINES: No.

23 CHAIRMAN EWASUTYN: You can contact
24 the Planning Board office at some time to
25 discuss the escrow fee associated with

2 the changes and the continual review and
3 professional services.

4 MR. CAPPELLO: Thank you.

5 DR. GREALY: Thank you.

6 MR. CAPPELLO: Does the Board have
7 any questions regarding the architecture?
8 Jason is here.

9 CHAIRMAN EWASUTYN: Review that
10 with us, please. I apologize.

11 MR. ANDERSON: It's looking more
12 like an office building along Unity
13 Place. This is the corner of Old Little
14 Britain. There's our building going down
15 Unity Place. That is the corner. That
16 was what was approved. It's the same
17 building, just lengthened in that
18 direction. Everything else remains the
19 same from both directions.

20 If you were to take a look now
21 looking at Unity Place at the corner,
22 across from the assembly hall there,
23 here's that corner. Now I'm up on the
24 peak of Unity Place. Of course this is
25 the building. The offices are on either

2 end of the building. Again we have that
3 design. It's the same with the new
4 design.

5 It's really, from our standpoint,
6 very easy. The same materials, the same
7 colors, the same approach entirely.

8 CHAIRMAN EWASUTYN: Comments from
9 Board Members.

10 MR. MENNERICH: On the Little
11 Britain Road exit which is being moved,
12 is the landscaping going to be adjusted
13 for that?

14 MR. ANDERSON: We're working on
15 adjusting the landscaping, which of
16 course will be with Karen. We've got the
17 stormwater pond there in that area and
18 then all the trees will continue down in
19 that direction as well. We maintain the
20 same stonewalls and everything else.

21 MR. MENNERICH: Thank you.

22 CHAIRMAN EWASUTYN: Anyone else?

23 MS. CARVER: With the purchase of
24 the land from the two houses, does the
25 property end where the paving is going

2 into Kohl's or is there a strip?

3 MR. ANDERSON: There is a City --
4 what is it, Pat?

5 MR. HINES: A water diversion
6 system called Murphy's Ditch.

7 MR. CAPPELLO: Murphy's Ditch.

8 MS. CARVER: That's where it ends?

9 MR. ANDERSON: Yes. It doesn't
10 connect. I actually didn't look at that
11 to see could there be some connected
12 relationship between them. We have that
13 ditch there that we can't touch.

14 MS. CARVER: Thank you.

15 CHAIRMAN EWASUTYN: John Ward.

16 MR. WARD: No comments.

17 CHAIRMAN EWASUTYN: Thank you.

18 MR. CAPPELLO: Thank you very much.

19

20 (Time noted: 7:32 p.m.)

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C E R T I F I C A T I O N

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I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

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That hereinbefore set forth is a true
record of the proceedings.

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

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Michelle Conero

MICHELLE CONERO

STATE OF NEW YORK : COUNTY OF ORANGE
 TOWN OF NEWBURGH PLANNING BOARD
 - - - - - X
 In the Matter of

MANHEIM AUTO AUCTION STORAGE EXPANSION
 (2025-07)
 2000 Dealer Drive
 Section 89; Block 1; Lot 63.22
 IB Zone
 - - - - - X

AMENDED SITE PLAN

Date: August 7, 2025
 Time: 7:34 p.m.
 Place: Town of Newburgh
 Town Hall
 1496 Route 300
 Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: TYLER WEBB
 JUSTIN NELSON

- - - - - X
 MICHELLE L. CONERO
 Court Reporter
 845-541-4163
 michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: Our fourth item
3 of business this evening is Manheim Auto
4 Auction Storage Expansion, project 25-07.
5 It's an amended site plan. It's located
6 on 2000 Dealer Drive in an IB Zone.
7 Tyler Webb of Kimley-Horn Engineering
8 will be presenting the application this
9 evening.

10 MR. WEBB: Good evening, Chair
11 Ewasutyn, Members of the Board. My name
12 is Tyler Webb, civil engineer with
13 Kimley-Horn. I also have with me tonight
14 Justin Nelson, general manager of the
15 Manheim Newburgh facility.

16 I know it's been two or three
17 months since we last appeared before
18 the Board. I thought I'd give some
19 background about where we started and
20 where we are now.

21 We first appeared before the
22 Board at the February 20th agenda and
23 we introduced the project. The Board
24 gave us some homework, including
25 obtaining a landscaping variance from

1 the ZBA, which we obtained at the
2 April ZBA hearing. We also appeared
3 before the Board on the 15th to give
4 updates on the homework you gave us
5 as well as the Board declaring itself
6 lead agency under SEQRA. We're here
7 tonight to give you more updates on
8 our homework as well.

9 Submitted with our latest
10 application we have a signed wetland
11 map from New York State DEC.

12 We provided a tree survey with
13 density disturbance calculations.

14 We addressed some of the SWPPP
15 comments from MHE Engineering.

16 I would like to point out some
17 of the changes we made to the site
18 plan based on those comments. Most
19 of the comments were primarily -- the
20 comments that changed the site plan
21 were primarily to the bio-retention
22 areas which were proposed. For our
23 pretreatment of the bio-retention
24 areas, we instead included a swale
25

1 with a flow spreader in the bio-
2 retention area on the southwest
3 basin. On the east side, again a
4 vegetated swale with a flow spreader.
5 Based on some of the methodology
6 comments that MHE provided, we also
7 added an additional detention area
8 only just to the south. This will
9 accommodate the flow attenuation from
10 the tributary area.

12 We know that the Board is
13 requiring a stormwater maintenance
14 agreement. The applicant knows that
15 as well. That is underway. We'll
16 provide that to the Town staff when
17 available.

18 CHAIRMAN EWASUTYN: Can we have a
19 little bit of discussion on the waiver,
20 the 5-acre waiver that we had to refer
21 you to the Town Board on.

22 MR. WEBB: That is correct. We had
23 submitted some documentation for the 5-
24 acre waiver. We understand the Town
25 Board would have to approve that. Based

on what we submitted, we welcome any comments or questions the Board may have.

CHAIRMAN EWASUTYN: Comments from Board Members as far as the granting of a 5-acre waiver that the Town Board would approve as to why or the reasoning.

MR. DOMINICK: No.

MS. DeLUCA: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: No.

MS. CARVER: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance.

MR. CAMPBELL: I have no comments.

CHAIRMAN EWASUTYN: Pat Hines with MH&E.

MR. HINES: We did receive the validated wetland map from the DEC which confirmed, I think there were some minor changes they had made. The wetlands depicted on the plan now concur with the DEC's review of those.

We did receive a revised stormwater

plan for the project just recently. A detailed response was included with that, addressing each of our previous comments and how they were incorporated into the plan.

For the SWPPP we will be issuing a final comment letter. We'll make sure those are all consistent with our previous comments.

We just discussed the 5-acre waiver. That's subject to the Town Board's review. They're requesting to disturb the entire 15 acres in one grading phase. They're stating that that will allow them to finish the project in a shorter amount of time and get the project stabilized through the installation of the impervious pavement surfaces and the minor re-vegetation that's proposed. That will require an increase in inspections and a reduction in the timeframe for re-vegetation which are the minimum requirements for that 5-acre waiver. That will be subject to

Town Board approval.

The tree preservation plan has been provided. They utilized sample plots which are consistent. We reviewed the sample plot areas prior to them doing the survey. All specimen trees on the site have been identified. Calculations identifying compliance with the clearing limits for significant trees have been provided.

We circulated to the Orange County Planning Department previously and received a Local determination back in May.

You would be in a position tonight to address SEQRA with the wetland validation map being performed and the modifications to the stormwater pollution prevention plan.

In addition, impacts to threatened or endangered species were addressed, including implementation of tree clearing restrictions to address bat impacts and no habitat for the protected bird

species.

The Zoning Board of Appeals previously approved the landscape reduction in the parking area. This is a large vehicle storage area.

The project would require landscape inspection fees, landscape security and inspection fees, tree protection security and inspection fees, the 5-acre waiver.

I have a comment on how to calculate the tree preservation fee for the applicants which could be a condition of approval.

We take no exception to the Board addressing a negative declaration for this Unlisted action.

CHAIRMAN EWASUTYN: Would anyone know if we discussed a public hearing? I know the Planning Board has the discretion with commercial sites to waive a public hearing.

MR. CORDISCO: Mr. Chairman, this was addressed and waived at your May 15th meeting.

2 CHAIRMAN EWASUTYN: Thanks for the
3 reminder.

4 MR. HINES: This is a Type 1
5 action. It's greater than 10 acres of
6 disturbance. I misspoke when I was
7 narrating.

8 CHAIRMAN EWASUTYN: Dominic Cordisco,
9 Planning Board Attorney.

10 MR. CORDISCO: I would recommend
11 that you consider adopting a negative
12 declaration at this time.

13 CHAIRMAN EWASUTYN: Comments from
14 Planning Board Members. Having heard
15 from Pat Hines with MH&E and their
16 recommendations and Dominic Cordisco,
17 Planning Board Attorney, would someone
18 move to declare a negative declaration on
19 the Manheim Auto Auction Storage
20 Expansion, project number 25-07.

21 MR. WARD: So moved.

22 MS. CARVER: Second.

23 CHAIRMAN EWASUTYN: I have a motion
24 by John Ward. I have a second by Lisa
25 Carver. Can I have a roll call vote

2 starting with Dave Dominick.

3 MR. DOMINICK: Aye.

4 MS. DeLUCA: Aye.

5 MR. MENNERICH: Aye.

6 CHAIRMAN EWASUTYN: Aye.

7 MS. CARVER: Aye.

8 MR. WARD: Aye.

9 CHAIRMAN EWASUTYN: Motion carried.

10 At this point I'll turn the meeting
11 over to Planning Board Attorney Dominic
12 Cordisco to give us conditions of
13 approval for the action before us.

14 MR. CORDISCO: For the amended site
15 plan, my recommended conditions of
16 approval would include the obligation of
17 the applicant to address any additional
18 engineering comments that may be
19 forthcoming with the ongoing review of
20 the site plan set as well as stormwater
21 plans. They will have to post a
22 stormwater security and pay inspection
23 fees. Likewise, the posting of landscape
24 security and inspection fees be paid,
25 tree protection security and inspection

2 fees. They also have to abide by the
3 tree clearing restrictions as well as any
4 other mitigation measures as set forth in
5 the negative declaration adopted by the
6 Board. They will have to comply with the
7 terms of the ZBA decision. They'll have
8 to obtain the 5-acre waiver from the Town
9 Board as referred by the Planning Board
10 this evening.

11 CHAIRMAN EWASUTYN: Any comments or
12 questions from Planning Board Members?

13 MR. DOMINICK: No.

14 MS. DeLUCA: No.

15 MR. MENNERICH: No.

16 MS. CARVER: No.

17 MR. WARD: No.

18 CHAIRMAN EWASUTYN: Having heard
19 from Dominic Cordisco, Planning Board
20 Attorney, with conditions of approval for
21 the Manheim Auto Auction Storage Expansion,
22 would someone move for that motion.

23 MR. DOMINICK: So moved.

24 CHAIRMAN EWASUTYN: I have a motion
25 by Dave Dominick. I have a second by --

2 MS. CARVER: Second.

3 CHAIRMAN EWASUTYN: -- Lisa Carver.

4 Can I have a roll call vote starting with
5 John Ward.

6 MR. WARD: Aye.

7 MS. CARVER: Aye.

8 CHAIRMAN EWASUTYN: Aye.

9 MR. MENNERICH: Aye.

10 MS. DeLUCA: Aye.

11 MR. DOMINICK: Aye.

12 MR. WEBB: Thank you very much.

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14 (Time noted: 7:43 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding 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 12th day of August 2025.



