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

In the Matter of

LANDS OF ROSSBACH & PATSALOS
(2025-15)
28 Dogwood Hills Road
Section 78; Block 3; Lots 20 & 4
R-1 Zone

----- X

LOT LINE CHANGE

Date: August 21, 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: DARREN DOCE

----- 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 the 21st
6 of August 2025. This evening we have
7 five agenda items.

8 We'll start the meeting with a roll
9 call vote starting with Dave Dominick.

10 MR. DOMINICK: Present.

11 MS. DeLUCA: Present.

12 MR. MENNERICH: Present.

13 CHAIRMAN EWASUTYN: Present.

14 MS. CARVER: Present.

15 MR. WARD: Present.

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

18 MS. CONERO: Michelle Conero,
19 Stenographer.

20 MR. HINES: Pat Hines with MHE
21 Engineering.

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

24 CHAIRMAN EWASUTYN: At this point
25 we'll turn the meeting over to Lisa

2 Carver.

3 MS. CARVER: Please stand for the
4 Pledge of Allegiance.

5 (Pledge of Allegiance.)

6 MS. CARVER: Please silence your
7 phones or put them on vibrate.

8 CHAIRMAN EWASUTYN: Our first
9 item of business is the Lands of
10 Ross & Patsalos. It's a lot line
11 change located on 28 Dogwood Hills
12 Road. It's in an R-1 Zone. It's
13 being represented by Darren Doce.

14 Pat, just for the record, it's
15 Rossbaum I think?

16 MR. HINES: It's Rossbach,
17 R-O-S-S-B-A-C-H. I noticed that
18 yesterday. It got shortened on the
19 agenda.

20 MR. DOCE: Good evening. The two
21 parcels in question adjoin along the rear
22 lot line. We're revising that line to
23 eliminate the driveway encroachment.

24 We appeared at the ZBA in June to
25 receive variances for two existing side

yard setback deficiencies. That was really the only comment the Board had.

I'm returning now to request approval.

CHAIRMAN EWASUTYN: Comments from Board Members.

MR. DOMINICK: Nothing further.

MS. DeLUCA: Nothing.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance.

MR. CAMPBELL: As previously stated, the Zoning Board did grant the side yard deficiency variance on July 24, 2025.

CHAIRMAN EWASUTYN: Pat Hines with MH&E.

MR. HINES: The adjoiners' notices have been sent out.

The variances have been granted.

The lot line is a Type 2 action.

The Board would be in a position to grant approval.

CHAIRMAN EWASUTYN: Since it's a Type 2, there's no SEQRA involved.

Correct, Dominic?

MR. CORDISCO: That's correct, sir.

CHAIRMAN EWASUTYN: Do you want to give us some verbiage for a resolution?

MR. CORDISCO: Yes. This will be approval of the lot line change. There's no public hearing required for that, so there's nothing to do there.

As far as conditions of approval would be concerned, the applicant would be required to submit the deeds that would effectuate the lot line change for review and approval and payment of fees.

CHAIRMAN EWASUTYN: Any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Would someone move for a motion to approve the lot line change subject to the presentation by Dominic Cordisco, Planning Board Attorney.

MR. DOMINICK: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion

2 by Dave Dominick. I have a second by
3 Stephanie DeLuca. Can I have a roll call
4 vote starting with John Ward.

5 MR. WARD: Aye.

6 MS. CARVER: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MR. MENNERICH: Aye.

9 MS. DeLUCA: Aye.

10 MR. DOMINICK: Aye.

11 MR. DOCE: Thank you.

12

13 (Time noted: 7:05 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 28th 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

READE HOTEL CAPITAL
(2025-24)

1 Crossroads Court
Section 95; Block 1; Lots 45.12
IB Zone

- - - - - X

AMENDED SITE PLAN - EV CHARGING STATIONS

Date: August 21, 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: PAUL SIMIHTIS

- - - - - X

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

2 CHAIRMAN EWASUTYN: Our second
3 item is Reade Hotel Capital, project
4 number 25-24. It's an initial
5 appearance for an amended site plan
6 for EV charging stations. It's
7 located at 1 Crossroads Court in an
8 IB Zone. It's being represented by
9 Paul Simihtis

10 MR. SIMIHTIS: Paul Simihtis.

11 I apologize, I didn't bring the
12 site plan with me. I wasn't sure how we
13 go about the meeting.

14 MR. DOMINICK: Do you want mine?

15 MR. SIMIHTIS: We're doing two --

16 CHAIRMAN EWASUTYN: Just for
17 reference; Dave, if you don't mind, could
18 you give him yours?

19 MR. DOMINICK: Yes.

20 MR. SIMIHTIS: It's a fairly simple
21 little project. The Reade Hotel reached
22 out to a company -- you know, they're not
23 going to own these chargers. It's one of
24 these service deals.

25 They did the pre-work. They wanted

2 to do four and four, but with the cost of
3 it, they're telling me it's already
4 non-economical. We're just going to do
5 two dual ports.

