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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

PUBLIC HEARING
AMENDED SITE PLAN/SPECIAL USE PERMIT

Date: September 4, 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
CLIFFORD C. BROWNE
LISA CARVER
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JONATHAN MOSS

----- X

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

CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. The Town of Newburgh Planning Board would like to welcome you to their meeting of the 4th of September 2025. We have five agenda items, one of them being a public hearing.

At this time we'll call the meeting to order with a roll call vote.

MR. DOMINICK: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MS. CARVER: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. HINES: Pat Hines with MHE Engineering.

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

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Jim Campbell.

MR. CAMPBELL: Please stand for the Pledge.

(Pledge of Allegiance.)

MR. CAMPBELL: Please silence your cellphones.

CHAIRMAN EWASUTYN: Our first item of business is Happy Tree Retail Cannabis Dispensary. It's project number 25-05. It's here this evening for a public hearing on an amended site plan and a special use permit. It's located on Route 17K in an IB Zone. Moss Architects will be discussing the project.

At this time Ken Mennerich will read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 274-A of the

New York State Town Law and Chapter 185-48.9 of the Town of Newburgh Code on the application of Happy Tree Retail Cannabis Dispensary, project 2025-05.

The project proposes the approval of a retail cannabis dispensary as a special use under the Town Code Chapter 185-48.9. The project is a proposed change of use of an existing structure currently containing a smoke shop. The project is located in the Town's IB Zoning District. Access to the site is from New York State Route 17K. The project is known on the Tax Maps as Section 95; Block 1; Lot 33. The address for the site is 99 Route 17K. A public hearing will be held on the 4th day of September 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 13
August 2025."

I'd just like to explain how the
Planning Board manages the public
hearings so that we have an orderly
and productive hearing. The project
applicant or representative for the
project will give an overview of the
project. The Planning Board Chairman
will then open the hearing for questions
or comments on the project. At this
point you can raise your hand and be
recognized by the Chairman. Please
give your first name before asking a
question or commenting. The applicant
or the Planning Board technical
representatives may be able to respond
to your questions. Once you have
finished, you need to wait until all
persons that want to speak have had a
chance. Once everyone has had the
opportunity to speak, the Chairman

will recognize people that want to speak again. The Planning Board welcomes your comments and input on the issues pertaining to the project.

Thank you.

CHAIRMAN EWASUTYN: Present your project, please.

MS. McPHAIL: I'm Tiffany McPhail --

CHAIRMAN EWASUTYN: A bit little louder.

MS. McPHAIL: Tiffany McPhail, CEO of Happy Tree Dispensary.

I'm opening a retail dispensary at 99 Route 17K. I'm not making any changes to the existing structure, only internal for the dispensary.

MR. MOSS: We don't anticipate any change in the traffic from the previous retail use.

There's going to be some lighting site improvements.

Basically it's going to stay the same. We're just going to change the signs. That's the intent.

CHAIRMAN EWASUTYN: For Michelle Conero's record, your name is?

MR. MOSS: I'm Jonathan Moss, Moss Architects.

CHAIRMAN EWASUTYN: Comments from Board Members. Dave.

MR. DOMINICK: Nothing further.

MS. DeLUCA: I guess more of a comment than anything else. In the change of use I noticed that you had a lot of events and things like that. Correct?

MS. McPHAIL: Yes.

MS. DeLUCA: Now with it being a change of use, how will that now change interior wise?

MS. McPHAIL: It's been converted to just a storefront. There won't be an event space, just a retail dispensary.

MS. DeLUCA: Very good. Are you licensed?

MS. McPHAIL: Yes. Fully licensed by the State.

MS. DeLUCA: Thank you.

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CHAIRMAN EWASUTYN: Ken.

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: No comment.

MR. BROWNE: Nothing more at this point. Thank you.

MS. CARVER: Nothing further.

MR. WARD: Do you have your license?

MS. McPHAIL: I'm fully licensed by the State.

MR. WARD: We need a copy for the Board.

MS. McPHAIL: Absolutely.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance.

MR. CAMPBELL: The only comment I had was about the sign, that they still -- I believe they still require ARB for the signage. The signage as proposed did comply for size.

CHAIRMAN EWASUTYN: Do you have an example of the signage, because part of the action this evening requires that we -- it doesn't require, but we should be

doing ARB approval.

MR. MOSS: This is what we're intending. These are the two locations which are existing. These are the two signs.

CHAIRMAN EWASUTYN: Have you had the opportunity to see that it meets code based upon the square footage?

MR. CAMPBELL: The square footage, we discussed that at the 8/7 meeting. The lineal footage was 60 feet. They were allowed to have a total of 75 square feet. They are under that.

MR. MOSS: I think the 75 square feet is a misstatement. I think we're allowed to have 1.5 -- 75 feet per frontage. I'm sorry. You're totally correct. I have it on there and I'm confused.

CHAIRMAN EWASUTYN: The color of the background and the lettering is?

MR. CAMPBELL: He wants to know what the color is of the sign.

MS. McPHAIL: It's a black

2 background. The lettering is green with
3 a gold wrapping around the lettering.
4 The tree that was on there previously, it
5 has been taken off. It's just the
6 lettering and the information.

7 MR. WARD: That will be removed?
8 The previous sign is coming down?

9 MS. McPHAIL: Yes, the previous
10 sign is coming down.

11 MR. WARD: Thank you very much.

12 CHAIRMAN EWASUTYN: Further
13 questions on the signage. Dave Dominick.

14 MR. DOMINICK: Nothing further.

15 MS. DeLUCA: No, nothing.

16 MR. MENNERICH: No.

17 CHAIRMAN EWASUTYN: No comment.

18 MR. BROWNE: No. I'm good.

19 MS. CARVER: Nothing.

20 MR. WARD: Nothing further.

21 CHAIRMAN EWASUTYN: Is there anyone
22 here from the public that has any
23 questions or comments on the Happy Tree
24 Retail Cannabis Dispensary?

25 The gentleman.

MR. GARZIA: Thank you very much.
My name is Matt Garzia, I'm the COO of
MF&Y. We are an Orange County based
cultivator, processor and distributor.
I'm also the co-chair of the Orange
County Chamber of Commerce Cannabis
Committee.