MICHELLE CONERO

STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

JEHOVAH'S WITNESSES KINGDOM HALL
(2025-16)

33 Old Little Britain Road
Section 97; Block 3; Lot 13
R-3 Zone

----- X
AMENDED SITE PLAN - PARKING LOT EXPANSION

Date: August 7, 2025
Time: 7:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN MONTAGNE

----- X
MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: Our fifth item
3 of business this evening is the Jehovah's
4 Witnesses Kingdom Hall amended site plan/
5 parking lot expansion, project number
6 25-16 located on Old Little Britain Road
7 in an R-3 Zone. It's being represented
8 by --

9 MR. MONTAGNE: John Montagne with
10 Greenman-Pedersen Engineering.

11 CHAIRMAN EWASUTYN: Thank you.

12 MR. MONTAGNE: Good evening,
13 everyone. Thank you for having us again
14 this evening. I'm going to make this
15 fairly quick.

16 At our last meeting the main
17 comments that we had to address at the
18 time were identification for tree
19 clearing, the stormwater management
20 report, updating of the plans to ensure
21 that we showed the site lighting and
22 landscaping and other elements on the
23 site.

24 The project, as you know, is an
25 expansion of the existing parking lot.

2 The parking lot has 74 spaces right now.

3 As stated at the meeting, the
4 facility has been very successful.

5 What's happening for us, though, as
6 we mentioned before, is that the
7 congregation body is coming more in
8 single cars than in the carpooling that
9 was more the norm. A lot of that is
10 because of the influx of new people in
11 the area because of the rural
12 headquarters now being located in the
13 Valley.

14 To offset that and to mitigate
15 that, we're proposing a 36-space
16 expansion of the parking lot, away from
17 Old Little Britain Road to the rear of
18 the property. That will then in turn
19 require some modifications to the
20 existing stormwater basin.

21 The stormwater basin and extended
22 detention is primarily the element that
23 got modified. The standards have changed
24 a little bit from DEC because of the
25 permit. A few things that we've done now

2 is there is the design using the old
3 driveway that came into the project.
4 That will be improved to provide access
5 to the stormwater basin for maintenance.
6 There are some other elements of the
7 stormwater practice that have been
8 updated. We did provide all of that
9 information to MHE. We have not received
10 their final review comments on that yet,
11 but we believe we've addressed all of
12 their issues to the best of our ability
13 at this time.

14 The only other thing that we had in
15 here at the time was, we weren't able to
16 calculate the impact on clearing of
17 trees. We have been able to do that now
18 that the stormwater management basin has
19 been revised. We have calculated that
20 and we're in a position to present that
21 to the Board. What it comes down to is
22 we have about a 94 dbh increase in
23 clearing above the 50 percent threshold
24 for significant trees and about 362 dbh
25 for specimen trees. We calculated the

2 fees and worked with MHE to see if they
3 concur on that and establish our
4 restitution for that.

5 CHAIRMAN EWASUTYN: Thank you.

6 Comments from Board Members. Dave
7 Dominick.

8 MR. DOMINICK: No comment.

9 MS. DeLUCA: Nothing.

10 MR. MENNERICH: No questions.

11 CHAIRMAN EWASUTYN: No comment.

12 MS. CARVER: No questions.

13 MR. WARD: No comment.

14 CHAIRMAN EWASUTYN: Pat, do you
15 want to discuss the Tree Preservation Law
16 and the threshold that may be exceeded
17 based upon what's permitted in the zone.

18 MR. HINES: The Town, three years
19 or so ago, entered into a Tree Preservation
20 Ordinance, Chapter 172 of the Code. This
21 project is located in an R-3 Zoning
22 District which is a residential district.
23 The threshold for removal of the specimen
24 and significant trees is 50 percent.

25 A lot of the projects we saw,

2 including the last one, were in the IB
3 Zone which has a more generous permission
4 for removal of trees. There is a
5 requirement that if you exceed that
6 threshold, that either additional trees
7 be planted or a fee in lieu of planting
8 the trees be submitted.

9 We have the tree preservation plan
10 detailing the actual species and the size
11 of each of the trees that fall under
12 that. We will be doing a final review of
13 those calculations consistent with the
14 ordinance once we receive the information
15 that the applicant's representative just
16 identified. We will check that and make
17 sure that it complies with the ordinance.
18 Either they have to provide financial
19 restitution or a replanting plan
20 consistent with the ordinance.

21 CHAIRMAN EWASUTYN: Thank you.

22 Before we begin discussion on the
23 SEQRA determination, as in the earlier
24 case this evening, the Planning Board has
25 the discretion to either hold a public

2 hearing on site plans or waive a public
3 hearing with the understanding that if
4 the Planning Board decides to waive a
5 public hearing, then there would have to
6 be a mention or reasoning as to why we're
7 waiving that public hearing.

8 At this point we'll begin polling
9 the Board Members. Dave Dominick.

10 MR. DOMINICK: John, I think we
11 could waive the public hearing. For my
12 reason or rationale, I think this is
13 currently an active site, a very active,
14 successful site. They are trying to
15 solve a problem internally, and that's
16 defining more parking for the parishioners
17 which is in the back of the property,
18 away from the road. With that, I don't
19 think a public hearing is necessary.

20 CHAIRMAN EWASUTYN: Thank you.
21 Stephanie DeLuca.

22 MS. DeLUCA: I'm actually going to
23 agree with Dave and say I don't see the
24 point in having a public hearing.

25 CHAIRMAN EWASUTYN: Thank you.

2 Ken Mennerich.

3 MR. MENNERICH: I also agree with
4 Dave.

5 CHAIRMAN EWASUTYN: I also take the
6 same position presented by Planning Board
7 Member Dave Dominick.

8 Lisa Carver.

9 MS. CARVER: I agree with Dave
10 since it is in the back and it's not
11 going to make a difference really with
12 what's existing. If anything, it's
13 helping. I agree.

14 CHAIRMAN EWASUTYN: John Ward.

15 MR. WARD: I agree. At the same
16 time, we had a previous public hearing
17 and they addressed all of the issues at
18 that time where it won't be an impact
19 compared to the beginning. Thank you.

20 CHAIRMAN EWASUTYN: Let the record
21 show that the Planning Board Members
22 waived the public hearing on Jehovah's
23 Witnesses Kingdom Hall, project number
24 25-16.

25 At this point, Jim Campbell, do you

1 have any comments?

2 MR. CAMPBELL: I have nothing
3 additional.

4 CHAIRMAN EWASUTYN: Pat Hines with
5 MH&E Engineering.

6 MR. HINES: The project was
7 submitted to Orange County Planning
8 Department and we received a Local
9 determination back.
10

11 We did receive a revised stormwater
12 pollution prevention plan addressing our
13 previous comments. We will be checking
14 that against the responses which will be
15 a condition of any approval.

16 We'll be awaiting the submission of
17 the tree preservation calculations
18 supporting either the restitution or the
19 replanting schedule.

20 I do want to note for the Board
21 that while the parking lot is in the
22 back, there will be some additional tree
23 clearing for the stormwater management
24 facility kind of in the northeast
25 portion. There will be some tree

2 clearing to expand the stormwater pond as
3 well, for the Board's edification.

4 With that, we have nothing else
5 outstanding. The comments that I have
6 could be considered as conditions of
7 approval.

8 The Board should address SEQRA at
9 this time, if they're comfortable with
10 that.

11 CHAIRMAN EWASUTYN: Dominic Cordisco,
12 Planning Board Attorney.

13 MR. CORDISCO: As Pat mentioned,
14 the Board is in a procedural point of
15 view where you could address SEQRA and
16 consider a negative declaration at this
17 time.

18 CHAIRMAN EWASUTYN: Having heard
19 from Pat Hines with MH&E and Dominic
20 Cordisco, Planning Board Attorney, would
21 someone move for a motion or make a
22 motion to declare a negative declaration
23 for Jehovah's Witnesses Kingdom Hall,
24 project number 25-16.

25 MR. MENNERICH: So moved.

2 MS. CARVER: Second.

3 CHAIRMAN EWASUTYN: I have a motion
4 by Ken Mennerich. I have a second by
5 Lisa Carver. Can I have a roll call vote
6 starting with John Ward.

7 MR. WARD: Aye.

8 MS. CARVER: Aye.

9 CHAIRMAN EWASUTYN: Aye.

10 MR. MENNERICH: Aye.

11 MS. DeLUCA: Aye.

12 MR. DOMINICK: Aye.

13 CHAIRMAN EWASUTYN: Motion carried.

14 Dominic Cordisco, can you present
15 to the Board conditions of approval for
16 project number 25-16, the amended site
17 plan/parking lot expansion.

18 MR. CORDISCO: Those would include
19 addressing any outstanding engineering
20 comments or those that may be forthcoming
21 as a result of the ongoing review. I
22 believe they'll have to post a stormwater
23 security as well as inspection fees.

24 Is there landscaping?

25 MR. HINES: Yes.

2 MR. CORDISCO: Landscaping security
3 and inspection fees as well. Pat
4 mentioned the tree protection plan
5 compliance including fees associated with
6 that.

7 CHAIRMAN EWASUTYN: Any questions
8 or comments from Board Members?

9 MR. DOMINICK: I have one
10 additional.

11 CHAIRMAN EWASUTYN: Please.

12 MR. DOMINICK: John, I know this
13 was a tough year, especially a hot year
14 for grass and new grass seeking
15 germination. Are there any actions to
16 take care of the property with the
17 current grass around the perimeter,
18 around the parking islands? That really
19 needs to be addressed.

20 MR. MONTAGNE: I actually just
21 walked it this evening before coming
22 here. We're actually getting more
23 success on it. You're right, with the
24 hot weather and the dry conditions, it's
25 been tough to get it going. The existing

2 two islands are full of clover right now,
3 which is nice, it's a great thing, but
4 that's not what was in our original plan.
5 There will be some work to improve that.
6 Obviously as we work on the new basin,
7 we'll be able to come in and continue to
8 try to establish that as we get into the
9 fall. That may be something that doesn't
10 happen until the spring. It depends on
11 when we can get construction of this
12 going.

13 MR. DOMINICK: Thank you.

14 CHAIRMAN EWASUTYN: Dominic Cordisco,
15 do you want to give us conditions of
16 approval, please.

17 MR. CORDISCO: I just did. I could
18 repeat them.

19 CHAIRMAN EWASUTYN: Could you do
20 that now that we have the comment from
21 Dave Dominick.

22 MR. CORDISCO: Sure. The conditions
23 would include addressing any outstanding
24 engineering comments, posting of stormwater
25 security and payment of inspection fees,

2 landscape security and inspection fees as
3 well.

4 Do you want to add anything in
5 connection with the ongoing landscaping in
6 connection with Mr. Dominick's comment?

7 CHAIRMAN EWASUTYN: Dave, do you
8 want to add anything?

9 MR. DOMINICK: Yes. To reestablish
10 the landscape as per --

11 MR. MONTAGNE: We can include that
12 in the landscape and inspection that will
13 take place for this.

14 MR. CORDISCO: We'll make sure we
15 include that, the existing landscaping
16 has to be covered by the additional
17 landscaping that's required as part of
18 this approval.