6 That's probably the cheapest
7 location right there for them.

8 I tried to get with the hotel staff
9 for a site plan. They don't have
10 anything. This is what we have.

11 CHAIRMAN EWASUTYN: Okay.

12 MR. SIMIHTIS: If there are any
13 questions.

14 CHAIRMAN EWASUTYN: Jim Campbell,
15 as far as the material that was
16 submitted, is that adequate?

17 MR. CAMPBELL: Adequate for what?
18 I mean, we will need additional
19 information for permit issuance.

20 MR. SIMIHTIS: I'll do a design.
21 I'm working with American Eagle and we're
22 going to put that together. This is the
23 first step here.

24 MR. CAMPBELL: Yes. I'll go
25 through my comments. I did have two

2 comments. I think you were just handed
3 them. Just a couple.

4 The EAF shows zero construction
5 hours. Just be aware that the municipal
6 code limits noise from construction
7 activities to 7 a.m. to 7 p.m.

8 The protection bollards should
9 probably be on the back side of the curb,
10 not to decrease the size of the parking
11 spots.

12 MR. SIMIHTIS: There's a slope
13 there. We can push it back, but then
14 we're probably making some kind of
15 retaining wall and it adds cost. I mean,
16 is that a requirement?

17 MR. CAMPBELL: Well, you're taking
18 up part of the parking space.

19 MR. SIMIHTIS: Most EV vehicles are
20 not that long.

21 I mean, again, they're giving me
22 this budget here. They're trying to make
23 it as cheap as possible. He actually
24 wants to do bolt-on bollards. I don't
25 want to do that.

2 MR. CAMPBELL: I believe that the
3 parking spaces should not be diminished.

4 MR. SIMIHTIS: Okay. I think
5 they're at 17 feet. We'll keep them at
6 17.

7 What about the curb stop? Would
8 you be okay with that?

9 MR. CAMPBELL: We've seen them be
10 jumped before.

11 MR. SIMIHTIS: We'll do the bollards
12 behind the curb.

13 I'll correct it on the EAF. I
14 thought I put the hours in there. I
15 know I put the total time.

16 MR. CAMPBELL: It just said zero.

17 CHAIRMAN EWASUTYN: Comments from
18 Board Members. Dave Dominick.

19 MR. DOMINICK: Nothing at this
20 time.

21 MS. DeLUCA: Nothing.

22 MR. MENNERICH: No questions.

23 CHAIRMAN EWASUTYN: No comment.

24 MS. CARVER: No questions.

25 MR. WARD: No questions.

2 CHAIRMAN EWASUTYN: Pat Hines with
3 MH&E.

4 MR. HINES: We need to submit the
5 project to Orange County Planning.

6 We need to have adjoiners' notices
7 circulated.

8 I had a comment there on wetlands,
9 but during the work session it was
10 explained that I had the site oriented
11 different in my mind and where the
12 wetlands are along 17K. That is no
13 longer valid, number 2.

14 The only thing we need is Orange
15 County Planning and we have adjoiners'
16 notices that I can work with you to send
17 out. We have a process that I can --

18 MR. SIMIHTIS: I'll work with you
19 on that?

20 MR. HINES: I'll do the adjoiners'
21 notices, I'll provide you a mailing list
22 and the instructions on how the mailing
23 takes place.

24 MR. SIMIHTIS: Okay. You do Orange
25 County?

2 MR. HINES: I do, yes.

3 MR. SIMIHTIS: Okay.

4 CHAIRMAN EWASUTYN: Would someone
5 move for a motion to circulate to the
6 Orange County Planning Department and to
7 send out the adjoiners' notices.

8 MR. MENNERICH: So moved.

9 MS. CARVER: Second.

10 CHAIRMAN EWASUTYN: I have a motion
11 by Ken Mennerich. The second was by Lisa
12 Carver. Can I have a roll call vote
13 starting with John Ward.

14 MR. WARD: Aye.

15 MS. CARVER: Aye.

16 CHAIRMAN EWASUTYN: Aye.

17 MR. MENNERICH: Aye.

18 MS. DeLUCA: Aye.

19 MR. DOMINICK: Aye.

20 MR. SIMIHTIS: Thank you.

21

22 (Time noted: 7:10 p.m.)

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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 28th 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

5148 ROUTE 9W
(2024-18)

5148 Route 9W
Section 43; Block 2; Lot 15
B Zone

- - - - - X

SITE PLAN - OFFICE BUILDING RENOVATION

Date: August 21, 2025
Time: 7:10 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: DAVID NIEMOTKO

- - - - - X

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

2 CHAIRMAN EWASUTYN: The third item
3 of business this evening is 5148 Route
4 9W. It's project number 24-18. It's a
5 site plan for an office building
6 renovation. It's located on Route 9W in
7 a B Zone. It's being represented by
8 David Niemotko.

9 MR. NIEMOTKO: Yes. Thank you.
10 We're happy to be back before the
11 Planning Board.

12 We had a successful run with the
13 Zoning Board. As you can tell from the
14 comments, they did grant us a variance
15 for three parking spaces which addressed
16 the off-street parking. Now all of the
17 parking area located here and here
18 satisfies the requirements for the entire
19 project. It also eliminates any need for
20 parking or parking spaces along Route 9W
21 or the front of the buildings. That
22 presents a positive spin on the project
23 and allows for us to keep the front
24 facade of 5148 and also of 5152.