I'm just here to say thank you and
express my unequivocal support for Happy
Tree and Tiffany.

Tiffany is also a board member of
the Cannabis Committee. She has gone
above and beyond to try and advance this
amazing economic opportunity.

As you know, cannabis is here and
is providing real economic benefit. My
facility alone, I employ over 115 people.
A typical dispensary has anywhere between
10 to 20 people that they provide jobs
for. Typical dispensaries in the state
are bringing in 4 to 6 million dollars in
revenue. Of that, 4 percent of the sales
tax is allocated toward the County and
the Town of Newburgh for education,

development, economic development, drug treatment programs. This is going to create a massive economic benefit for the Town of Newburgh.

Again, I'm just here to express my support for Tiffany, Happy Tree, her staff. This is going to be a wonderful benefit to the community. The Town of Newburgh is truly going to benefit from this. Thank you.

CHAIRMAN EWASUTYN: Thank you.

Ma'am.

MS. BELL: I'm Heather Bell, I'm the president and CEO of the Orange County Chamber of Commerce.

I echo the sentiments that were just brought up by Matt Garzia who is the co-chair of our Cannabis Committee, the very first the chamber has in New York State.

We're dedicated to this industry and ensuring that it's compliant with OCM and all the regulations that the towns can additionally impose.

2 I want to express my support for
3 Tiffany who has been an active member of
4 the chamber, even without an active
5 business, upwards of five years, making
6 sure that businesses throughout this
7 county are supported in this industry.

8 Tiffany, how long have you been
9 paying rent?

10 MS. McPHAIL: Two years.

11 MS. BELL: For two years this young
12 lady has been paying rent with no other
13 income to have a facility sit there empty
14 because OCM says you have to have a lease
15 or a mortgage in order to have your
16 license. So for two years she has been
17 battling and doing everything to be
18 compliant with the requests of this
19 Board, of the Zoning Board and everyone
20 else that has made requests of her to
21 ensure that she is compliant and can open
22 a legitimate business.

23 It is my expressed opinion that
24 this Board should grant her that
25 opportunity now. I thank you for hearing

us.

CHAIRMAN EWASUTYN: Thank you.

It's good to have information because it's a new industry. Speaking for myself, I'm really unfamiliar with the ins and outs and the requirements, the costs associated with starting it up. I thank you for the education.

One more. Ma'am.

MS. MOYSEENKO-WRIGHT: I'm Holly Moyseenko-Wright. I own a business in Orange County. I also sit on the board of the Orange County Chamber of Commerce and I chair a committee within it.

I've known Tiffany for a few years. I know with my business I was able to take out loans. That's something I can easily do. That is not something you can do with cannabis in the State of New York.

Her level of dedication to this project, her knowledge -- I'll admit, I was not fully knowledgeable. I've learned so much from the cannabis committee about the science that goes

1
2 into all of this, as well as the tax
3 dollars that are going to come back
4 to this area.

5 She has followed the regulations.
6 She has her license. She's had her
7 license in hand previous to this.
8 She's gone ahead.

9 I was reading the notes, the great
10 diligent notes from your last few
11 meetings with her and the signage
12 being approved on August 7th in the
13 past and everything she's done. This
14 brings so much knowledge to the area,
15 as well as dollars.

16 I know there are a lot of stores
17 that have been shut down that were not
18 operating legally. Unfortunately those
19 things are still going to happen, but
20 the more we allow legitimate businesses
21 that are putting science into it, that
22 are employing people and bringing a
23 lot of legitimacy to it, I think it's
24 very important and I support it.

25 CHAIRMAN EWASUTYN: Holly, thank

you.

Comments from Board Members.

MR. DOMINICK: I appreciate your comments. We've had several cannabis establishments before us, and this is the first one that's ever received public support like that on a county level or a board member level, so thank you for that.

MS. DeLUCA: Nothing further.

MR. MENNERICH: No comment.

CHAIRMAN EWASUTYN: No comment.

MR. BROWNE: I'll just follow up with the same basic comment. We've obviously have done a lot of public hearings. It's rare that we have support for a project. Very rare. I appreciate the input and, as was already mentioned by John, the education as well. Thank you.

MS. CARVER: I agree. Thank you for all the information.

MR. WARD: Thank you for coming out and everything.

CHAIRMAN EWASUTYN: If there's no further comment from the public, would someone move for a motion to close the public hearing on Happy Tree Retail Cannabis Dispensary, project number 25-05.

MS. DeLUCA: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Stephanie DeLuca. I have 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.

MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: I'll turn the meeting over to Pat Hines with MH&E.

MR. HINES: Our first comment is this is a special use under the Town's Cannabis Ordinance, 185-48.9, so it

requires this public hearing that we're having.

We had submitted a courtesy letter to DOT. This is a SEQRA Type 2 action, but it is on a State highway. They came back requesting a substantial amount of information regarding traffic. I know Mr. Moss had discussions with the DOT rep and they were looking for a little -- they took a step back and asked for some information on the amount of traffic coming and going from the site. Mr. Moss has provided that, the applicant's representative. I know Ken Wersted, the Town's Traffic Consultant, also has that information. We haven't heard back from DOT, but the DOT is not approving anything here. They're using the existing driveway. It was more of a courtesy notification to them. Because it's a Type 2 action under SEQRA, they would have been notified.

I'm suggesting if the Board was to grant approvals, it could be contingent

on Ken Wersted coordinating with the DOT to finalize any of the information they have between the applicant and DOT.

There is a requirement for compliance with Section 148.9 C-1 through 5. They've documented most of that on the plans, but that should be recited in the resolution as well.

The only other item was the ARB for the signage.

Otherwise, the DOT finalizing their request for information is the only outstanding issue.

CHAIRMAN EWASUTYN: Dominic Cordisco with Drake, Loeb, can you provide us with the conditions of approval for the amended site plan and special use permit for Happy Tree Cannabis Dispensary.

MR. CORDISCO: Yes. Happily.

This would also include Architectural Review Board approval.

The conditions of approval would be to make any final corrections to the plan set as required by Mr. Hines' comments.