19 CHAIRMAN EWASUTYN: Having a
20 revised resolution for approval subject
21 to comments made by Dave Dominick,
22 Planning Board Member, would someone, one
23 more time, please move for that motion to
24 approve the resolution.

25 MS. CARVER: So moved.

2 MS. DeLUCA: Second.

3 CHAIRMAN EWASUTYN: I have a motion
4 by Lisa Carver, Stephanie DeLuca. Roll
5 call vote.

6 MR. DOMINICK: Aye.

7 MS. DeLUCA: Aye.

8 MR. MENNERICH: Aye.

9 CHAIRMAN EWASUTYN: Aye.

10 MS. CARVER: Aye.

11 MR. WARD: Aye.

12 CHAIRMAN EWASUTYN: Thank you.

13 MR. MONTAGNE: Thank you very much.
14 I greatly appreciate it.

15

16 (Time noted: 7:54 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding 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 12th day of August 2025.

Michelle Conero

MICHELLE CONERO

STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

SAFE HAVEN SELF-STORAGE
(2022-04)

14 Crossroads Court
Section 95; Block 1; Lot 74
IB Zone

----- X

AMENDED SITE PLAN/SPECIAL USE PERMIT
U-HAUL RENTAL

Date: August 7, 2025
Time: 7:54 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN CAPPELLO
JAMES MARTINEZ

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: Our sixth item
3 of business this evening is Safe Haven
4 Self-Storage, project number 22-04. It's
5 an amended site plan for a special use
6 permit for a U-Haul rental. It's located
7 at 14 Crossroads Court in an IB Zone.
8 Here this evening with us is John
9 Cappello, attorney for the project. The
10 engineer is?

11 MR. MARTINEZ: James Martinez,
12 Engineering & Surveying Properties.

13 CHAIRMAN EWASUTYN: Thank you.

14 MR. MARTINEZ: We're here for Safe
15 Haven Storage located at 14 Crossroads
16 Court.

17 Originally we submitted an amended
18 site plan to propose a signage change to
19 the freestanding sign out front and the
20 signage on the side of the building.
21 Currently it still has the Orange County
22 Choppers signage. We're proposing to
23 update it to the company Safe Haven Self-
24 Storage signage.

25 We also proposed six EV charging

stations in the front parking lot there.

We're also proposing to eliminate any site work around the outside, save for the fence which we're still going to install. The original approval had reconfiguration of paved areas, islands and stuff. We're proposing to do away with that and eliminate the exterior site work. The applicant is going to work with the pavement and outdoor storage area that they have.

They also wanted to be able to rent U-Hauls to suit their clients' needs. People coming in storing stuff were inquiring about renting trucks to move stuff more easily. We appeared before the Board last in March. There was some discussion regarding the U-Haul and rental use.

We were also referred to the ZBA for the signage, which we appeared in May and June and received the variances for the signage in June.

We resubmitted a special use permit

1 application for motor vehicle rental as
2 per Section 185-28 to add to the existing
3 use of a self-storage facility. To my
4 understanding, properties are permitted
5 to have multiple uses under Section
6 185-6(F).

7
8 Aside from those changes, no
9 exterior site work, EV stations, U-Haul
10 rental and the signage which we received
11 variances for.

12 CHAIRMAN EWASUTYN: Jim Campbell,
13 Code Compliance.

14 MR. CAMPBELL: What they are
15 looking to do is create a mixed use site,
16 one for the self-storage and the second
17 one would be the vehicle rental agency,
18 which it is allowed to be a mixed use.

19 CHAIRMAN EWASUTYN: Jim, for the
20 record, how many vehicles will they be
21 storing with this?

22 MR. CAMPBELL: Their plan is
23 saying, I believe, eighteen.

24 MR. MARTINEZ: I do not know the
25 exact number offhand. I can find out

1 that answer.

2 MR. HINES: It is. For the U-Haul
3 rental it's eighteen.

4 CHAIRMAN EWASUTYN: This evening at
5 some point in time -- not this evening,
6 but at final conditional approval you'll
7 determine what that number might be.

8 MR. CAPPELLO: It's eighteen.

9 CHAIRMAN EWASUTYN: Comments from
10 Board Members. Dave Dominick.

11 MR. DOMINICK: Nothing further.

12 MS. DeLUCA: Nothing.

13 MR. MENNERICH: No questions.

14 CHAIRMAN EWASUTYN: The only
15 question I might have is that the parking
16 stalls that you're showing, they'll be
17 designed to fit the needs of the vehicle
18 that will be parked there rather than a
19 standard 9 by 18? Some of the box trucks
20 are what size and dimension? I don't
21 know.

22 MR. MARTINEZ: We can look into
23 striping to better suit the vehicles that
24 will be parked there.

2 CHAIRMAN EWASUTYN: That's my only
3 question.

4 Lisa Carver.

5 MS. CARVER: You'll have the boats
6 and the RVs in the back section? That's
7 where you would measure to stripe it
8 accordingly?

9 MR. MARTINEZ: Yes. They'll be
10 stored back here, yes.

11 MS. CARVER: It will be wider also?

12 MR. MARTINEZ: Originally, as part
13 of the original approval, we had
14 redistribution of paved areas,
15 elimination of islands. Now we're just
16 going to work with what we have.

17 MS. CARVER: You'll just re-stripe
18 it?

19 MR. MARTINEZ: Yeah.

20 MS. CARVER: Thank you.

21 MR. HINES: I don't think the back
22 is getting re-striped. I think the
23 re-striping is only for the U-Haul in the
24 front. You're going to leave the
25 existing conditions to the rear parking.

2 MR. MARTINEZ: That's all --

3 MR. HINES: Just to clarify Lisa's
4 comment. The U-Hauls are often bigger
5 than passenger vehicle parking spots is
6 the issue.

7 MS. CARVER: What about boats?

8 MR. HINES: They're just going to
9 generally store them in the back of the
10 existing parking lot. I don't think
11 they're going to follow any striping plan
12 back there.

13 MS. CARVER: Okay.

14 CHAIRMAN EWASUTYN: John Ward.

15 MR. WARD: With the fencing around
16 it, can it possibly be screened?

17 MR. MARTINEZ: We're proposing it
18 to be screened. It was approved as
19 screened originally. That's going to
20 remain screened.

21 MR. WARD: Thank you.

22 CHAIRMAN EWASUTYN: Pat Hines with
23 MH&E.

24 MR. HINES: Our first comment was
25 addressed regarding the mixed use, the two

uses, the storage and the rental of the vehicles.

The project did receive approval from the Zoning Board of Appeals for signage back on June 26th.

The amended site plan needs to go to Orange County Planning. The project is located within 500 feet of a State highway.

I think at the work session, and I'll defer to Mr. Campbell, the project is not a special use so we're just going for amended site plan here based on the mixed use that's been determined by codes.

We'll have to send adjoiners' notices out. We haven't done that. This is your second time back that we determined the use is permitted with Planning Board approval.

Otherwise the site is going to remain relatively the same as it is today.

CHAIRMAN EWASUTYN: Are we doing a

2 referral to the Orange County Planning
3 Department?

4 MR. HINES: Yes. Adjoiners'
5 notices and Orange County Planning would
6 be appropriate.

7 CHAIRMAN EWASUTYN: Would someone
8 move for that motion, to circulate the
9 adjoiners' notice and refer Safe Haven
10 Self-Storage to the Orange County
11 Planning Department.

12 MR. WARD: So moved.

13 MR. MENNERICH: Second.

14 CHAIRMAN EWASUTYN: I have a motion
15 by John Ward. I have a second by Ken
16 Mennerich. Can I have a roll call vote.

17 MR. DOMINICK: Aye.

18 MS. DeLUCA: Aye.

19 MR. MENNERICH: Aye.

20 CHAIRMAN EWASUTYN: Aye.

21 MS. CARVER: Aye.

22 MR. WARD: Aye.

23 MR. MARTINEZ: Thank you.

24 MR. CAPPELLO: Thank you.

25 (Time noted: 8:00 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding 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 12th day of August 2025.



MICHELLE CONERO

STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

ADS PROPERTIES - CAR WASH
(2021-04)

1295 Route 300
Section 95; Block 1; Lot 14.1
IB Zone

----- X

SITE PLAN/SPECIAL USE PERMIT - SIGNAGE

Date: August 7, 2025
Time: 8:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: GRACE RUSESKAS
GLEN SHEELEY

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The seventh
3 item of business this evening is ADS
4 Properties - Car Wash, project number
5 21-04. It's located on Route 300. It's
6 here this evening for a site plan and a
7 special use permit for signage. It's
8 located in an IB Zone. Grace Ruseskas,
9 is it?

10 MS. RUSESKAS: Ruseskas.

11 CHAIRMAN EWASUTYN: Of GNS Group
12 will be presenting the project.

13 MS. RUSESKAS: I wasn't certain if
14 everyone still had their copy.

15 CHAIRMAN EWASUTYN: You can pass
16 around extras.

17 MS. RUSESKAS: When we were here
18 the last time, we received approval for
19 the wall signage. We're looking forward
20 to getting that up.

21 Now we need to ask you, please, for
22 a special use permit for our sign. It
23 does involve an electronic message
24 center.

25 Does anyone have any questions,

2 having reviewed what we had submitted?

3 CHAIRMAN EWASUTYN: Questions from
4 Board Members. Dave Dominick.

5 MR. DOMINICK: No. Nothing further.

6 MS. DeLUCA: Can you just describe
7 a little bit more -- review a little bit
8 more about what your message board is
9 supposed to present?

10 MS. RUSESKAS: Sure. Absolutely.
11 In addition to the steady and constant
12 logo for the property with the added
13 emphasis on car wash, they will be able
14 to provide static messages for specials
15 that they might be running as well as new
16 advancements in car wash technology that
17 they're going to offer. Things are
18 always changing. There's always a better
19 wash. We would also be able to display
20 things for the Town and the public if
21 there were alerts that needed to be
22 represented. That's always a feature of
23 these boards that are kind of welcome.

24 MR. SHEELEY: We do amber alerts.

25 CHAIRMAN EWASUTYN: Just for the

2 record, we know who you are, give your
3 name, please.

4 MR. SHEELEY: Glen Sheeley, the
5 applicant.

6 We do advertise free vacuums, we
7 advertise at the holidays certain same-
8 day wash specials where you would pay \$2
9 or \$5 for a wash. We'll run that special
10 as you can buy the membership for the
11 same price of the wash or that \$2 or \$5
12 special we're promoting at the time. We
13 have about thirty of them now. There's
14 always a static message. One thing is
15 it's not flashing all day long or
16 anything of that nature, or any movies on
17 it.

18 MS. DeLUCA: Thank you.

19 CHAIRMAN EWASUTYN: Ken Mennerich.

20 MR. MENNERICH: I have no questions.

21 CHAIRMAN EWASUTYN: No comment.

22 MS. CARVER: No questions.

23 MR. WARD: Where do you have one
24 locally?

25 MR. SHEELEY: The quickest one to

2 get to would be Montgomery, New York.
3 Even though it says Wash Co on it,
4 they're changing the name to Splash.

5 MR. WARD: I do like the sign. I
6 saw it. That's why I'm saying.

7 MR. SHEELEY: There's nothing
8 flashing on it. A standard message.

9 MR. WARD: Very good. Thank you.

10 CHAIRMAN EWASUTYN: Jim Campbell,
11 Code Compliance.

12 MR. CAMPBELL: Just a comment. If
13 the special use permit is issued,
14 sections of the Town of Newburgh
15 Municipal Code 185-14 P(2) and (3) will
16 need to be documented during the permit
17 process. The owner's manual should be
18 submitted as per those sections.