25 I did receive John's comments

2 recently, so I'm ready to review them
3 with you if you'd like.

4 CHAIRMAN EWASUTYN: Thank you.

5 MR. NIEMOTKO: I mean Pat's
6 comments. My mistake.

7 MR. HINES: That's my middle name.

8 CHAIRMAN EWASUTYN: I'll start with
9 Jim Campbell, Code Compliance. Jim, do
10 you have any comments?

11 MR. CAMPBELL: Just to confirm, the
12 Zoning Board did grant multiple variances
13 at the last meeting on July 24th.

14 Just an FYI. Building permits are
15 required for the building addition and
16 the rear dormer. That was constructed
17 without a building permit.

18 Any interior work will also require
19 permits.

20 The project requires ARB review.
21 This will include existing or new
22 building-mounted or freestanding signage.
23 We need enough information to determine
24 the size and the allowable signage and
25 such.

2 Just one quick note. On the
3 crosshatched area you show the sign, but
4 you're not showing what sign.

5 MR. NIEMOTKO: We have no problem
6 with Jim's comments. We can address
7 them. We do show signs on page C-3. We
8 can add that. That's not a problem.

9 CHAIRMAN EWASUTYN: Pat Hines.

10 MR. HINES: I think the project has
11 come a long way since it was first here,
12 adding the lot, providing the parking
13 along with the variance. The lot will
14 function much better.

15 We do note that they got their
16 variances on April 18th.

17 The parking along 9W has been
18 removed based on the DOT comments.

19 There's a parking easement proposed
20 that needs to be reviewed by Dominic
21 Cordisco.

22 There are some notes on sheet 2
23 that need to be revised. It still
24 reflects the original proposal, not the
25 larger proposal with the two lots now.

2 The existing lot is served by a
3 septic system. That's been shown. I'm
4 not sure if there's any information on
5 it. Apparently it's functioning today.
6 We're suggesting an easement for
7 construction for potential replacement
8 should be provided on the adjoining lot
9 should that septic system fail in the
10 future. It's currently working. It's
11 onsite. Again, there's not a lot of area
12 should anything need to be modified in
13 the future.

14 The location of the septic system
15 serving the commercial lot on lot 2
16 should be depicted. You're adding some
17 square footage there, so that information
18 should be incorporated to make sure the
19 septic is adequate for that.

20 We noted that two-way access to 9W
21 is now proposed.

22 The parking lot striping is
23 consistent with the Town's Code now.

24 Any details for the pavement should
25 be added.

2 ARB approval will be required by
3 this Board in the future.

4 We will need to send this to Orange
5 County Planning.

6 We talked at work session that this
7 is an Unlisted action as it involves
8 greater than 4,000 square feet, so that
9 will need SEQRA review.

10 We'll need a revised EAF. The
11 original EAF is still just for the one
12 building. Once we receive that revised
13 EAF, if the Board wants, we can refer it
14 to County Planning as soon as we receive
15 that.

16 That's all we have to date.

17 CHAIRMAN EWASUTYN: Any comments
18 from Board Members. John Ward.

19 MR. WARD: I'd like to say you came
20 a long way with everything. It's looking
21 good. Thank you for that.

22 MR. NIEMOTKO: I'm grateful that
23 the Zoning Board granted all those pre-
24 existing nonconforming conditions. It
25 really gave a good chance to codify both

2 buildings. We appreciate that.

3 CHAIRMAN EWASUTYN: Lisa Carver.

4 MS. CARVER: For clarification,
5 5148 is an office building and 5125 is an
6 office building as well?

7 MR. NIEMOTKO: No. It's a retail
8 store. It might be used by one user or
9 divided into separate tenant spaces.

10 MS. CARVER: The house in the back
11 will remain residential?

12 MR. NIEMOTKO: Correct.

13 MS. CARVER: Thank you.

14 CHAIRMAN EWASUTYN: No comment.

15 MR. MENNERICH: No questions.

16 MS. DeLUCA: No comment.

17 MR. DOMINICK: Nothing further.

18 Great job of moving this along.

19 CHAIRMAN EWASUTYN: Dominic,
20 considering this is a renovation, does
21 that -- also why I bring it up is it's
22 discretionary for site plans. Planning
23 boards can waive a public hearing if they
24 agree to it.

25 My question is the fact that it's a

2 renovation, that still fits in that?

3 MR. CORDISCO: It does.

4 I would note for the record that
5 the project essentially had a public
6 hearing on aspects of it before the
7 Zoning Board of Appeals. That was a
8 mandatory public hearing.

9 CHAIRMAN EWASUTYN: Why don't you
10 read that into the record as to the
11 reasoning.

12 No one showed up at the public
13 hearing?

14 MR. NIEMOTKO: No.

15 MR. CORDISCO: Given the fact that
16 there was a mandatory hearing before the
17 Zoning Board of Appeals for the variances
18 that are required for this particular
19 project, and given the fact that no one
20 spoke at that public hearing, the
21 Planning Board has the discretion to
22 waive the public hearing on the site plan
23 that is before you now, if you choose to
24 do so.

25 CHAIRMAN EWASUTYN: Having heard

2 from Planning Board Attorney Dominic
3 Cordisco, we'll begin polling Board
4 Members.