The Board should also require that the applicant secure the signoff of the Board's Traffic Consultant that concerns raised by the DOT have been satisfactorily addressed.

The applicant has to provide a copy of the license that she received from the Office of Cannabis Management.

The special permit approval allows only that which is shown on the plan. Anything else that's changed from the plan, like additional dumpsters or reconfiguration of anything exterior on the lot, would require an amended approval from the Board.

Only that which you applied for for a cannabis retail dispensary is being allowed as part of the special permit. If additional uses were proposed in the future on this site, you would have to return to the Board for an amended approval for expansion of that.

Architectural Review Board approval would also be granted. That would allow

1 a building permit authorizing the
2 construction, especially of the signage,
3 provided that it matches -- the proposed
4 signage matches the signage that has been
5 presented to the Board.
6

7 Lastly, the special use permit
8 itself would expire if there's ever an
9 expiration of your license from New York
10 State or if it was to lapse for whatever
11 reason. It basically tracks the New York
12 State approval. If there is an expiration
13 that happens with that permit, you have
14 to reapply to the Board for that.

15 Those are the conditions.

16 CHAIRMAN EWASUTYN: Would someone
17 move for a motion.

18 MR. DOMINICK: I'll make a motion.

19 MS. DeLUCA: Second.

20 CHAIRMAN EWASUTYN: I have a motion
21 by Dave Dominick. I have a second by
22 Stephanie DeLuca. Can I have a roll call
23 vote starting with Dave Dominick.

24 MR. DOMINICK: Aye.

25 MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MS. McPHAIL: Thank you.

MR. MOSS: Thank you.

CHAIRMAN EWASUTYN: So everyone understands, once the conditions are met, then Pat Hines will send me a sign-off letter and we'll talk about signing the site plans.

MR. MOSS: Thank you.

(Time noted: 7:17 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 15th day of September 2025.

Michelle Conero

MICHELLE CONERO

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

JOANN MALCOM TIMBER HARVEST
(2025-27)

55 New Road
Section 34; Block 2; Lot 13
R-2 Zone
----- X

GRADING & CLEARING PERMIT

Date: September 4, 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
CLIFFORD C. BROWNE
LISA CARVER
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER PRENTIS

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

2 CHAIRMAN EWASUTYN: The second item
3 of business is Joann Malcom Timber
4 Harvest, project number 25-27. It's an
5 initial appearance for a clearing and
6 grading permit located on 55 New Road.
7 It's in an R-2 Zone. It's being
8 represented by Chris Prentis of Lower
9 Hudson Forestry Services.

10 Chris.

11 MR. PRENTIS: Good evening. I'm
12 Chris Prentis, Lower Hudson Forestry
13 Services, representing the applicant,
14 Klein & Sons Logging.

15 What we're proposing is a selective
16 timber harvest on parcel 34-2-13 located
17 at 55 New Road. The parcel is 26.9 acres
18 of which 22 acres is being proposed to be
19 harvested.

20 All the trees to be harvested were
21 marked with blue paint by myself. It's
22 200 trees, all hardwood species, 15 to 38
23 inches in diameter.

24 No other vegetation is going to be
25 removed.

2 Once the trees are cut, they will
3 be lopped to a height of 3 feet or less.

4 There's no DEC regulated wetlands.
5 There's no Federal wetlands. There's no
6 streams on the property. The property is
7 not in a critical environmental area.
8 There are no rare, threatened or
9 endangered species on or adjacent to any
10 of the parcels.

11 The topography is fairly flat.
12 There is some rolling, rocky terrain.

13 We'll be following the State's best
14 management practices for forestry
15 operations.

16 At the end of the project we'll be
17 smoothing and grading all the trails, the
18 landings, putting appropriate erosion
19 control devices where needed. Those
20 devices most likely will be water bars to
21 prevent erosion on some of steep slopes.

22 The landing area is actually going
23 to be located on Joann's son's parcel
24 which is located at 45 New Road which is
25 parcel 34-2-15.3. The access may be the

2 son's driveway which is a gravel
3 driveway.

4 The landing will be towards the
5 back of the parcel, so not viewable or
6 seen from New Road.

7 The driveway will be gravel and
8 also serve as the tracking pad, so it
9 will prevent mud, debris or anything else
10 from coming out onto the Town road.

11 Depending on the weather, it will
12 take two months maximum. The hope is
13 that it will be done quite a bit sooner.

14 CHAIRMAN EWASUTYN: Thank you.

15 Dave Dominick, questions.

16 MR. DOMINICK: You say clearing
17 will be Monday through Friday. Would
18 there be any extension to the weekend,
19 like you just said if there was a weather
20 delay, or were you going to stick to
21 Monday through Friday?

22 MR. PRENTIS: That's entirely up to
23 the Town. I mean, we typically follow
24 the Town's requirements for working, so
25 Monday through Friday. Most towns don't

2 allow it on weekends or Federal holidays.
3 You know, we're open to doing it just
4 Monday through Friday if that's what the
5 Town prefers.

6 MR. DOMINICK: Thank you.

7 MS. DeLUCA: No questions.

8 MR. MENNERICH: No questions.

9 CHAIRMAN EWASUTYN: No comment.

10 MR. BROWNE: The driveway pad
11 coming from where work is going to stop,
12 how long would the driveway back to what
13 you call the cleaning area, whatever, for
14 the mud and stuff?

15 MR. PRENTIS: It's approximately
16 450 feet off of the Town road. It's
17 quite a distance.

18 MR. BROWNE: Okay. 450 back.

19 Is the condition of that driveway
20 sufficient to accomplish that process?
21 My thinking is typically a gravel
22 driveway is not really substantial enough
23 to hold up the truck traffic for that
24 process. What's your opinion?

25 MR. PRENTIS: To be honest, a

2 gravel driveway is preferred. The reason
3 we're not using Joann's access is because
4 she has a paved driveway. Those log
5 trucks weigh 35 tons. They'll destroy a
6 paved driveway pretty quickly. A gravel
7 driveway is more than sufficient.

8 MR. BROWNE: Good. Thank you.

9 MS. CARVER: How many trucks would
10 you have to run back and forth for 200
11 trees? How many trips would there be?
12 Do you know roughly?