19 CHAIRMAN EWASUTYN: Pat Hines with
20 MH&E.

21 MR. HINES: The project is before
22 you for architectural review and a
23 special use permit.

24 It's going to need County Planning
25 as a special use permit.

2 There's also a required public
3 hearing because of the New York State
4 Town Law regarding special use permits.

5 We're suggesting that it could be
6 circulated to the County now.

7 At work session we discussed
8 possibly setting that public hearing in
9 advance as well.

10 CHAIRMAN EWASUTYN: Dominic Cordisco,
11 Planning Board Attorney.

12 MR. CORDISCO: That's correct. The
13 Board could refer this matter to the
14 County Planning Department now for the
15 mandatory referral. You could also
16 consider scheduling this for what I would
17 recommend would be your second meeting in
18 September, which would be September 18th.
19 That would provide the mandatory thirty
20 days for the County to respond to the
21 application. There would not necessarily
22 be a need to keep that public hearing
23 open or continued to a later date.

24 CHAIRMAN EWASUTYN: Would someone
25 make a motion to circulate ADS Properties

2 - Car Wash to the Orange County Planning
3 Department and to schedule a public
4 hearing for, which day?

5 MR. HINES: The 18th. I will
6 include both the public hearing notice
7 and the adjoiners' notice for the mailing
8 at the same time.

9 CHAIRMAN EWASUTYN: Thank you.
10 Would someone move for that motion.

11 MR. DOMINICK: I'll make the motion.

12 MR. WARD: Second.

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

17 MR. WARD: Aye.

18 MS. CARVER: Aye.

19 CHAIRMAN EWASUTYN: Aye.

20 MR. MENNERICH: Aye.

21 MS. DeLUCA: Aye.

22 MR. DOMINICK: Aye.

23 CHAIRMAN EWASUTYN: Thank you.

24 Motion carried.

25 MR. SHEELEY: Thank you very much.

2 (Time noted: 8:05 p.m.)

3

4 C E R T I F I C A T I O N

5

6 I, MICHELLE CONERO, a Notary Public
7 for and within the State of New York, do
8 hereby certify:

9 That hereinbefore set forth is a true
10 record of the proceedings.

11 I further certify that I am not
12 related to any of the parties to this
13 proceeding by blood or by marriage and that
14 I am in no way interested in the outcome of
15 this matter.

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 12th day of August 2025.

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21

Michelle Conero

22

MICHELLE CONERO

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

- - - - - X
In the Matter of

HAPPY TREE RETAIL CANNABIS DISPENSARY
(2025-05)

99 Route 17K
Section 95; Block 1; Lot 33
IB Zone

- - - - - X

SPECIAL USE PERMIT - AMENDED SITE PLAN

Date: August 7, 2025
Time: 8:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN MOSS

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: Our eighth item
3 of business this evening is Happy Tree
4 Retail Cannabis Dispensary, project
5 number 25-05. It's a special use permit
6 and amended site plan. It's located on
7 Route 17K in an IB zone. It's being
8 represented by --

9 MR. MOSS: John Moss from Moss
10 Architects.

11 I was looking for the lineal
12 frontage of the space. We have the
13 linear frontage here. That's one of the
14 questions. 75 is feet allowed. We have
15 -- I mean, it's 60 feet times -- we have
16 a total frontage of 60 feet. We're
17 allowed 75.

18 We have two signs proposed. They're
19 basically replacing the existing signs.
20 The total square footage is basically 42
21 square feet. We're under the requirements.

22 I'm not sure what other questions
23 are still open.

24 CHAIRMAN EWASUTYN: Jim Campbell,
25 Code Compliance.

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MR. CAMPBELL: The lineal footage that you're giving is for your space --

MR. MOSS: Just our space. 60 foot frontage right here. Let's call it 60 feet. That's the frontage that we're using. We're well under the area we're allowed. We're just replacing the existing signs that are there with our new signage.

MR. CAMPBELL: Allowable would be the 75 square feet that he mentioned.

Your two existing signs are what?

MR. MOSS: One is 8 by 2.4 and one is 10 by 2.4.

MR. CAMPBELL: What's your total?

MR. MOSS: The total is 42 square feet.

CHAIRMAN EWASUTYN: Is it in compliance?

MR. CAMPBELL: Based on those numbers, they're in compliance.

They still need ARB.

CHAIRMAN EWASUTYN: Pat Hines with MH&E, have we heard back from the Orange

County Planning Department?

MR. HINES: Yes. The Orange County Planning Department issued a Local determination based on our referral.

This is a special use under the Town's Cannabis Ordinance.

We submitted a courtesy letter to the DOT back on July 7th. We have not received any response. I really didn't anticipate any.

The area variances were granted by the ZBA in May of 2025.

The project requires a public hearing under your Cannabis Use Ordinance. It would be appropriate to schedule that now.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: At this point it would be appropriate for the Board to schedule the public hearing.

CHAIRMAN EWASUTYN: Thank you. Can I have a motion to schedule September 4th for a public hearing for Happy Tree

2 Retail Cannabis Dispensary, a special use
3 permit and amended site plan.

4 MS. DeLUCA: So moved.

5 MR. MENNERICH: Second.

6 CHAIRMAN EWASUTYN: I have a motion
7 by Stephanie DeLuca. I have a second by
8 Ken Mennerich. Can I have a roll call
9 vote starting with Dave Dominick.

10 MR. DOMINICK: Aye.

11 MS. DeLUCA: Aye.

12 MR. MENNERICH: Aye.

13 CHAIRMAN EWASUTYN: Aye.

14 MS. CARVER: Aye.

15 MR. WARD: Aye.

16 CHAIRMAN EWASUTYN: You'll work
17 with Pat Hines as far as sending out the
18 notice for the public hearing.

19 MR. MOSS: I certainly will.

20 CHAIRMAN EWASUTYN: Any questions
21 or comments on that?

22 MR. MOSS: No.

23 CHAIRMAN EWASUTYN: Thank you.

24

25 (Time noted: 8:10 p.m.)

C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding 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 12th day of August 2025.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

ATHBOY ROAD
(2024-36)

Athboy Road
Section 8; Block 1; Lot 105
AR Zone

- - - - - X

PUBLIC HEARING - FOUR-LOT SUBDIVISION

Date: August 7, 2025
Time: 8:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER TERRIZZI

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The ninth item
3 of business is Athboy Road, project
4 number 24-36. It's a public hearing on a
5 four-lot subdivision located on Athboy
6 Road in an AR Zone. It's being
7 represented by Chris Terrizzi.

8 Ken Mennerich will read the notice
9 of hearing.

10 MR. MENNERICH: "Notice of hearing,
11 Town of Newburgh Planning Board. Please
12 take notice that the Planning Board of
13 the Town of Newburgh, Orange County,
14 New York will hold a public hearing
15 pursuant to Section 274-A of the New
16 York State Town Law and Chapter 163-8J
17 of the Town of Newburgh Code on the
18 application of Athboy Road Four-Lot
19 Subdivision, project 2024-36. The
20 project proposes a four-lot subdivision
21 on an existing 19.1 plus or minus acre
22 parcel of property located at the end
23 of Athboy Road. Each of the lots will
24 be 2 plus or minus acres with the
25 balance parcel lot of 10.45 acres.

2 The proposed lots will be served by
3 onsite wells and onsite subsurface
4 sanitary sewer disposal systems. Two
5 common driveways are proposed to
6 serve the four lots. The project has
7 received a no adverse impact determination
8 from New York State OPRHP. The project
9 is proposing timeframe restrictions
10 for mitigation of impacts to potential
11 Bald Eagle habitat. The project is
12 located in the Town's AR Zoning District.
13 The project is known on the Town Tax
14 Maps as Section 8; Block 1; Lot 105.
15 A public hearing will be held on the
16 7th day of August 2025 at the Town
17 Hall Meeting Room, 1496 Route 300,
18 Newburgh, New York at 7 p.m. or as
19 soon thereafter, at which time all
20 interested persons will be given an
21 opportunity to be heard. By order of
22 the Town of Newburgh Planning Board.
23 John P. Ewasutyn, Chairman, Planning
24 Board Town of Newburgh."

25 I'd like to touch on the public

2 hearing process and explain how the
3 Planning Board manages a public
4 hearing so we have an orderly and
5 productive hearing. The project
6 applicant or its representative for
7 the project will give an overview of
8 the project. The Planning Board's
9 Chairman will then open the hearing
10 for questions or comments on the
11 project. At this point you can raise
12 your hand and be recognized by the
13 Chairman. Please give just your
14 first name before asking a question
15 or commenting. The applicant or the
16 Planning Board technical representatives
17 may respond to your questions. Once
18 you have finished, you need to wait
19 until all persons that want to speak
20 have had a chance. Once everyone has
21 had the opportunity to speak, the
22 Chairman will recognize people that
23 want to speak again. The Planning
24 Board welcomes your comments and
25 input on the issues pertaining to the

2 projects. Thank you.

3 CHAIRMAN EWASUTYN: Chris.

4 MR. TERRIZZI: Thank you. I'm
5 Chris Terrizzi representing the owner of
6 the subject lot.

7 It's a four-lot subdivision of the
8 19-acre parcel at the end of Athboy Road.
9 We're proposing single-family homes, four
10 of them, served by two common driveways
11 with onsite wells and septic systems.

12 We've addressed comments from the
13 DEC about the Bald Eagles.

14 We've addressed comments from the
15 Historic Preservation Society due to the
16 proximity to the Gomez House.

17 That's the gist of it.

18 CHAIRMAN EWASUTYN: Thank you.

19 Questions or comments from the
20 public.

21 MARK: My name is Mark. When the
22 project is completed will the builder or
23 the Town take over the road? The road is
24 totally messed up.

25 CHAIRMAN EWASUTYN: Pat Hines.

2 MR. HINES: No. It's a private
3 roadway subject to a private road access
4 and maintenance agreement. The Town has
5 no authority or jurisdiction over that
6 roadway.

7 MARK: I just wanted to ask the
8 question. Someone told me currently we
9 have three homes. I don't know if it's
10 true or not. Once it's more than three,
11 the Town takes it over.

12 MR. HINES: That's not the case.

13 MARK: Thank you.

14 MR. HINES: The Town of Newburgh
15 has no limit on the number of lots on a
16 private road. Some municipalities do
17 have that.

18 MARK: Thank you.

19 CHAIRMAN EWASUTYN: Ma'am.

20 ERIN: My name is Erin. What you
21 were saying with regard to the road,
22 Athboy was there before Rathmore was even
23 put in. Athboy had been one straight
24 road. There are four houses on Athboy
25 already. There's the one on the part

2 that is considered a Town road now. We
3 never understood why only half of the
4 road was made Town and the other half was
5 not.

6 My question is, when and if it does
7 get turned over to the Town or -- that
8 was one of the things we were told, that
9 it was going to get turned over to the
10 Town and widened the same as the rest of
11 Athboy. Is there going to be blasting
12 done? How is it going to get widened?

13 Smitty that had owned the property
14 before this company bought it had started
15 putting blast holes in the rock on the
16 front part of my area. My neighbor saw
17 it and called up. This is before he had
18 done any permits or anything else like
19 that. He was, in order to widen the
20 road, going to blast. She wound up
21 calling the Town and getting it stopped.