5 John Ward, do you want to have a
6 public hearing or waive the public
7 hearing?

8 MR. WARD: Waive the public
9 hearing.

10 CHAIRMAN EWASUTYN: Lisa Carver.

11 MS. CARVER: Waive it.

12 CHAIRMAN EWASUTYN: Waive the
13 public hearing.

14 MR. MENNERICH: Waive it.

15 MS. DeLUCA: Waive it.

16 MR. DOMINICK: Waive it.

17 MR. NIEMOTKO: Thank you.

18 MR. HINES: I don't see in here
19 that we did adjoiners' notices because it
20 was going to the ZBA. We'll have to do
21 that, too, as well as sending it to the
22 County. We held off because we didn't
23 know where it was going with the ZBA.

24 CHAIRMAN EWASUTYN: Part of the
25 referral to the Orange County Planning

2 Department is doing the adjoiners'
3 notice.

4 MR. HINES: And the updated EAF.

5 CHAIRMAN EWASUTYN: Thank you.

6 MR. NIEMOTKO: Mr. Chairman, I have
7 one question, actually for the Planning
8 Board Attorney.

9 The parking easement, is there a
10 pro forma that this Town has?

11 MR. CORDISCO: We don't. It's a
12 fairly simple document. If you would put
13 it together -- it would ultimately be a
14 condition of the approval. If you want
15 to get a jump start on it, we'll certainly
16 look at it sooner if you submit it sooner,
17 and that way it wouldn't be a condition.
18 Recording it would be a condition of
19 the approval.

20 MR. NIEMOTKO: With the county
21 clerk?

22 MR. CORDISCO: Correct.

23 MR. NIEMOTKO: Then with the
24 two-way traffic, there already exists an
25 easement that's shown on the survey and

2 it's deeded. Would that relieve the
3 requirement needed to go to New York
4 State DOT for their review?

5 MR. HINES: I believe you're using
6 an existing access point. We already
7 circulated it to them once.

8 MR. CORDISCO: I don't believe it
9 was the intention to recirculate to DOT
10 since you're not proposing to make any
11 improvements or changes to the DOT
12 access.

13 MR. NIEMOTKO: Correct.

14 MR. CORDISCO: The prior iteration
15 of this plan, which had cars backing out
16 onto the state highway, was different.
17 Just put it that way.

18 MR. NIEMOTKO: Very good. Thank
19 you very much, Board Members. Have a
20 great evening. We'll continue on with
21 the project.

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23 (Time noted: 7:18 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 28th day of August 2025.



MICHELLE CONERO

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

JAMIE & STODDARD HILL
(2025-25)

149 Mill Street & 28 Pheasant Hollow Road
Section 2; Block 1; Lots 61.1 & 91
RR Zone
----- X

LOT LINE CHANGE

Date: August 21, 2025
Time: 7:18 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: LARA PRUSCHKI

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

2 CHAIRMAN EWASUTYN: Is Chris Post
3 here?

4 MS. PRUSCHKI: I'll be representing
5 for Chris Post.

6 CHAIRMAN EWASUTYN: Thank you.
7 This is for Jamie and Stoddard Hill?

8 MS. PRUSCHKI: Yes.

9 CHAIRMAN EWASUTYN: Who are you
10 here for?

11 MS. PRUSCHKI: Engineering &
12 Surveying Properties.

13 CHAIRMAN EWASUTYN: For Jamie and
14 Stoddard Hill?

15 MS. PRUSCHKI: Yes.

16 CHAIRMAN EWASUTYN: Project number
17 25-25. It's an initial appearance for a
18 lot line change located at 149 Mill
19 Street and 28 Pheasant Hollow Road. It's
20 in an -- is it an RR Zone?

21 MR. HINES: Yes, it is.

22 CHAIRMAN EWASUTYN: It's being
23 represented by Engineering & Surveying
24 Properties.

25 MS. PRUSCHKI: Yes. Lara Pruschki

2 from Engineering & Surveying Properties
3 representing the applicant, as you
4 stated.

5 This is a proposed lot line change
6 between tax parcels 2-1-61.1 and 91,
7 referred to as lot 1 and lot 2 on our
8 plan.

9 Both lots as they exist today front
10 on a private road, Pheasant Hollow Lane.
11 Lot 1 is also on Mill Street.

12 They both contain existing
13 dwellings with private wells and septics.

14 We are proposing to move this
15 center lot line -- remove the center lot
16 line and create a new lot line in the
17 rear portion of the property, and then
18 also realign the rear driveway so that it
19 comes out on this smaller lot.

20 The lot will total 2.169 acres in
21 the back and 8.445 acres in the front.

22 The intent of the owners, who own
23 both parcels now, is that they want to
24 put this lot up for sale. They wanted to
25 make it a little bit smaller and add some

2 area to the front parcel.

3 CHAIRMAN EWASUTYN: Jim Campbell,
4 Code Compliance.

5 MR. CAMPBELL: Being that this is
6 here for the lot line change, it loses
7 existing protection.

8 At the work session we talked about
9 item 1, that they applied for a variance
10 last year for the front yard setback of
11 the house. That was granted. Being that
12 you're going anyway, we'll have them
13 recite that again.