13 MR. PRENTIS: It would be about 16,
14 17.

15 MS. CARVER: Thank you.

16 MR. WARD: Thank you for the
17 presentation. I've seen your work
18 already. Thank you.

19 MR. PRENTIS: It's been a few
20 years, but yes.

21 CHAIRMAN EWASUTYN: Jim Campbell,
22 Code Compliance.

23 MR. CAMPBELL: As far as the time
24 limits, site preparation activities are
25 allowed from 7:30 to 6:00 p.m. when

2 within 1,500 feet of any residence. They
3 cannot be conducted on Sunday or public
4 holidays.

5 The timeframe that they're
6 proposing fits within that section.

7 CHAIRMAN EWASUTYN: Thank you.

8 Pat Hines with MH&E.

9 MR. HINES: Again, our first
10 comment just identifies it's approximately
11 200 trees of 22 acres of a 27 acre parcel.

12 Adjoiners' notices must be sent out.
13 I'll work with Mr. Prentis on getting
14 those done and the mailings for those.

15 The adjoining lot where the log
16 landing area is needs to be added to
17 the application. It's part of this
18 application. It will change the
19 adjoiners' because it's being used
20 for this. We just need that lot
21 added to the application to clean
22 that up. When we do the adjoiners'
23 notice, I'll include that lot so we
24 can get that going.

25 You're reviewing this project

under the Town's Clear & Grading Ordinance.

It does require a public hearing based on Chapter 83-8 D-1 because of the size of the acreage involved.

We typically require a performance guarantee of \$5,000 in order to address any potential damage to the Town roadways should that occur.

An inspection fee is typically required of \$1,500 to be posted as an escrow. Any unspent amount would be returned.

We concur with Mr. Prentis that a review of the harvest plan in the EAF does not identify any environmental constraints on the property.

It does require adjoiners' notices and it does require a public hearing.

CHAIRMAN EWASUTYN: Would the 4th, Dominic, of October be reasonable for a public hearing?

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: Would someone

2 move for a motion to begin circulating
3 the adjoiners' notice and to set a public
4 hearing on the 4th of October.

5 MS. CARVER: It would be the 2nd of
6 October.

7 CHAIRMAN EWASUTYN: I stand
8 corrected. We'll have a public hearing
9 on the 2nd of October.

10 Would someone move for that and the
11 adjoiners' notice.

12 MR. MENNERICH: So moved.

13 MS. CARVER: Second.

14 CHAIRMAN EWASUTYN: I have a motion
15 by Ken Mennerich and a second by Lisa
16 Carver. I'll have a roll call vote
17 starting with Dave Dominick.

18 MR. DOMINICK: Aye.

19 MS. DeLUCA: Aye.

20 MR. MENNERICH: Aye.

21 CHAIRMAN EWASUTYN: Aye.

22 MR. BROWNE: Aye.

23 MS. CARVER: Aye.

24 MR. WARD: Aye.

25 MR. HINES: We'll consolidate that

mailing of the adjoiners' notice and the public hearing.

MR. PRENTIS: Okay. Just one question about your comments. The 1,500 escrow, is that in addition to the 4,500 escrow that I have for the Planning Board right now?

MR. HINES: Yes. The majority of that, I assume, is going to get returned to you if you have 4,500 in escrow. This is for post-approval.

MR. PRENTIS: Okay. Fair enough. I appreciate it. I'll see you on the 2nd.

CHAIRMAN EWASUTYN: Thirty days after the approval send me an e-mail for the balance from the escrow account. We'll have a voucher to release that.

MR. PRENTIS: Thank you.

(Time noted: 7:27 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 15th day of September 2025.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

NEWBURGH SELF-STORAGE
(2024-06)

1420 Route 300
Section 60; Block 3; Lot 22.222
IB Zone

- - - - - X

SITE PLAN/SIGNAGE

Date: September 4, 2025
Time: 7:28 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
CLIFFORD C. BROWNE
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: Our third item
3 is Newburgh Self-Storage, project number
4 24-06. It's a site plan for signage.
5 It's located on Route 300 in an IB Zone.
6 It's being represented by Justin Dates of
7 Colliers Engineering & Design.

8 MR. DATES: Good evening. Justin
9 Dates, Colliers Engineering & Design.

10 I'm here on behalf of the applicant,
11 Budget Store & Lock Self-Storage, for
12 their proposed facility at 1420 Route
13 300.

14 On May 1st we were before the
15 Board for the proposed signage for
16 the project. That was not previously
17 granted as part of the site plan
18 approval. At that time we had four
19 variances on the signs that we needed
20 to go to the ZBA for. The Board
21 referred us over to the ZBA.

22 At the July 24th ZBA meeting we
23 were granted four variances for the
24 proposed signage. Those variances were
25 associated with -- there are two

2 proposed freestanding signs on the
3 site. Sign C that I labeled is at
4 the main access off of Route 300.
5 That particular sign required a
6 variance for the setback from the
7 property line. We proposed it at
8 19.75 feet where the requirement
9 would be 27 feet. The ZBA Board did
10 grant that 8.25 foot variance for the
11 sign.

12 We have a second sign, a freestanding
13 sign on the Route 52 frontage, that's
14 sign C. That one had three variances
15 that we were able to obtain from the
16 ZBA. One is that it is actually
17 located off the project site. We do
18 have an easement across the adjacent
19 property from 52 for the access into
20 the site. Since it's not on the subject
21 property, we required a variance for
22 that. We were granted that from the
23 ZBA.

24 The code allows only one
25 freestanding sign for a site, so

2 this was freestanding sign number 2
3 for the project. We received a
4 variance for that from the ZBA.

5 Then lastly, this one also we
6 proposed at 11.75 feet for the
7 setback where 22.5 feet would be
8 required. The 10.75 foot variance
9 was granted by the ZBA.

10 The other two signs within the
11 package didn't change. We have the
12 word "Leasing" on the face of the
13 office building there. That's just
14 under 3 square feet and non-illuminated.

15 The fourth sign is where we have
16 the drive-in access at the former
17 movie theater building, there's drive-
18 through lettering that's on the base,
19 or just above the overhead door which
20 is illuminated. Those are illuminated
21 letters.