22 Those are my concerns because we
23 all have wells. Is there going to be any
24 blasting being done? The impact of these
25 four other houses and us having wells,

2 how is that going to impact our wells?
3 Is it going to -- is there a study or
4 anything else being done with regard to
5 -- is it going to limit our water? Is it
6 going to take over the veins that they go
7 in? When they drill down for the well
8 and everything, you have to hit a vein.
9 With these other four houses, is that
10 going to impact the veins that are now
11 supplying our homes?

12 CHAIRMAN EWASUTYN: There are two
13 questions being posed. The first one is
14 drilling. Will there be any drilling or
15 blasting?

16 MR. TERRIZZI: No, there won't be
17 any drilling or blasting.

18 As Pat mentioned, there are no
19 plans for the Town to take over the road.
20 There are no plans to widen it.

21 UNIDENTIFIED SPEAKER: Who is going
22 to widen the road? It looks like a blown
23 up runway.

24 MR. TERRIZZI: If I'm not mistaken,
25 I believe the road has a current

2 maintenance agreement.

3 UNIDENTIFIED SPEAKER: There is no
4 maintenance agreement whatsoever.

5 ERIN: It had a maintenance
6 agreement with the lady in one of the
7 other houses. She has subsequently moved
8 and Smitty just left it. My son has
9 gotten injured on that road. I have
10 gotten injured on that road. They won't
11 put -- the mail won't come up the road
12 because of all the potholes in it.

13 UNIDENTIFIED SPEAKER: The road has
14 to be repaired and widened because nobody
15 is going to buy a house there with the
16 road the way it is.

17 CHAIRMAN EWASUTYN: I think Pat
18 Hines explained to you that right now
19 it's a private road and that the Town has
20 no authority.

21 ERIN: How do you have a road that
22 was private from Old Post Road all the
23 way down to the cul-de-sac determined
24 that only half of it -- all of a sudden
25 now half of it, because Smitty wanted to

2 put Rathmore in, is turned Town and the
3 rest of us get screwed over? How do you
4 determine that half of our road remains
5 private and the other half doesn't?

6 CHAIRMAN EWASUTYN: Dominic Cordisco,
7 Planning Board Attorney.

8 MR. CORDISCO: This Board is the
9 Planning Board. It only has oversight
10 over additional subdivisions of property.
11 It doesn't control what is or what is not
12 a Town road. Roads become Town roads
13 when the Town Board accepts them as Town
14 roads when they meet certain specifications.

15 UNIDENTIFIED SPEAKER: What are
16 those specifications?

17 MR. CORDISCO: They're set forth in
18 the Town Code. Roads that are typically
19 private roads that are being offered to
20 become a public road have to be widened
21 and improved to a point where the Town
22 would accept them.

23 UNIDENTIFIED SPEAKER: To widen the
24 road --

25 MR. CORDISCO: If you'd let me

2 speak, I'm sure the Board will let you
3 speak in response. The point is that I
4 understand your comments, but whether or
5 not this road is a Town road or a private
6 road, it's shown on the plans as a
7 private road. It's not, to our
8 knowledge, a public road, nor is it
9 within this Board's ability to require it
10 to be a Town road.

11 CHAIRMAN EWASUTYN: The second
12 question, Dominic, was water and wells.

13 ERIN: Correct.

14 CHAIRMAN EWASUTYN: I'm covering
15 both parts of your comments. Now I'm
16 referring again to Dominic Cordisco,
17 Planning Board Attorney, to comment on
18 wells and drilling.

19 Dominic.

20 MR. CORDISCO: As the applicant's
21 representative mentioned, there's no
22 blasting that's being proposed.

23 MR. TERRIZZI: Correct.

24 MR. CORDISCO: As a result, any
25 individual wells that are required out

2 here have to meet the Department of
3 Health requirements as far as spacing is
4 concerned from existing wells as well as
5 existing septic systems.

6 MR. HINES: The underlying zoning
7 also takes into account that there are
8 wells and septics here. That's why the
9 smallest lot is 2 acres. There are
10 basically two 2-acre lots, one 4.5 acre,
11 and the other one is 10 acres. That's
12 why the lot size is calculated in the
13 zoning ordinance, to take into
14 consideration the fact that they have
15 wells and septics that will meet those
16 separation distances.

17 MAUREEN: My name is Maureen. One
18 of the reasons our two neighborhoods --
19 I'm on Rathmore on the other cul-de-sac.
20 One of the reasons we have such a concern
21 about the wells is because of what
22 recently happened on Old Post Road where
23 Town water had to be put in because of
24 what I understand to be the aqueduct
25 repair. I'm not really sure that that's

2 an accurate description.

3 MR. HINES: That is accurate.

4 MAUREEN: We live -- we pretty much
5 are right up against that. We're where
6 that ended. We've been kind of concerned
7 about our wells anyway. To put in a
8 new development has many of our
9 smaller neighborhoods concerned since
10 it's right after where the Town
11 stopped putting in the Town water
12 because of that concern. We have yet
13 to see how that's going to play out.
14 That was my concern, as well about
15 the well placement.

16 I also don't understand -- I
17 understand the separation of the lots.
18 I don't know where. I know what the
19 space of it is. What's the other 10
20 acres? Where in the overall big
21 picture is the other 10 acres that's
22 not being used?

23 MR. TERRIZZI: The other 10 acres
24 are on, I guess what would be the
25 southeast portion.

2 MR. HINES: Where the power lines
3 are.

4 MR. TERRIZZI: As you hit the end
5 of the cul-de-sac, basically you would be
6 looking forward to the left.

7 MAUREEN: Okay. We have the other
8 10 acres that butts up against that.

9 CHAIRMAN EWASUTYN: We have no
10 authority over drilling of wells.

11 MR. CORDISCO: That's correct.

12 CHAIRMAN EWASUTYN: This gentleman.

13 JAMES: My name is James. This is
14 my wife Maureen. We own two pieces of
15 property up on Rathmore. One of them has
16 a house on it, the other one is vacant.
17 We purchased that in 2015. I think it's
18 about 1,100 feet of our 10.4 acres
19 adjoins that property.

20 I want to know where the houses are
21 going? How far are they going to be away
22 from the property line? Are you going to
23 be marking out the property line so we
24 don't have encroachment on my property?

25 MR. HINES: It would be helpful if

2 you go up and take a look. They're well
3 away. You have 950 feet.

4 MR. TERRIZZI: Your lot is here I
5 assume.

6 JAMES: Yes.

7 (Whereupon, an inaudible discussion
8 was held between the applicant's
9 representative and the public while
10 looking at the plans displayed.)

11 JAMES: Will somebody else
12 eventually subdivide that?

13 MR. TERRIZZI: At this point
14 there's no plan for further subdivision.

15 JAMES: Who is going to own that?

16 MR. TERRIZZI: That would be part
17 of this.

18 JAMES: That lot is going to be
19 10.54 acres?

20 MR. TERRIZZI: Correct.

21 JAMES: I read it different. I
22 thought all four lots were going to be --

23 MR. TERRIZZI: This one is 4, 2, 2,
24 10.

25 ERIN: How are they going to put

2 that? Are they going to be blasting?

3 UNIDENTIFIED SPEAKER: Are they
4 going to be slabs?

5 MR. TERRIZZI: I'm not sure. At
6 this point I'm not sure.

7 ERIN: With our house, we had to
8 bring dirt in to avoid blasting. All of
9 us have had to have blasting or brought
10 -- this is one of our concerns.

11 UNIDENTIFIED SPEAKER: Do you know
12 the square footage of these homes?

13 MR. TERRIZZI: No.

14 UNIDENTIFIED SPEAKER: I was told
15 4,000 square feet.

16 MR. TERRIZZI: I do know we've done
17 all the septic tests there. We were able
18 to get four foot of dirt. No bedrock.
19 That's a good sign as far as your
20 concerns go.

21 JAMES: We were under the
22 impression with the letter that it was
23 stating there was going to be an extra 10
24 acres without being built on. That's
25 what the letter sounded like. Now it's

2 looking like one of the pieces is 10.54
3 acres. Am I right? Did the letter kind
4 of sound like it was --

5 MR. HINES: That certainly wasn't
6 the intent of the letter. I think I
7 described the sizes of the lots in the
8 letter.

9 JAMES: The remaining 10 acres.

10 MR. HINES: They called it a residual.
11 It's a building lot. Lots greater than
12 5 acres aren't considered really subdivisions.
13 The intent was to say it's larger than that.
14 It is a building lot.

15 MAUREEN: There are four?

16 MR. HINES: Four.

17 JAMES: Are we allowed to take a
18 picture of that?

19 MR. TERRIZZI: Sure.

20 MR. HINES: It's also online on the
21 Town's website under meetings. Everything
22 for the meeting is posted online.

23 ERIN: This piece right here is
24 supposed to continue to the --

25 MR. TERRIZZI: That will continue

2 to be the existing, I believe there's a
3 pond there or some sort of stormwater
4 feature there.

5 ERIN: That's going to be there?
6 It's not going to --

7 MR. TERRIZZI: That will remain
8 undisturbed, yes.

9 MR. HINES: It's part of lot 1
10 which makes lot 1 the 4 acres. It is
11 part of the original subdivision
12 stormwater management facility. Lot 1
13 has strange geometry because of that.

14 ERIN: They have here and a
15 separated piece over here?

16 MR. HINES: It's not separated.

17 MR. TERRIZZI: It's all one
18 continuous --

19 ERIN: You do have the other house
20 over here.

21 MR. HINES: That other house is
22 shown.

23 CHAIRMAN EWASUTYN: Additional
24 questions or comments from the public?

25 MARK: Do you have any plans for

2 when you're going to start building from
3 the cul-de-sac for the Town road to
4 repave it?

5 MR. TERRIZZI: I'm just the
6 engineer. I don't know what the
7 builder's plans are.

8 MARK: Can you relay that question
9 to him?

10 MR. TERRIZZI: I will.

11 As far as when, I assume upon
12 approval he'll probably want to start.

13 CHAIRMAN EWASUTYN: Just for the
14 record, I've driven that road and I've
15 driven the secondary road that goes
16 further back. I do agree with you that
17 the conditions are poor.

18 MARK: When I built my home in
19 2018, I was told from the people I bought
20 it off of that he was in charge of that
21 road. Is he in charge of the road or are
22 we all in charge of that road?

23 CHAIRMAN EWASUTYN: Pat Hines,
24 Dominic Cordisco.

25 MR. HINES: I have no information

2 on the existing private road access and
3 maintenance agreement. These new lots
4 will have to have an access and
5 maintenance agreement. They're sharing
6 driveways. There's two new driveways out
7 to Athboy Road. They'll be subject to an
8 access and maintenance agreement. I
9 believe that Athboy Road isn't that old
10 where it should have a filed access and
11 maintenance agreement.

12 MARK: I've been there since 2018.

13 MR. HINES: It was before that.
14 Athboy was done in the '90s.

15 ERIN: I moved in in '99. Smitty
16 owned it. Smitty --

17 MR. HINES: Mike & Mary's.

18 ERIN: -- sold it.

19 MR. HINES: In order for that
20 original subdivision to be built, I'm
21 pretty convinced that there's an access
22 and maintenance agreement. There should
23 have been. It was a 1992 subdivision.
24 Typically it would have been required at
25 that time. It predates me here, though,

2 by a couple years.

3 MAUREEN: Your house was the spec
4 house.

5 MARK: Yes.

6 MS. DeLUCA: Where would they
7 access that information? Who do they go
8 to to find that out?

9 MR. HINES: The county clerk's
10 office would have that.

11 MR. CORDISCO: Or they would have
12 it as part of the title policy. If you
13 purchased within the last ten years or
14 so, your file that you got when you
15 purchased the property should include a
16 title report which would include the road
17 maintenance agreement. It's possible
18 that there's a road maintenance agreement
19 that no one is abiding by. It's a private
20 agreement between the landowners.