14 The other variances would be the
15 two-story masonry garage located in the
16 front yard of Pheasant Hollow Lane.
17 185-15 A only allows an accessory
18 structure to be in the side yard or rear
19 yard.

20 The two-story masonry garage
21 appears to be greater than 15 foot in
22 height. Town Municipal Code 185-15 A(1),
23 such building, except for farm purposes,
24 shall not exceed 15 feet in height.

25 The accessory apartment dwelling

2 unit is in the front yard to Pheasant
3 Hollow. The setback appears to be less
4 than 60 where 60 is required. We need
5 the actual dimension to determine the
6 required variance. We'll probably also
7 need the actual height.

8 MS. PRUSCHKI: Yes.

9 CHAIRMAN EWASUTYN: Pat Hines with
10 MH&E.

11 MR. HINES: We're suggesting the
12 existing private road access and
13 maintenance agreement, or whatever
14 documents exist, be submitted to
15 Dominic's office for review.

16 The septic system reputed area on
17 the rear lot, I'll call it, 1 or 2, we'd
18 like that dimension, it needs to be 10
19 feet off the property line, just to make
20 sure it meets that Public Health Law
21 setback.

22 We did note that it is in the RR
23 Zone which typically means it's in the
24 critical environmental area, however it
25 stops at Mill Street. You're just north

2 of that. That means this is not a Type 1
3 action. It will remain a Type 2 action,
4 I believe, as a lot line change.

5 We have to do the adjoiners'
6 notices.

7 CHAIRMAN EWASUTYN: There will be a
8 referral letter that Dominic Cordisco
9 will prepare and send to the Zoning Board
10 of Appeals.

11 MR. CORDISCO: Yes, sir. As
12 outlined by Mr. Campbell.

13 MS. PRUSCHKI: Okay. Thank you.

14 CHAIRMAN EWASUTYN: Would someone
15 make a motion for Planning Board Attorney
16 Dominic Cordisco to prepare the referral
17 letter to the Zoning Board of Appeals.

18 MR. WARD: So moved.

19 MR. MENNERICH: Second.

20 CHAIRMAN EWASUTYN: I have a motion
21 by John Ward. I have a second by Ken
22 Mennerich. Can I have a roll call vote
23 starting with John Ward.

24 MR. WARD: Aye.

25 MS. CARVER: Aye.

2 CHAIRMAN EWASUTYN: Aye.

3 MR. MENNERICH: Aye.

4 MS. DeLUCA: Aye.

5 MR. DOMINICK: Aye.

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7 (Time noted: 7:25 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 28th 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

ELKAY PARTNERS DEVELOPMENT
(2024-29)

Brewer Road
Section 39; Block 1; Lot 32
R-3 Zone

- - - - - X
MULTI-FAMILY APARTMENTS - SENIOR HOUSING

Date: August 21, 2025
Time: 7:25 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: LARA PRUSCHKI
STANLEY SCHUTZMAN

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

2 CHAIRMAN EWASUTYN: The fifth and
3 last item of business this evening is
4 Elkay Partners Development, project
5 25-29. It's a multi-family apartment -
6 senior housing development located on
7 Brewer Road in an R-3 Zone. It's being
8 represented by Engineering & Surveying
9 Properties. Lara is also representing
10 this project.

11 MS. PRUSCHKI: Yes. We were last
12 before the Board at the June 25th meeting
13 with the most recent concept plan which
14 updated the number of units to 168 units.

15 Following that meeting we
16 re-notified the adjoining owners of the
17 changes in the application.

18 We're back before the Board this
19 evening for some direction in the next
20 steps for the SEQRA process.

21 If the Board finds it appropriate,
22 we could prepare an outline for review
23 for an expanded EAF Part 3 outlining
24 the impacts that are anticipated
25 environmentally.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: I'm sorry. I missed that. My apologies.

MS. PRUSCHKI: That's okay. I asked if the Board finds it appropriate, if we should prepare an outline for an EAF Part 3 -- expanded EAF Part 3 identifying the impacts for the project.

MR. CORDISCO: It could be helpful. Absolutely. It could be helpful. The other option, and I think the Board was prepared to do tonight, would be a review of the Part 2 EAF, to actually go through it. My preference would be for them to continue to do that and then you would have that information.

MS. PRUSCHKI: Yes.

CHAIRMAN EWASUTYN: Pat Hines, are you prepared to speak to the Part 2 EAF?

MR. HINES: I gave the Board copies to follow along. I will review the Part 2 EAF. We will make some suggestions. The Board's input would be helpful.

The Board is aware that the project is now before you as a 168-unit complex in three structures which has been modified a couple times, but it's back to that original unit count. The project is a Type 1 action under SEQRA in that it disturbs greater than 2.5 acres in an Ag district. It originally disturbed greater than 10 acres. It may be less than that, but we don't have a grading plan right now.

The project proposes greater than 100,000 square foot total building area.

Type 1 actions are actions which are more than likely resulting in an environmental impact statement. It doesn't necessarily, but it suggests that by the Type 1 action they are more likely to require that.

The project is in an area which does not have water and sewer available along the frontage and will require extensions. Additional studies would be required.