22 We're here to seek any additional
23 comments from the Board.

24 CHAIRMAN EWASUTYN: Do you have any
25 renderings?

2 MR. DATES: Yes. We did submit a
3 package. It's in the plan there. The
4 third sheet, this is the "Leasing."
5 Again it's just the "Leasing" lettering
6 that's above the office access.

7 Sign C is the pole freestanding
8 sign that's over on Route 52. It just
9 kind of shows you -- with both of these
10 we're looking to establish the cabinet of
11 the proposed sign with the face of the
12 cabinet sign that's there. The cinema
13 signs are both remaining on the site
14 right now. We're looking just to
15 maintain that cabinet offset from the
16 property line. There are a couple of
17 photos there of what that looks like
18 visually.

19 D is the freestanding sign on Route
20 300. It's got a double pole, a cabinet.
21 Again, similar initial renderings were
22 provided for that sign.

23 Then the last one is the drive-
24 through signage just on the overhead door
25 at the drive-through.

2 That's the proposed sign package.

3 CHAIRMAN EWASUTYN: Dave Dominick.

4 MR. DOMINICK: Nothing further.

5 MS. DeLUCA: Nothing further.

6 MR. MENNERICH: No questions.

7 CHAIRMAN EWASUTYN: No comment.

8 MR. BROWNE: Nothing. Thank you.

9 MS. CARVER: Nothing further.

10 MR. WARD: No comment.

11 CHAIRMAN EWASUTYN: Jim Campbell,
12 Code Compliance.

13 MR. CAMPBELL: I did read the
14 minutes from the ZBA meeting. Mr. Dates,
15 he did account it correctly.

16 MR. DATES: I apologize. The
17 official resolution was not prepared yet.
18 I was hoping to have that by this
19 meeting, but it's still in the process.

20 CHAIRMAN EWASUTYN: A general
21 question. When do you anticipate opening?

22 MR. DATES: Well, they just started
23 on the foundations for building G in the
24 back. They're really trying to get all
25 these foundations in. They've been doing

2 some work interior, kind of gutting the
3 movie theater and things like that.
4 They're hoping to have foundations for
5 the end of the year at minimum.

6 CHAIRMAN EWASUTYN: So with a
7 possible opening in the spring?

8 MR. DATES: I would anticipate that.

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

11 MR. HINES: We have nothing on the
12 signage.

13 CHAIRMAN EWASUTYN: The action
14 tonight is ARB approval on the signage.

15 Do the Board Members have any other
16 questions or comments?

17 MS. CARVER: No.

18 MR. BROWNE: Nothing.

19 CHAIRMAN EWASUTYN: Conditions of
20 approval.

21 MR. CORDISCO: Only that what's
22 shown on the plans as presented to the
23 Board can be constructed and fees must be
24 paid.

25 CHAIRMAN EWASUTYN: Having heard

2 from Planning Board Attorney Dominic
3 Cordisco for the conditions of approval
4 for the signage for Newburgh Self-Storage,
5 project number 24-6, would someone move
6 for that motion.

7 MR. WARD: So moved.

8 MR. BROWNE: Second.

9 CHAIRMAN EWASUTYN: I have a motion
10 by John Ward. I have a second by Cliff
11 Browne. 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 MR. BROWNE: Aye.

18 MS. CARVER: Aye.

19 MR. WARD: Aye.

20 CHAIRMAN EWASUTYN: Thank you.

21 MR. DATES: Thank you very much.

22

23 (Time noted: 7:35 p.m.)

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 15th day of September 2025.

Michelle Conero

MICHELLE CONERO

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

- - - - - X

In the Matter of

CFB REALTY, LLC
(2025-26)

121 Wells Road
Section 39; Block 1; Lot 19
R-2 Zone

- - - - - X

FOURTEEN-LOT SUBDIVISION

Date: September 4, 2025
Time: 7:35 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
CLIFFORD C. BROWNE
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: Our fourth item
3 of business this evening is CFB Realty,
4 project number 25-26. This is an initial
5 appearance for a fourteen-lot subdivision
6 in an R-2 Zone. It's being represented
7 by David Niemotko.

8 MR. NIEMOTKO: Hello everyone.
9 I'm back. At least this project, not
10 everything about it needs a variance
11 like our previous one.

12 MR. HINES: We are in a comprehensive
13 plan update.

14 MR. NIEMOTKO: Touché.

15 I have a project here before you on
16 the corner of Wells and Fostertown Road.
17 It's approximately 18.7 acres of vacant
18 land.

19 We're proposing to divide it into
20 fourteen lots with individual homes on
21 each of the lots.

22 The project can be serviced by
23 municipal sewer and water, and we're
24 proposing to do that work along with
25 Pat and the Board in trying to achieve

2 that.

3 The project is interesting. We
4 definitely fronted four lots, lots
5 11, 12, 13 and 14, on Wells Road so
6 they can be contextual with whatever
7 other houses are being developed along
8 there.

9 In addition to that, we're
10 proposing a 600-foot cul-de-sac which
11 will service ten homes, and it will
12 be accessed off of Fostertown Road.

13 The site slopes from Fostertown
14 Road this way, from the northeast
15 down to the southwest. It slopes
16 approximately ten to twelve feet
17 downward. That's why, as Pat
18 mentioned in his comments, we'll be
19 designing a force main system to go
20 from the cul-de-sac. Lots 11 through
21 14 would be serviced off of the
22 municipals within Wells Road for
23 water and sewer.

24 We did have this lot delineated
25 for wetlands. It was submitted to

2 the DEC. Today we actually got an
3 e-mail certification that the DEC
4 accepted the delineation, and so now
5 we're in touch with the surveyor to
6 provide the proper maps to submit to
7 them. The wetlands are delineated.
8 Basically we stayed outside of the
9 100-foot buffer. We respected that.

10 I did note Pat's comments that some
11 of our grading impacted that. We can
12 talk about that later, but it was
13 minor. We plan to regrade that and
14 not impact the 100-foot buffer.

15 I would like to, again as I
16 mentioned, have the design of these
17 homes be contextual here. I'm looking
18 forward to doing the design of these
19 ten homes in probably two or three
20 different designs so it's not all the
21 same.