21 MARK: Basically at the end of the
22 day we all have to come to some type of
23 agreement as far as like the maintenance
24 agreement?

25 MR. HINES: That would be the best

2 way if one doesn't exist.

3 MS. CARVER: Or try to find the
4 original one.

5 MR. CORDISCO: Right. There may be
6 an existing agreement.

7 MARK: I closed and I don't
8 remember seeing that, what you just
9 mentioned. I was just told the previous
10 owners owned the property and they
11 maintain it, they do the snow removal and
12 everything.

13 MR. CORDISCO: You have access out
14 to Athboy Road and you drive on Athboy
15 Road. Right?

16 MARK: Yeah.

17 ERIN: We live on Athboy Road.

18 MR. CORDISCO: You live on Athboy
19 Road. Right.

20 CHAIRMAN EWASUTYN: How do you
21 manage snow removal now? Who pays for
22 that?

23 UNIDENTIFIED SPEAKER: We all chip
24 in. Either I snow blow or the other
25 neighbor hires a guy that comes in and

2 plows it for us. We all chip in.
3 Sometimes we throw gravel in the potholes
4 to try to smooth it out temporarily so we
5 don't wreck our suspensions. It's an
6 ongoing problem. The postal service
7 stopped delivering to our mailbox and we
8 had to move it down the road to the
9 intersection.

10 JAMES: The road is so bad that the
11 postman don't go down there. They had to
12 move the mailboxes up. I don't even walk
13 my dog down there because the craters in
14 the road are big and pretty deep. They
15 fill up with water. I can see with
16 construction vehicles going in there and
17 bringing machines and lumber and
18 materials, it's going to be bad.

19 MR. HINES: It may be a marketing
20 issue for his client. They may have to
21 do something.

22 ERIN: When would we be able to get
23 an answer as far as this road? Will
24 there be another meeting?

25 CHAIRMAN EWASUTYN: There won't be

2 another meeting.

3 MR. CORDISCO: As I said earlier,
4 your private road rights and obligations
5 regarding the private road is not
6 something that this Board has any
7 jurisdiction over. They can't require
8 this road to be maintained or fixed. In
9 all likelihood, in all likelihood there
10 is a road maintenance agreement that was
11 required for this subdivision that no one
12 seems to be aware of. It was probably
13 recorded in your chain of title. It
14 applies to everyone that has access, I
15 would guess, onto Athboy Road.

16 I would suggest that you speak to
17 the attorney that helped you perhaps when
18 you purchased the property. If you can,
19 get a copy of it, see what it says and
20 see whose responsibility it is to fix the
21 potholes. It might be everyone that has
22 property that accesses Athboy Road has
23 the obligation to chip in to help
24 maintain it. That's what it means to
25 live, quite honestly, on a private road.

2 It's that everybody that typically has
3 access to it has the right to access
4 it, but also has the obligation to
5 maintain it. It's not this Board's
6 responsibility.

7 ERIN: Can I ask you one question?
8 Does the owner own the rest of that
9 road? Are they the ones now that own
10 that as part of the property that they
11 own?

12 MR. CORDISCO: They own the
13 property that's shown on that plan and
14 they have the right to access Athboy
15 Road.

16 ERIN: Smitty sold it to his
17 client, so his client is the one who --

18 MR. CORDISCO: Right. If there is
19 an existing road maintenance agreement,
20 they share in that responsibility, but it
21 would be a percentage share rather than
22 an absolute responsibility on their part
23 to maintain the entire stretch of the
24 road. I'm guessing. I'm speculating on
25 matters that are not really before the

2 Board.

3 MR. HINES: It's often difficult to
4 get a mortgage without a private road
5 access and maintenance agreement. Banks
6 don't typically loan money on property
7 that doesn't have those.

8 ERIN: I've owned it since '99.
9 There was a maintenance agreement back
10 then.

11 CHAIRMAN EWASUTYN: Do you have
12 something that you want to say?

13 MR. MILLEN: Yes, I do.
14 My comment would be --

15 CHAIRMAN EWASUTYN: For the record,
16 your first name?

17 MR. MILLEN: My name is Jonathan
18 Millen. I'm a licensed land surveyor.

19 I'm familiar with private road
20 maintenance agreements and how they work.
21 When you create a subdivision, if there's
22 a road that everybody is accessing and
23 it's not a Town road, then there has to
24 be a private road agreement.

25 I would think it would be to all of

2 your advantage that this gets approved
3 and people move in there, then you have
4 to all get together and say okay,
5 everybody is using this road, let's
6 figure out how we're going to absorb the
7 expense of maintaining it, whereas now
8 are all three of you accessing that road?

9 JAMES: Not us. We're up one.

10 ERIN: Our road was the first road
11 built before Rathmore was ever put in.
12 When they put in Rathmore, they dedicated
13 that beginning part of --

14 MAUREEN: Actually, what happened
15 with Rathmore -- when he built Rathmore,
16 I guess he, in hindsight, realized I
17 better make this road so I can get it
18 dedicated. Our road was wider. Our road
19 was bigger. Our road had curbs. After
20 three homes, our road did get dedicated.
21 I think that's what happened.

22 ERIN: The thing is Athboy, at what
23 point do they --

24 MAUREEN: Athboy, absolutely. It
25 was a handshake agreement with the

2 original property owner who had plans of
3 his own to, at some point, build on the
4 land and didn't. He sold it off and the
5 homeowners changed and everything just
6 kind of poof.

7 CHAIRMAN EWASUTYN: What's unusual
8 about that private road is it has -- it's
9 still mostly in good condition -- asphalt
10 curbing. Asphalt curbing, that was
11 really a Highway Department decision as
12 to whether they would accept it or not.

13 What's remarkable about it is,
14 although it doesn't meet the standard as
15 far as height, it's still in relatively
16 good condition all these years.

17 As you know, Mike Smith, when you
18 say Smitty, Mike Smith was the owner of
19 the property. Mike Smith owned Mary's
20 Bar on Route 9W, may his soul rest in
21 peace. Mike Smith lived on Old Post Road
22 in the brick house shortly thereafter.

23 I think right now as we dedicated
24 the time to listen to you, but as Pat
25 Hines said, and more importantly Dominic

2 Cordisco, Planning Board Attorney, it's
3 not under our purview because it's a
4 public matter because it's a private
5 road. It's not a Town road. I think
6 Dominic advised you to do a title search
7 or look into the title search as to what
8 may be existing.

9 It's too far back, but I do
10 believe, and it's not under their
11 responsibility anymore, the attorneys
12 that represented Mike Smith are local
13 attorneys that are on Route 9W in
14 Marlboro. I do believe that one of those
15 attorneys was Mike Smith's attorney.

16 MAUREEN: I think it was Martuscello.

17 CHAIRMAN EWASUTYN: Thank you.
18 We're all on the same page. There is
19 history with them, this project.

20 At this point are there any further
21 questions from the public?

22 JAMES: I would like if you could
23 relay the message about marking out the
24 property. Last time I was here a couple
25 years ago, somebody else was doing

2 logging. They got the approval from you
3 guys to do the logging. He agreed to
4 mark out the property and he didn't. I
5 had to keep calling him and calling him
6 and actually go, while they were cutting
7 the trees down, and tell him you didn't
8 mark out the property like you said at
9 the Town meeting. You know, it just
10 snowballed. He was getting ready to
11 start taking trees that were on my
12 property.

13 CHAIRMAN EWASUTYN: Understood.

14 JAMES: Please mark out the
15 property. We all live around there.
16 Thank you.

17 CHAIRMAN EWASUTYN: Comments from
18 Board Members. John Ward.

19 MR. WARD: I want to say thank you
20 for your input. Everybody got an
21 education.

22 Basically with Jonathan in the
23 back, that was good advice. Thank you
24 very much.

25 MS. CARVER: Thank you for your

2 comments. I would hope that you can find
3 the agreement. I think it's worth
4 looking for.

5 CHAIRMAN EWASUTYN: No comments.

6 MR. MENNERICH: No comments.

7 MS. DeLUCA: No comment.

8 MR. DOMINICK: Thank you for your
9 comments. Best of luck with your
10 situation that you have there.

11 Our applicant did take notes about
12 marking out the property. He'll relay
13 that.

14 Thank you.

15 CHAIRMAN EWASUTYN: Jim Campbell,
16 Code Compliance.

17 MR. CAMPBELL: I have nothing
18 additional.

19 CHAIRMAN EWASUTYN: Pat Hines with
20 MH&E.

21 MR. HINES: My office coordinated
22 submission of a letter and a copy of the
23 plans to the Town of Marlborough Town
24 Clerk, Planning Board and Town Board.
25 The Planning Board received a letter back

2 on the 16th of July stating the Town had
3 no issues regarding this project.

4 It was noted a no adverse impact
5 letter was received from the Office of
6 Parks, Recreation & Historic Preservation.
7 based on the circulation we did due t
8 the project's proximity to the Gomez
9 Mill House. The applicant submitted
10 photographs and line-of-sight drawings
11 to them and they signed off on it.

12 DEC has issued a letter stating
13 that a permitted work window from
14 April 1st to November 30th would
15 mitigate any impacts to overwintering
16 Bald Eagles along the river.

17 A stormwater pollution prevention
18 plan has been prepared for the
19 residential project, less than 5 acres
20 disturbance.

21 Coverage under the DEC construction
22 stormwater permit will be required prior
23 to stamping of the plans.

24 A common driveway access and
25 maintenance agreement for the two shared

2 driveways serving the four lots will
3 be required.

4 We circulated to County Planning
5 and received back a Local determination
6 which identified coordination with the
7 Town of Marlborough and DEC, which
8 the Board had previously complied
9 with.

10 This Board has not issued a SEQRA
11 review yet.

12 Based on the long form EAF and the
13 coordination and information received
14 from the other outside agencies, we would
15 be in a position to recommend a negative
16 declaration for this unlisted action.

17 CHAIRMAN EWASUTYN: Dominic Cordisco,
18 Planning Board Attorney.

19 MR. CORDISCO: I concur.

20 CHAIRMAN EWASUTYN: At this point
21 I'll move for a motion to close the
22 public hearing on Athboy Road, project
23 number 24-36. It's a public hearing on a
24 four-lot subdivision. Would someone move
25 for that motion.

2 MR. MENNERICH: So moved.

3 MS. CARVER: Second.

4 CHAIRMAN EWASUTYN: I have a motion
5 by Ken Mennerich. I have a second by
6 Lisa Carver. Can I have a roll call vote
7 starting with John Ward.

8 MR. WARD: Aye.

9 MS. CARVER: Aye.

10 CHAIRMAN EWASUTYN: Aye.

11 MR. MENNERICH: Aye.

12 MS. DeLUCA: Aye.

13 MR. DOMINICK: Aye.

14 CHAIRMAN EWASUTYN: Having heard
15 the conditions of approval for a negative
16 declaration, or being advised for a
17 negative declaration by Pat Hines with
18 MH&E, would someone move for that motion,
19 to declare a negative declaration.