I do caution that saying they are going to do a Part 3 for the Board's review can cost the project time and effort should the Board ultimately decide to issue a positive declaration, which is why I suggested that we review the Part 2 tonight with the Board.

Number 1 is impact on land. The proposed action may involve construction on or physical alteration of land surface of the proposed site. We suggest that's a yes.

Under that item, the proposed action may involve construction on land where depth to water table is less than three feet. We're suggesting that's a moderate to large impact. The site does contain regulated DEC wetlands, Federal wetlands, and the associated DEC buffer.

The proposed action may involve construction on slopes greater than 15 percent. The project does have slopes greater than 15 percent which are identified in the grading area on the

plans. They are avoiding impacts to those, so we are suggesting that's a no to small impact.

The proposed action may involve construction on land where bedrock is exposed or generally within five feet. We do not have information to support that, so we're suggesting that's a moderate to large impact.

The proposed action may involve excavation and removal of more than 1,000 tons of natural material. That would be a no or small impact.

The proposed action may involve construction that continues for more than one year or in multiple phases. The EAF identifies the project will take longer than one year, so that's a moderate to large impact.

The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal. We're suggesting that that is a potential moderate to large impact.

The proposed action is located in a coastal erosion hazard area. That is a no.

Impact on geological features. The proposed action may result in modification or destruction of, or inhibit access to, any unique or unusual land forms on the site. That is a no.

The bulleted items under that are not exceeded.

Number 3, impacts on surface water. The proposed action may affect one or more wetlands or other surface water bodies. That is a yes.

The bulleted items underneath, the proposed action may create a new water body. That is a no.

The proposed action may result in an increase or decrease of over 10 percent or more than a 10-acre increase or decrease in the surface area of any body of water. That is a no.

The proposed action may involve

dredging of more than 100 cubic yards of material. That is a no.

Item D, the proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any water body. That is a large to moderate impact. The project will require permits from the DEC as the DEC has exercised jurisdiction over the wetlands. The project is, currently in the concept plan, encroaching on the regulated adjacent buffer area.

The proposed action may create turbidity in a water body, either from upland erosion, runoff or by disturbing bottom sediments. We're suggesting that's a moderate to large impact.

F, the proposed action may include construction of one or more intakes for withdrawal of water from surface water. That is a no.

Similarly, the proposed action may include construction of an outfall for wastewater. That is a no.

The proposed action may cause soil erosion or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of the receiving water bodies. We're suggesting that that is a moderate to large impact.

The proposed action may affect water quality of any water bodies within or downstream of the project. We're suggesting that that is a moderate to large impact.

The proposed action may involve application of pesticides or herbicides in or around any water body. We're suggesting that's a no. We don't have any information regarding that.

The proposed action may require the construction of new or expansion of existing wastewater treatment

facilities. That is also a no.

Number 4 is impact on groundwater.

The proposed action may result in new or additional use of groundwater, or may have potential to introduce contaminants to groundwater or an aquifer. That is a no. The project is currently proposing to extend the Town water main to provide potable water. There is no groundwater resource use.

The bulleted actions under that are not exceeded.

Impact on flooding. The proposed action may result in development on lands subject to flooding. We're identifying that as a no. That specifically has to do with floodplains, the 100-year and 500-year floodplains which are not identified on the site.

Impacts on air. The proposed action may include a state-regulated air emission source. That is a no.

The bulleted items underneath

that are not exceeded. They're rather large, all of those impacts. No permit is required.

Impact on plants and animals. The EAF submitted does not identify any threatened, endangered, rare or species of special concern, so that is a no. However, moving forward the Board may wish to include that into any potential scope they may do.

Impacts on agricultural resources. That is a yes. The project is located in Orange County Ag District Number 1.

The proposed action may impact soil classified within soil group 1 through 4 of the New York State Land Classification System. We're suggesting that that is a moderate to large impact.

Item B, the proposed action may severe, cross or otherwise limit access to agricultural land. That includes cropland, hayfields, pastures. That is a no to small

1 Elkay Partners Development 47
2 impact. There are no agricultural
3 activities currently on that site.

4 The proposed action may result
5 in excavation or compaction of the
6 soil profile of active agricultural
7 land. We're suggesting that that
8 would be a no.

9 The proposed action may
10 irreversibly convert agricultural
11 land to non-agricultural uses, either
12 more than 2.5 acres if located in an
13 agricultural district or more than
14 10 acres if not within an Ag district.
15 Again, this project is located in the
16 Ag District and is disturbing greater
17 than 2.5 acres. We're suggesting
18 that's a moderate to large impact.

19 The proposed action may disrupt
20 or prevent installation of an
21 agricultural land management system.
22 This project would certainly obstruct,
23 disrupt or prevent the installation
24 of any of those. We're suggesting
25 that that is a moderate to large

1 impact.

2 The proposed action may result,
3 direct or indirectly, in increased
4 development potential or pressure on
5 farmland. I'm actually going to look
6 for the Board's input. I had that as
7 a no to small. I don't know if the
8 Board would consider that a moderate
9 to large.