22 I'm invested in the area, as all
23 of you know, and I'd like to see a
24 nice development go up.

25 CHAIRMAN EWASUTYN: Board Members,

2 comments. Dave Dominick.

3 MR. DOMINICK: Nothing further at
4 this time.

5 MS. DeLUCA: No, nothing right now.

6 MR. MENNERICH: Nothing right now.

7 CHAIRMAN EWASUTYN: With future
8 submissions show the sight visibility on
9 both roads.

10 MR. NIEMOTKO: Yes.

11 MR. BROWNE: Nothing more at this
12 point.

13 MS. CARVER: Nothing further.

14 MR. WARD: Nothing further.

15 CHAIRMAN EWASUTYN: Jim Campbell
16 with Code Compliance.

17 MR. CAMPBELL: Proposed lots 1, 10
18 and 11 would be considered corner lots.
19 The setbacks should be marked appropriately.

20 MR. NIEMOTKO: Again I want to
21 thank the professionals for getting their
22 comments to us early so we could do a
23 little research. We'll be able to meet
24 the setbacks so that those lots can
25 maintain their configuration.

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

4 MR. HINES: This is here for an
5 initial appearance for the fourteen-lot
6 subdivision. It's in an R-2 Zone.

7 The wetlands survey has an acreage
8 discrepancy. We need to figure out just
9 how big this lot is.

10 MR. NIEMOTKO: We bought it and now
11 it grew by an acre.

12 MR. HINES: It looks like it grew
13 by an acre. We need all the documents to
14 correspond with the exact size there.

15 MR. NIEMOTKO: Not a problem.

16 MR. HINES: The EAF identifies a
17 100-year floodplain. That needs to be
18 depicted.

19 MR. NIEMOTKO: We talked to the
20 surveyor today. He has all the recent
21 studies that were done. It does follow I
22 think elevation 437 or something like
23 that. We'll delineate it.

24 MR. HINES: Make sure there's no
25 impact.

2 Again, the front yards on County
3 and State roads are 60. That needs to be
4 shown.

5 MR. NIEMOTKO: Yes.

6 MR. HINES: The water main
7 extension as proposed will need approval
8 from the Town and the County Health
9 Department.

10 A City of Newburgh flow acceptance
11 letter will be required. We'll work on
12 that as the project progresses.

13 You talked about the force main.
14 We're looking for some detail on that.
15 If that one circle on the map is the pump
16 station, it has to be outside of the Town
17 road right-of-way.

18 MR. NIEMOTKO: Actually that one
19 circle is the fire hydrant --

20 MR. HINES: Okay.

21 MR. NIEMOTKO: -- to address Jim's
22 comments.

23 MR. HINES: I didn't know if you
24 were going to put individual pump
25 stations with the houses or if there's

2 going to be one pump station.

3 MR. NIEMOTKO: Actually, we did an
4 initial design, which we'll prepare for
5 our next submission, and all of the homes
6 -- the ten homes along the cul-de-sac
7 will be gravity fed. Only the main sewer
8 line will be a force main to the street.

9 MR. HINES: The gravity is going to
10 one pump station then?

11 MR. NIEMOTKO: I'm not sure yet. I
12 don't know.

13 MR. HINES: The lots are dropping
14 off too much. It can't possibly be
15 gravity.

16 MR. NIEMOTKO: It's 10 feet within
17 600 feet. It's like a foot every 60
18 feet.

19 MR. HINES: It shows a force main
20 from the cul-de-sac out, not a gravity
21 line. There's one force main.

22 MR. NIEMOTKO: The laterals can be
23 gravity fed to the force main and the
24 force main --

25 MR. HINES: No, they can't. They

2 have to be pumped somehow.

3 MR. NIEMOTKO: Okay. That's what
4 we'll do.

5 MR. HINES: If they connect to the
6 force main, when the pump kicks on you're
7 going to have exciting things happen in
8 the houses.

9 MR. NIEMOTKO: We don't want that.

10 CHAIRMAN EWASUTYN: Basically force
11 to force and it equals out.

12 MR. HINES: That needs to be
13 clarified.

14 Interior metes and bounds will be
15 required.

16 Several of the lots are located
17 close to the building envelopes. Based
18 on the zoning, we'll need a note on there
19 that those will be staked out in the
20 field with a plot plan submitted prior to
21 pouring the foundations to avoid any
22 issues.

23 We talked about the pump station.

24 It's proposed to be a Town road at
25 this point. We're going to need to talk

2 to the highway superintendent to see if
3 they're interested in accepting the
4 500-foot long Town road. They're
5 difficult to maintain. They have to send
6 smaller trucks out to deal with the
7 cul-de-sacs and such. I don't know if
8 your heart is set on a Town road or if it
9 could be a private road, which would
10 eliminate that issue. We need to have a
11 conversation with the highway superintendent.

12 MR. NIEMOTKO: Can we do that informal?

13 MR. HINES: We'll facilitate that.
14 I want to make sure we don't get too far
15 along. If it's a private road, the lot
16 lines go to the center line and everyone
17 owns a piece.

18 The project disturbs greater than 5
19 acres. It will need to have a stormwater
20 pollution prevention plan in compliance
21 with Town of Newburgh and DEC regulations.
22 Right now there's no stormwater shown.
23 Wherever that stormwater lands is most
24 likely going to have to be on a drainage
25 district lot. A drainage district will

2 need to be formed for long-term operation
3 and maintenance of that. Where that ends
4 up may impact a lot or two or the design
5 of that. That's a consideration in the
6 future based on this concept.

7 The grading plans do show grading
8 into the regulated wetland buffer which
9 you addressed.

10 Compliance with the Town's Tree
11 Preservation Ordinance is required,
12 Chapter 172. This is in an R-2 Zone so
13 there's a fifty-percent threshold for
14 removal of the specimen and significant
15 trees. That whole site will have to be
16 reviewed for that. It is greater than
17 ten acres.