20 MR. WARD: So moved.

21 MS. DeLUCA: Second.

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

2 MR. DOMINICK: Aye.

3 MS. DeLUCA: Aye.

4 MR. MENNERICH: Aye.

5 CHAIRMAN EWASUTYN: Aye.

6 MS. CARVER: Aye.

7 MR. WARD: Aye.

8 CHAIRMAN EWASUTYN: Dominic Cordisco,
9 Planning Board Attorney, conditions of
10 approval for the Athboy Road Four-Lot
11 Subdivision.

12 MR. CORDISCO: Yes. Recommended
13 conditions include addressing any
14 outstanding engineering comments or any
15 of those that may be forthcoming,
16 providing the draft of the common access
17 driveway maintenance agreement for review
18 and approval, which also needs to be
19 recorded in the county clerk's office
20 prior to -- simultaneously with the
21 filing of the subdivision plat.

22 In terms of construction, there
23 will be a tree removal restriction for
24 the timing in order to protect the
25 endangered species. There will also be

2 coverage under the DEC stormwater general
3 permit, and also payment of rec fees.
4 That would be three new lots, and that's
5 currently at \$2,000 per lot. That would
6 be a total of \$6,000 in recreation fees
7 due to the Town.

8 CHAIRMAN EWASUTYN: Questions or
9 comments from Planning Board Members?

10 (No response.)

11 CHAIRMAN EWASUTYN: Would someone
12 move for a motion to grant final approval
13 subject to the conditions stated by
14 Planning Board Attorney Dominic Cordisco
15 for the Athboy subdivision.

16 MR. WARD: So moved.

17 MR. MENNERICH: Second.

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

22 MR. DOMINICK: Aye.

23 MS. DeLUCA: Aye.

24 MR. MENNERICH: Aye.

25 CHAIRMAN EWASUTYN: Aye.

2 MS. CARVER: Aye.

3 MR. WARD: Aye.

4 MR. HINES: I will note Mr. Millen
5 who gave that sound surveying advice is
6 the surveyor on this project.

7 (Time noted: 8:45 p.m.)

8

9 C E R T I F I C A T I O N

10

11 I, MICHELLE CONERO, a Notary Public
12 for and within the State of New York, do
13 hereby certify:

14 That hereinbefore set forth is a true
15 record of the proceedings.

16 I further certify that I am not
17 related to any of the parties to this
18 proceeding by blood or by marriage and that
19 I am in no way interested in the outcome of
20 this matter.

21 IN WITNESS WHEREOF, I have hereunto
22 set my hand this 12th day of August 2025.

23

24

25

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

LANDS OF HUDSON MARINE CORP.
(2025-14)

342 Quaker Street
Section 3; Block 1; Lot 53.2
AR Zone

- - - - - X

PUBLIC HEARING - TWO-LOT SUBDIVISION

Date: August 7, 2025
Time: 8:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The tenth item
3 of business this evening is the Lands of
4 Hudson Marine Corp. It's a public
5 hearing on a two-lot subdivision located
6 on Quaker Street in an AR Zone. Jonathan
7 Millen is representing the project.

8 MR. MENNERICH: "Notice of hearing,
9 Town of Newburgh Planning Board. Please
10 take notice that the Planning Board of
11 the Town of Newburgh, Orange County,
12 New York will hold a public hearing
13 pursuant to Section 274-A of the New
14 York State Town Law and Chapter 163-8J
15 of the Town of Newburgh Code on the
16 application of Lands of Hudson Marine
17 Corporation, project 2025-14. The
18 project proposes a two-lot subdivision
19 of a 21 plus or minus acre parcel of
20 property. The project will subdivide
21 off the existing house and leave a
22 large balance parcel not for development
23 at this time. The project will access
24 Quaker Street by a 50-foot wide fee
25 ownership strip. New construction is

proposed. The existing house on proposed lot 1 is served by an onsite well and an onsite subsurface sanitary sewer disposal system. The project is located in the Town's AR Zoning District. The project is known on the Town's Tax Maps as Section 3; Block 1; Lot 53.2. The address for the project site is 342 Quaker Street. A public hearing will be held on the 7th day of August 2025 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. or as soon thereafter, at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 18 July 2025."

CHAIRMAN EWASUTYN: Jonathan.

MR. MILLEN: As Mr. Mennerich described, essentially it's an existing lot. The gentleman that owns it wants to

1
2 separate the lot that he's living in to
3 make a separate lot.

4 The remainder of this lot is not
5 designed at this point for any type of
6 development at all.

7 Originally Quaker Street was a
8 private road. Their deeds read geometry
9 that indicated that there was a portion
10 of the existing right-of-way for Quaker
11 Street that in fact needed to be
12 dedicated to the Town, which is typically
13 25 feet from the center line of the
14 existing pavement or existing road,
15 minimum, taken from the property existing
16 and dedicated to the Town.

17 Other than that, I think it's
18 pretty straightforward. No development
19 is planned. It's simply a separation of
20 this portion so that this gentleman can
21 have a lot to himself.

22 I don't know what they would ever
23 do in the future.

24 CHAIRMAN EWASUTYN: Questions or
25 comments from the public?

(No response.)

CHAIRMAN EWASUTYN: Let the record show that there was no public comment on the application before us.

Jim Campbell, Code Compliance.

MR. CAMPBELL: I have nothing additional.

CHAIRMAN EWASUTYN: Pat Hines with MH&E.

MR. HINES: As was mentioned, the project has a dedication strip along the frontage for highway purposes. Those documents must be submitted to Dominic for review.

You have not yet made a SEQRA determination.

There is no new construction proposed for this project. It's subdividing off an existing house.

We had previously commented on the access strip to the north, I believe. That was originally smaller. It's been made 50 feet to be more conducive for use of the 18 remaining acres in the rear.

2 That's been accomplished.

3 The 18 acres to the rear is not for
4 residential purposes at this time. There
5 are no approvals to construct on that.

6 There will be a recreation fee of
7 \$2,000 for the one additional lot.

8 We would recommend a negative
9 declaration for this Unlisted action.

10 CHAIRMAN EWASUTYN: Can I have a
11 motion to close the public hearing on the
12 two-lot subdivision for Lands of Hudson
13 Marine Corp.

14 MR. WARD: So moved.

15 MS. CARVER: Second.

16 CHAIRMAN EWASUTYN: I have a motion
17 by John Ward. I have a second by Lisa
18 Carver. Can I have a roll call vote
19 starting with Dave Dominick.

20 MR. DOMINICK: Aye.

21 MS. DeLUCA: Aye.

22 MR. MENNERICH: Aye.

23 CHAIRMAN EWASUTYN: Aye.

24 MS. CARVER: Aye.

25 MR. WARD: Aye.

2 CHAIRMAN EWASUTYN: Would someone
3 move for a motion to declare a negative
4 declaration on project number 25-14
5 subject to the recommendation by Pat
6 Hines with MH&E.

7 MR. MENNERICH: So moved.

8 MR. WARD: Second.

9 CHAIRMAN EWASUTYN: I have a motion
10 by Ken Mennerich and a second by John
11 Ward. Can I have a roll call vote
12 starting with Dave Dominick.

13 MR. DOMINICK: Aye.

14 MS. DeLUCA: Aye.

15 MR. MENNERICH: Aye.

16 CHAIRMAN EWASUTYN: Aye.

17 MS. CARVER: Aye.

18 MR. WARD: Aye.

19 CHAIRMAN EWASUTYN: At this point
20 we'll turn the meeting over to Dominic
21 Cordisco, Planning Board Attorney, to
22 give us conditions of approval and a
23 written resolution.

24 MR. DOMINICK: Thank you, Mr. Chairman.
25 As Pat had mentioned, there is a dedication

strip that is being offered to the Town.
Mr. Millen has prepared the metes and
bounds descriptions for those.

MR. MILLEN: I have them here if
you need them.

MR. CORDISCO: You had e-mailed
them, so I have them that way.

MR. MILLEN: Very good.

MR. CORDISCO: This will also need
an offer of dedication that will need to
be accepted by the Town Board. That
would be a condition of the approval.

MR. MILLEN: Understood.

MR. CORDISCO: Payment of a rec fee
in the amount of \$2,000 for the one new
lot that's being created as part of this.

I don't believe that there are any
other conditions.

MR. HINES: I have no conditions.

MR. CORDISCO: No construction is
being proposed.

CHAIRMAN EWASUTYN: Having heard
the conditions of approval presented by
Planning Board Attorney Dominic Cordisco

2 for Hudson Marine Corp, would someone
3 move for that motion.

4 MS. CARVER: So moved.

5 MR. WARD: Second.

6 CHAIRMAN EWASUTYN: I have a motion
7 to approve by Lisa Carver. I have a
8 second by John Ward. Can I have a roll
9 call vote starting with Dave Dominick.

10 MR. DOMINICK: Aye.

11 MS. DeLUCA: Aye.

12 MR. MENNERICH: Aye.

13 CHAIRMAN EWASUTYN: Aye.

14 MS. CARVER: Aye.

15 MR. WARD: Aye.

16 CHAIRMAN EWASUTYN: Thank you.

17 MR. MILLEN: Thank you very much.

18

19 (Time noted: 8:55 p.m.)

20

21

22

23

24

25

C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding 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 12th day of August 2025.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

ELEVATED DREAMS CANNABIS RETAIL DISPENSARY
(2025-13)

190 South Plank Road
Section 64; Block 2; Lot 16
R-1 Zone

- - - - - X

PUBLIC HEARING - AMENDED SITE PLAN &
SPECIAL USE PERMIT

Date: August 7, 2025
Time: 8:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: FLOYD JOHNSON

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The eleventh
3 item of business is Elevated Dreams
4 Cannabis Retail Dispensary. It's a
5 public hearing on an amended site plan
6 and special use permit. It's located on
7 190 South Plank Road in an R-1 Zone.
8 It's being represented by Floyd Johnson.

9 Ken Mennerich will read the notice
10 of hearing.

11 MR. MENNERICH: "Notice of hearing,
12 Town of Newburgh Planning Board. Please
13 take notice that the Planning Board of
14 the Town of Newburgh, Orange County,
15 New York will hold a public hearing
16 pursuant to Section 274-A of the New
17 York State Town Law and Chapter 185-48.9
18 of the Town of Newburgh Code on the
19 application of Elevated Dreams Cannabis
20 Retail Dispensary, project 2025-13.
21 The project proposes approval of a
22 retail cannabis dispensary as a
23 special use under the Town Code
24 Chapter 185-48.9. The project is
25 proposed to be a tenant occupancy

within an existing structure located at 190 South Plank Road. The project proposes to occupy the eastern most portion of the Algonquin Plaza site. The parcel is a 1.52 plus or minus acre parcel of property with access from South Plank Road/New York State Route 52 and Old South Plank Road, a Town roadway. The project is being reviewed under the Town's Zoning Code Chapter 185-48.9 as a retail cannabis dispensary. The project is known on Town Tax Maps as Section 64; Block 1; Lot 16. The site is located in the Town's B, Business, Zoning District. A public hearing will be held on the 7th day of August 2025 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. or as soon thereafter at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning

Board Town of Newburgh. Dated 18
July 2025."

CHAIRMAN EWASUTYN: Thank you.

MR. JOHNSON: Good evening.

Elevated Dreams is looking to rent store
number 10 on the east side of the
building.

They will supply a secure dumpster
which will be at the rear of the building
on the west side of the building.

We also are proposing three parking
spaces on the east front side of the
building and four on the west side of the
building for the required parking spaces.

CHAIRMAN EWASUTYN: Any questions
or comments from the public? The
gentleman in the back.