10 CHAIRMAN EWASUTYN: Comments
11 from Board Members.

12 MS. CARVER: I think no.

13 MR. DOMINICK: No.

14 MS. DeLUCA: No.

15 MR. MENNERICH: No.

16 CHAIRMAN EWASUTYN: No.

17 MR. WARD: No.

18 MR. HINES: We'll keep that as a no
19 to small.

20 The project proposed is not
21 consistent with the adopted municipal
22 farmland protection plan. This Town does
23 not have that. That would be a no.

24 Impact on aesthetic resources. The
25

land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. We're suggesting that that is a yes. The project is obviously different from and in sharp contrast to the single-family residential homes that completely surround the project.

The bulleted items under that are all no to small, except for there are -- item F, there are similar projects visible within the following distances of the proposed action. That is really for the first two, the zero to half mile and half mile to three miles. There are no projects consistent with that, so we're suggesting that is a moderate to large impact under item 9-F.

Number 10, impact on historic and archeological resources. That is a no. The EAF filled out, autopopulated by the DEC's website which has the information

from Parks & Recreation on that, did not identify any potential adjacent historic or archeological resources.

None of the bulleted items under that would be exceeded.

Impact on open space and recreation. The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. That is a no. The project is currently private property and not available for public open space.

Number 12, impact on critical environmental areas. The proposed action may be located within or adjacent to a critical environmental area. That is a no. The Town of Newburgh does have a critical environmental area associated with the Chadwick Lake watershed. This is not within that.

Impact on traffic. The proposed action may result in a change to existing

transportation systems. We've identified that as a yes. Again, 168 units, coming out of there would dictate that the Planning Board require a traffic study and a study of the impacts of that on the existing Town road network.

A, projected traffic increase may exceed capacity of existing roadway network. We're suggesting that is a moderate to large impact.

B, the proposed action may result in construction of a paved parking area for 500 or more vehicles. That is a no.

The proposed action will degrade existing transit access. That is a no.

The proposed action will degrade existing pedestrian or bicycle accommodations. That would be a no.

Item E, the proposed action may alter the present pattern of movement of people or goods. We're suggesting that's a moderate to large impact based on the single-family residential nature of the surrounding area.

Impact on energy. The proposed action may result in an increase in the use of any form of energy. That is a yes.

However, underneath that item none of the bulleted items would be exceeded.

Obviously there will be an increase in energy from the construction of the 168 units and the construction activities associated with that.

Impact on noise, odor and light, which is item 15. The proposed action may result in an increase in noise, odor or outdoor lighting. That is a yes.

Underneath that, item B, the proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed daycare center or nursing home. At this point we do not have the grading plan or any of the geo-technical work which would be required to be incorporated into the environmental studies. I believe that should be a moderate to large impact as

we don't know if blasting is proposed at this time.

Item 16, impact on human health. The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. We have that as a no.

Item A under that is, the proposed action is located within 1,500 feet of a school, hospital, licensed daycare center, group home, nursing home or retirement community. I'm not aware of any of those in the area. I don't know if the Board Members are. We have that as a no to small.

The other items underneath that are not exceeded, none of those thresholds. Items A through L under there are not exceeded.

Consistency with community character. The proposed action is not consistent with adopted land use plans. We have that as a yes.

The bulleted items underneath that,

the proposed action's land use components may be different from or in sharp contrast to current surrounding land use patterns. I think notably this project is a multi-family project which is surrounded on at least three and possibly four sides by single-family residences. We identified that as a moderate to large impact.

The proposed action will cause the permanent population increase of the city, town or village greater than five percent. That's a no.

The proposed action is inconsistent with local land use plans or zoning regulations. That is a no. The project is a special use under the Town Code under the senior housing.

The proposed action is inconsistent with any county plans or regional land use plans. That is a no.

Item E, the proposed action may cause a change in the density of development that is not supported by

existing infrastructure or is distant from existing infrastructure. We're suggesting that based on the need for an extension of the sewer and outside user sewer agreement, as well as the need to extend the Town's water system to serve the project, that that would be a moderate to large impact.

Item F, the proposed action is located in an area characterized by low-density development that will require new or expanded public infrastructure. Similar to the last one, the extension of water and sewer, that would be a moderate to large impact.

G, the proposed action may induce secondary development impacts. We have that as a no.

The next one is consistency with community character. The proposed action is inconsistent with existing community character. We have that as a yes, and that's due to item B under that, that the proposed action will create a demand for

1 additional community services, schools,
2 police and fire. I don't believe the
3 Board has any basis to determine that
4 that won't have a moderate to large
5 impact as no analysis has been done at
6 this point.
7

8 With that, you have identified --
9 if the Board adopts this Part 2 EAF, you
10 have identified multiple moderate to
11 large impacts which could potentially
12 occur from the project. It would be
13 consistent with that to adopt a positive
14 declaration.

15 CHAIRMAN EWASUTYN: Comments.

16 MS. PRUSCHKI: I just had one
17 question on the human health. You had
18 marked that as no?

19 MR. HINES: That was based on the
20 bulleted items below, unless you want to
21 suggest there may be.

22 MS. PRUSCHKI: I was just checking
23 because you hadn't gone through the
24 bulleted items. I just wanted to make
25 sure.

1
2 MR. HINES: I did mark that as a
3 no. I have no and small impacts on all
4 the bulleted items, A through L,
5 underneath that.