18 MR. NIEMOTKO: This site up to the
19 buffer zone?

20 MR. HINES: The entire site.
21 You're going to want to include every
22 tree on the site because that gives you
23 credit -- if you look at the Tree
24 Preservation Ordinance, you can only
25 remove fifty percent of certain diameter

2 trees and certain specimen trees. That
3 will have to be documented on the plan.
4 The more trees you have on the site, the
5 better it is for the amount you remove,
6 you'll get a higher number. You can use
7 sample plots. Have a qualified person
8 read the ordinance there. They can use
9 sample plots and extrapolate the trees
10 rather than counting every tree on the
11 site.

12 There are some technical details on
13 the water mains and sewer mains.

14 The building envelop.

15 The Planning Board could declare
16 its intent for lead agency tonight to get
17 that circulation. There are many
18 agencies involved, the DEC, the County
19 DPW, County Planning, and possibly others
20 as we look through the EAF.

21 Adjoiners' notices would be
22 appropriate at this time as well.

23 CHAIRMAN EWASUTYN: Dave, as a side
24 note, eventually you'll have to submit to
25 the Town Board for a road name, whether

2 it be a private road or a Town road. If
3 it's a private road, mail pickup I
4 believe will work on a private road.

5 I think that's equally true of
6 school buses picking up children on a
7 private road.

8 There are pluses and minuses to the
9 convenience or inconvenience of a private
10 road.

11 MR. HINES: It also is subject to
12 ARB. It's greater than ten lots.

13 MR. NIEMOTKO: Not a problem.

14 CHAIRMAN EWASUTYN: Okay. Dominic,
15 do you have anything to add?

16 MR. CORDISCO: No, sir.

17 CHAIRMAN EWASUTYN: Having heard
18 from Pat Hines from MH&E, we're
19 discussing CFB Realty, LLC, project
20 number 25-26, would someone move for
21 a motion to begin circulating the
22 adjoiners' notice and also declaring
23 our intent for lead agency.

24 MS. CARVER: So moved.

25 MS. DeLUCA: Second.

2 CHAIRMAN EWASUTYN: I have a motion
3 by Lisa Carver and a second by Stephanie
4 DeLuca. Can I have a roll call vote
5 starting with Dave Dominick.

6 MR. DOMINICK: Aye.

7 MS. DeLUCA: Aye.

8 MR. MENNERICH: Aye.

9 CHAIRMAN EWASUTYN: Aye.

10 MR. BROWNE: Aye.

11 MS. CARVER: Aye.

12 MR. WARD: Aye.

13 CHAIRMAN EWASUTYN: Interesting
14 project.

15 MR. NIEMOTKO: Thank you very much.
16 I appreciate it. I look forward to our
17 next submission.

18 CHAIRMAN EWASUTYN: As a matter of
19 record, anything that you receive from
20 the interested agencies, i.e. the DEC or
21 what have you, can you just, for a matter
22 of record, e-mail Pat Hines and the
23 Planning Board, then we'll have that as
24 well in the record?

25 MR. NIEMOTKO: Absolutely. We'll

2 include any correspond with our next
3 submission.

4 Thank you very much.

5

6 (Time noted: 7:46 p.m.)

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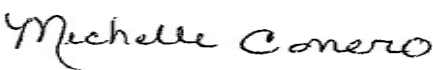
C E R T I F I C A T I O N

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 15th day of September 2025.



MICHELLE CONERO

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

- - - - - X
In the Matter of

ROUTE 9W CATERING FACILITY
(2025-28)

5500 Route 9W
Section 8; Block 2; Lot 27.1
B Zone

- - - - - X

AMENDED SITE PLAN

Date: September 4, 2025
Time: 7:47 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: REUBEN BUCK
RENICE MARLEY

- - - - - 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 Route 9W Catering Facility, project
5 number 25-26. It's an initial appearance
6 for an amended site plan located on Route
7 9W in a B Zone. It's being represented
8 by Engineering & Surveying Properties.

9 For the record, your name is?

10 MR. BUCK: Good evening. Reuben
11 Buck, Engineering & Surveying Properties.

12 CHAIRMAN EWASUTYN: Thank you.

13 MR. BUCK: I'm joined by the
14 applicant, Renice Marley, Marley Designs,
15 LLC.

16 The site of the proposed action is
17 tax lot 8-2-27.1. It's located in the
18 Business Zoning District, also within the
19 LHI Overlay District along U.S. Route 9W.
20 It's the old site of the Valley Diner.
21 It's adjacent to the Middlehope Motel.

22 The site is served by public water
23 and a private septic system.

24 The applicant is proposing to reuse
25 the diner facility and make interior

modifications to create a catering facility.

There are no proposed additions to the building. All of the work is going to be interior to it.

There is a location of an existing pedestal sign. The applicant is going to be reusing that sign as well as adding a building-mounted sign. Plans for both of those we provided for the Board's ARB approval.

I believe that's pretty much it.

The parking shown is not based on the number of -- the capacity of the building. We showed it simply for zoning compliance purposes to show the number of spaces based on the use. As the building plans are finalized, we'll get a number that -- the maximum occupancy of the building and then adjust our parking calculations to show that we comply with that number.

Currently it's showing that the site is capable of having -- the building

2 is capable of holding 240 seats. I
3 believe the SPDES permit for the septic
4 was either 110 or 120 seats. We
5 anticipate that number to be similar
6 for this use.

7 I'd be happy to answer any
8 questions the Board may have.

9 CHAIRMAN EWASUTYN: Renice, are you
10 comfortable speaking in public?

11 MS. MARLEY: Yes.

12 CHAIRMAN EWASUTYN: Great. As Dave
13 Dominick, Planning Board Member, always
14 says, can you give us an example of your
15 business model? I think we're all
16 looking in different directions. If
17 you could bring it together for us.

18 MS. MARLEY: Sure. So my name is
19 Renice Marley, I'm the CEO of Marley
20 Designs.

21 I'm looking to basically bring a
22 catering hall and venue to Newburgh. I
23 want to facilitate having weddings,
24 birthday parties, baby showers, any kind
25 of function, and having the space where

2 guests can come in and have their food
3 catered, have their drinks and have a
4 party all in one space.

5 I'm interested in doing this
6 because, actually, I'm from Westchester,
7 Mount Vernon, and I know a lot of people
8 that live in the Newburgh area. I get a
9 lot of basically feedback that Newburgh
10 doesn't really have a lot of catering
11 facilities. I'm really interested in
12 having this here.