TIM: Mr. Chairman, thank you.
Fellow Members of the Planning Board and
to the Applicant, I speak tonight to
bring attention to the most recent
changes in measurement guidelines by the
Office of Cannabis Management which is
dated July 28th of this year. The

measurements that were once used have changed. They're no longer door-to-door measurements. The measurements are now from property line to property line as the crow flies. The amended guidelines require public youth facilities, schools and churches to be measured from property line to property line for compliance by OCM.

The public youth facility or the public library located at 181 South Plank Road is not 500 feet away from 190 South Plank Road, Unit 10.

I just wanted to make the Board aware of that, as well as the Applicant. The process for cannabis licensing is difficult and the rules as changed are very fluent.

I believe our attorney, Attorney Joseph Saffioti, sent a communication to the Planning Board on June 12, 2025 concerning the public youth facility's proximity to the proposed cannabis dispensary at 190 South Plank Road.

Thank you for allowing me to share this information. I do wish the Applicant the best of luck. Thank you to the Board Members.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: The question regarding the library had been previously raised and referred to Mark Taylor, the Town Attorney. The issue there in connection with the library is whether or not it's a facility that serves a primary purpose of providing facilities to youth that are seventeen years or younger as identified in the code. It was Mr. Taylor's opinion that there was not information provided that the primary purpose of that library was to provide services to seventeen years and younger residents and members of society, rather that the library itself is open to the general public rather than a facility that's primary purpose was serving adolescents.

As a result, Mr. Taylor's opinion was that the 500-foot restriction did not apply to this particular facility.

TIM: Mr. Chairman, again, and Attorney, thank you. I believe the attorney submitted the agenda for the last three or four months showing that predominantly most of the activity there is for children under the age of seventeen. I leave that to you. You're an attorney, I am not.

Thank you.

CHAIRMAN EWASUTYN: He supplied what information to what board?

TIM: I believe the attorney submitted the letters to you, Mr. Chairman, Patrick Hines and Dominic Cordisco.

CHAIRMAN EWASUTYN: I think, based upon that submission, it was then referred to Mark Taylor, the Town Attorney.

MR. CORDISCO: Correct.

CHAIRMAN EWASUTYN: Dominic Cordisco just got done referring that information. We received an interpretation and it was ruled on by Mark Taylor, Town Attorney.

TIM: My word of caution is to the applicant, to please check with OCM to make sure you're compliant before you start spending any more money.

Thank you. That's all.

MR. CORDISCO: In connection with that, this is a two-step process. The Board has its own code, the Town has its own special permit process, but it is also incumbent and required by the applicant to obtain a license from the State as well.

MR. SHAWN CAMPBELL: Yes.

MR. CORDISCO: They have to satisfy both prongs.

CHAIRMAN EWASUTYN: Any additional questions or comments?

TIM: No. Thank you, Mr. Chairman.

CHAIRMAN EWASUTYN: Your name, for the record?

TIM: My name is Tim --

CHAIRMAN EWASUTYN: We don't need your last name.

TIM: Thank you.

CHAIRMAN EWASUTYN: Comments from Board Members. Dave Dominick.

MR. DOMINICK: Nothing further.

CHAIRMAN EWASUTYN: Stephanie DeLuca.

MS. DeLUCA: I believe you know how I feel about this, the code and the distance and everything else. I'm not going to say anything further.

CHAIRMAN EWASUTYN: Ken Mennerich.

MR. MENNERICH: As the applicant, do you have the documentation from the State yet?

MR. SHAWN CAMPBELL: I received an e-mail. I checked the proximity -- my name is Shawn Campbell. I checked the proximity and everything is in compliance.

MR. MENNERICH: Thank you.

MR. SHAWN CAMPBELL: I received

that from OCM directly.

CHAIRMAN EWASUTYN: No comment.

MS. CARVER: Nothing further.

MR. WARD: Did you send it to --

MR. SHAWN CAMPBELL: I can send it to you right now. I can e-mail it to you.

MR. WARD: We need that. We've been asking for it.

MR. SHAWN CAMPBELL: I've got it right here. What is your e-mail?

MR. CORDISCO: My last name is C-O-R-D-I-S-C-O@gmail.

MR. SHAWN CAMPBELL: I sent it.

MR. CORDISCO: I received it. Thank you. I will forward it to you, John, and to you, Pat.

CHAIRMAN EWASUTYN: Any additional questions or comments?

MR. WARD: I'm still going. With the parking, with the striping, to clarify, are you doing the whole parking lot?

MR. SHAWN CAMPBELL: No. We're

1 going to do what we added.

2 MR. WARD: What you're doing is
3 painting one side and then painting the
4 other side of the parking lot?

5 MR. SHAWN CAMPBELL: Right.

6 MR. WARD: It doesn't make sense.

7 MR. SHAWN CAMPBELL: We can't come
8 and do the whole entire parking lot
9 because it would change the numbers of
10 parking as it is. If you're double
11 lining both spaces -- if we do the -- I
12 don't own the place. I'm just going to
13 mark what we added to know it was added.
14 Do you understand? I can't come and just
15 do the whole entire parking lot. Maybe
16 the other tenants should be responsible
17 for their spaces. I'm just going to add
18 eight more to make it sixty so we can be
19 in compliance with what we need and mark
20 it so you'll know we did it.

21 MR. WARD: Okay.

22 CHAIRMAN EWASUTYN: Jim Campbell,
23 Code Compliance.

24 MR. JAMES CAMPBELL: On the plans I
25

was hoping you could dimension the access aisles, just give us the dimensions.

It's approximately --

CHAIRMAN EWASUTYN: I think what he's saying is on the final plans, if you can note that.

MR. JOHNSON: Yes.

MR. SHAWN CAMPBELL: No problem.

MR. JAMES CAMPBELL: I do have a voicemail from the property owner, I did not listen to it, probably regarding the freestanding sign and the cargo containers that are not compliant. I will get back with her.

I did ask for you to submit some sort of proof, which you might have just done, that you do have the license or something.

MR. SHAWN CAMPBELL: Yes, I have it.

CHAIRMAN EWASUTYN: Pat Hines with MH&E.

MR. HINES: We reviewed the plan. The revised parking plan has sixty

spaces. That meets the requirements.

We discussed at the Planning Board the re-striping and again at the work session. It's up to the Board. I don't know if the Board was going to consider possibly re-striping what was there rather than the double striping typically required. The new spaces certainly could be double striped.

It's a Type 2 action under SEQRA. There's no SEQRA determination.

No further action needs to be provided under number 18, change to an existing use or changed use to an existing commercial structure.

ARB approval for any signage would be required.

That's all we have.

CHAIRMAN EWASUTYN: If there are no further comments from the public, would someone move for a motion to close the public hearing on Elevated Dreams Cannabis Retail Dispensary, project number 25-13.

1 MR. MENNERICH: So moved.

2 MS. CARVER: Second.

3 CHAIRMAN EWASUTYN: I have a motion
4 by Ken Mennerich. I have a second by
5 Lisa Carver. Can I have a roll call vote
6 starting with Dave Dominick.
7

8 MR. DOMINICK: Aye.

9 MS. DeLUCA: Aye.

10 MR. MENNERICH: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MS. CARVER: Aye.

13 MR. WARD: Aye.

14 CHAIRMAN EWASUTYN: Motion carried.

15 At this point we need to make a
16 SEQRA determination. Pat Hines, Dominic
17 Cordisco.

18 MR. CORDISCO: It's a Type 2
19 action, Mr. Chairman.

20 CHAIRMAN EWASUTYN: We don't have
21 to make a SEQRA determination?

22 MR. CORDISCO: Correct.

23 CHAIRMAN EWASUTYN: Can you explain
24 that for the record.

25 MR. CORDISCO: Type 2 actions are

statutorily defined by New York State as actions that do not require any additional environmental review. It's a very particular list set forth in 6 NYCRR 617. As a result, this category of action falls within that Type 2 list, and so no further SEQRA determination is required.

CHAIRMAN EWASUTYN: Thank you.

Dominic Cordisco, Planning Board Attorney, can you give us conditions of approval for Elevated Dreams Cannabis Retail Dispensary.

MR. CORDISCO: Is there a consensus in connection with the re-striping, whether or not only the additional new parking spaces would be striped or whether additional re-striping would occur, whether or not it's double lined or single lined or whatever?

CHAIRMAN EWASUTYN: Are you asking me?

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: I'll poll the

Board Members. Dave Dominick.

MR. DOMINICK: What the applicant proposed is fine.

CHAIRMAN EWASUTYN: Stephanie DeLuca.

MS. DeLUCA: Okay.

CHAIRMAN EWASUTYN: Ken Mennerich.

MR. MENNERICH: I agree with the applicant.

CHAIRMAN EWASUTYN: I agree with the applicant.

MS. CARVER: I do as well.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board accepted the additional parking stalls shown on the site plan and that they are responsible for just re-striping those parking stalls.

Jim, how are they going to be striped? Do you have an opinion?

MR. JAMES CAMPBELL: Anything new is definitely going to have to be double.

CHAIRMAN EWASUTYN: Double striped.

MR. JAMES CAMPBELL: When I talk to

the property owner, I will speak with her if there's anything.

Can you please define and put a note on the plan that it should have a striping detail on there?

MR. HINES: They did.

MR. JAMES CAMPBELL: Make a note that the new striping is the new spots.

MR. SHAWN CAMPBELL: Okay. New striping, new spots.

MR. CORDISCO: The recommended conditions of approval would include the site plan corrections, including adding that note to the site plan.

MR. JOHNSON: Okay.

MR. CORDISCO: The applicant also has to obtain a certificate of licensure from the New York State Office of Cannabis Management. We have not been provided with a copy of that. That will need to be provided in order to meet the conditions of this special use permit approval.

MR. SHAWN CAMPBELL: Yes.

2 MR. CORDISCO: The approval only
3 allows the construction of that which is
4 shown on the plan in the locations that
5 it's shown on the plans. There are no
6 amenities, accessory structures or
7 outdoor fixtures that are allowed to be
8 constructed for anything that's not shown
9 on the plan. There is also a limitation
10 on the use. The cannabis retail
11 dispensary is only allowed within the
12 unit that you're showing it without any
13 expansion or changes. If any are
14 proposed, it would have to come back to
15 the Board for approval. The special
16 permit itself will expire upon either a
17 change in ownership or an expiration of
18 the license from New York State. If that
19 expires or is revoked or in any way no
20 longer continues, then the Town's
21 approval for this facility would also no
22 longer continue.

23 MR. SHAWN CAMPBELL: Quick question.
24 It renews every two years. Every two
25 years we have to get approval for the

special use?

MR. CORDISCO: It will continue here unless it doesn't continue.

MR. SHAWN CAMPBELL: Okay. No problem.

CHAIRMAN EWASUTYN: Any questions or comments from Board Members as the conditions of approval were presented by Planning Board Attorney Dominic Cordisco?

MR. DOMINICK: No.

MS. DeLUCA: No.

MR. MENNERICH: No.

MS. CARVER: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: That being said, would someone move for a motion to grant conditional approval to Elevated Dreams Cannabis Dispensary, again subject to the conditions presented by Planning Board Attorney Dominic Cordisco.

MS. CARVER: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: A motion by Lisa Carver. A second by Ken Mennerich.

Can I have a roll call vote starting with
Dave Dominick.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Would someone move for a motion to
close the Planning Board meeting of
August 7, 2025.

MR. WARD: So moved.

MS. DeLUCA: Second.

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

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

(Time noted: 9:13 p.m.)

C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding 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 12th day of August 2025.

Michelle Conero

MICHELLE CONERO