6 MS. PRUSCHKI: Okay. I'm in
7 agreement with the answers that were
8 marked.

9 CHAIRMAN EWASUTYN: Stan Schutzman,
10 attorney for the project, do you have
11 anything?

12 MR. SCHUTZMAN: I'm a little more
13 radical in that thinking because I heard
14 a lot of nos and smalls. It seems to me
15 there's no material adverse impact as
16 long as municipal water and sewer are
17 going into the project.

18 With that, since the Board, in the
19 earlier matter before it on the agenda,
20 had waived the public hearing, I'm making
21 an application to waive the public
22 hearing as well for this project.

23 CHAIRMAN EWASUTYN: Interesting
24 comment.

25 Dominic Cordisco, Planning Board

Attorney.

MR. CORDISCO: I appreciate the comment of Mr. Schutzman, and I appreciate the fact that you're an optimist in connection with the public hearing. The fact remains that the State Environmental Quality Review Act requires a positive declaration if the Board finds one or more potential for significant environmental impacts. In this case I think that the Board would be well supported by the conclusion that there's at least the potential for significant environmental impacts associated with not only traffic but also the fact that there are no municipal water and sewer services that are available to this site without extension. As a result, the EAF Part 2 that Mr. Hines went through with the Board's input, while it may have a number of nos in connection with small or no impact, the mere existence of one moderate to large impact would be enough to require the preparation of an

environmental impact statement.

As far as the public hearing is concerned, I think that the Board would not be in a position, under any event, to waive the public hearing on the plans as they currently exist without having more details.

MR. HINES: I'll also note that the Board does not waive public hearings for projects that require Orange County Planning until after that's received back.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward.

MR. WARD: I see at least nine votes for yes on impacts on the statement here.

CHAIRMAN EWASUTYN: Lisa Carver.

MS. CARVER: No additional comment.

CHAIRMAN EWASUTYN: No comment.

Ken Mennerich.

MR. MENNERICH: I think we need an environmental impact statement.

CHAIRMAN EWASUTYN: So you're

1 talking language, Dominic, that would be
2 a positive declaration as Mr. Mennerich
3 is mentioning?
4

5 MR. CORDISCO: Yes.

6 CHAIRMAN EWASUTYN: That's what
7 really we're being polled for. We went
8 through the -- Pat Hines went through the
9 Part 2. He spoke of potential adverse
10 impacts. Now we're kind of polling the
11 Board Members to see if they want to
12 declare a negative declaration.

13 Dominic, if the Board were to
14 declare a negative declaration, what is
15 the next step in the process?

16 MR. HINES: A positive dec.

17 CHAIRMAN EWASUTYN: I'm sorry.

18 MR. CORDISCO: If the Board
19 prepares -- if the Board adopts a
20 positive declaration, the notice of the
21 positive declaration would be prepared
22 and circulated to all of the involved and
23 interested agencies that have jurisdiction
24 over the project. That would be the
25 very next step. The following step

1 after that would be the applicant
2 would prepare a proposed draft scope
3 for the project which would then be
4 submitted to the Board for the
5 Board's review. The Board then
6 would review that scope, add or
7 change things as it deems necessary,
8 and then would schedule a scoping
9 session which is conducted similar to
10 a public hearing on the scope.
11

12 CHAIRMAN EWASUTYN: Stephanie
13 DeLuca.

14 I guess the action before us is
15 we're going to vote on -- I stand
16 corrected from what I said earlier -- a
17 positive declaration on the Elkay
18 Partners Development, the multi-family
19 apartments - senior housing.

20 Let me start with Dave Dominick.

21 Dave Dominick, do you believe we
22 should declare a positive declaration?

23 MR. DOMINICK: Yes. I think there
24 is enough information to warrant it based
25 upon what Pat Hines recommended and

2 Dominic Cordisco.

3 MS. DeLUCA: Agreed.

4 CHAIRMAN EWASUTYN: Ken Mennerich.

5 MR. MENNERICH: Agreed.

6 CHAIRMAN EWASUTYN: Agreed.

7 MS. CARVER: I agree.

8 MR. WARD: I agree.

9 CHAIRMAN EWASUTYN: Let the record
10 show that the Planning Board declared a
11 positive declaration on Elkay Partners
12 Development, project number 24-29, the
13 multi-family apartments and senior
14 housing located on Brewer Road in an R-3
15 Zone.

16 MS. PRUSCHKI: Thank you.

17 CHAIRMAN EWASUTYN: If there are no
18 further questions or comments this
19 evening, would someone move for a motion
20 to close the Planning Board meeting of
21 the 21st of August.

22 MS. DeLUCA: So moved.

23 CHAIRMAN EWASUTYN: I have a motion
24 by Stephanie DeLuca. Do I have a second?

25 MS. CARVER: Second.

2 CHAIRMAN EWASUTYN: Seconded by
3 Lisa Carver. Can I have a roll call vote
4 starting with John Ward.

5 MR. WARD: Aye.

6 MS. CARVER: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MR. MENNERICH: Aye.

9 MS. DeLUCA: Aye.

10 MR. DOMINICK: Aye.

11

12 (Time noted: 7:50 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 28th day of August 2025.

Michelle Conero

MICHELLE CONERO