13 I'm also a decorator. I've been
14 decorating for ten years. I do parties
15 all over the tri-state. I have a lot of
16 clients that actually live up in this
17 area and they'll come all the way down to
18 Westchester, the Bronx, New Rochelle to
19 have their events because there's no
20 space to accommodate them.

21 That's basically my goal, to have
22 the catering services where we can
23 provide the decorations, the venue and
24 the catering for any kind of function.

25 CHAIRMAN EWASUTYN: I'm not clear,

2 but that's because that's John.

3 I'll have Dave Dominick start.

4 The more people that have questions
5 or comments, I'm sure the more I will
6 visualize what you're proposing.

7 Good presentation.

8 Dave.

9 MR. DOMINICK: Thank you for that
10 presentation. Basically I want to have
11 an event at your facility, any type of
12 event, you provide the venue, the
13 building --

14 MS. MARLEY: Yes.

15 MR. DOMINICK: -- and setup,
16 decorations, tables, chairs, food, or do
17 I bring my own food?

18 MS. MARLEY: We want to be able to
19 provide the food for the guests. We'll
20 also have options where if they prefer to
21 just rent the space, they can do that,
22 but I want it to be a catering hall. You
23 potentially come in, we'll give you the
24 price per plate for your food and drinks
25 per guest. We'll also offer all the

2 decor, so your accent area, your
3 centerpieces, balloons. You know, the
4 whole works. That's my mission.

5 MR. DOMINICK: You've taken the
6 existing layout of the interior of the
7 diner and cleared out everything inside,
8 the booths and the tables?

9 MS. MARLEY: We don't need any
10 booths. We just need an open space
11 really glamorized pretty with
12 chandeliers. We'll be able to arrange
13 the tables to fit the needs of the
14 occasion that the guest is requesting.

15 MR. DOMINICK: Don't forget the
16 jelly packets. I saw that in your video.

17 CHAIRMAN EWASUTYN: What is --

18 MR. DOMINICK: The previous owner
19 left cases and cases of jelly packets.

20 MS. MARLEY: Everything. Jelly,
21 ketchup and the wine glasses.

22 MR. DOMINICK: I know you're not
23 going to have to do any renovations to
24 the exterior, but it needs a little --

25 MS. MARLEY: TLC.

2 MR. DOMINICK: Yes. The parking
3 lot, the back fence has graffiti, some
4 loose boards, so that needs to be
5 repaired. What are your plans for the
6 fence and the parking lot?

7 MS. MARLEY: So I'm envisioning to
8 clean up the fence in the back, get the
9 graffiti removed. I'm not sure if I'll
10 be able to do this right away, but I
11 would like to have something more like
12 the trees that are in the front along the
13 highway to just go all the way through
14 the entire site to give more privacy.
15 I'm using trees. In time replacing the
16 back fence with maybe like an iron fence
17 so you can see the stream in the back.
18 You know, just a little bit more
19 appealing. I know I'm going to
20 definitely have to do something with the
21 tar, the parking lot, have new lines
22 painted on, and definitely get flower
23 boxes and everything looking spruced up.

24 MR. DOMINICK: Okay. That's all I
25 have right now. Thank you.

2 MS. DeLUCA: I love the idea. Yes,
3 we do need another catering place because
4 everything is going to the wayside. I'm
5 excited for you.

6 I have no other questions so far.
7 I look forward to seeing it develop.

8 MR. MENNERICH: Will you be using
9 the kitchen that's in the diner or is
10 that going to have to be modified for the
11 food that you're going to serve?

12 MS. MARLEY: So the kitchen in the
13 diner is actually, according to my
14 architects, in great standing. It's an
15 extraordinary kitchen. It has so many
16 things in there that probably we're not
17 even going to be using all of. The
18 kitchen just needs to be basically
19 thoroughly cleaned. We can use
20 everything in there for what we need to
21 do to run the business.

22 MR. MENNERICH: Thanks.

23 CHAIRMAN EWASUTYN: When you factor
24 in the needed parking based upon the use,
25 give consideration to the number of

2 employees and parking stalls allocated to
3 the employees also.

4 MR. BUCK: Okay.

5 MR. BROWNE: I like the proposal.
6 Thank you for your presentation. Very
7 good. Thank you.

8 From our perspective, long term,
9 far out, a few years down the road is one
10 thing. What we have to be focused on is
11 your initial startup, your initial
12 opening type situation. We like to be
13 focused on you get your permit, what has
14 to be required to get the permit, to get
15 that going. The long term is down the
16 road. We have to focus right now on
17 getting things finalized so you can
18 actually do the business. It sounds like
19 you have a good -- I'll say it's a good
20 opportunity there and it sounds like you
21 know what you're doing.

22 MS. MARLEY: Thank you.

23 MS. CARVER: How many square feet
24 is it internal in the building that's
25 usable? How much of it is kitchen and

2 how much is usable? I don't know if you
3 know that.

4 MS. MARLEY: We do have plans from
5 the architect.

6 MR. BUCK: So the total square
7 footage is just over 2,000 square feet.
8 The kitchen -- I don't have dimensions on
9 it, but the kitchen is essentially this
10 bump out in the back of the building
11 here.

12 MS. CARVER: So not that big.

13 MR. BUCK: It takes up a small
14 portion of the building.

15 MS. CARVER: You still have a lot
16 to use. I was just curious as to the
17 difference in that.

18 You would just set up tables
19 depending on the need. Right?

20 MS. MARLEY: Yeah.

21 MS. CARVER: You can move them
22 around?

23 MS. MARLEY: Yes.

24 MS. CARVER: Sounds good.

25 CHAIRMAN EWASUTYN: John Ward.

2 MR. WARD: It sounds like a banquet
3 hall. That's what you said?

4 MS. MARLEY: Yes.

5 MR. WARD: Will you have a dance
6 floor or music?

7 MS. MARLEY: Well, yeah. We don't
8 have to have a designated dance floor,
9 but we can set up a dance floor area
10 based on the layout that the guests
11 choose or the kind of function that we're
12 having. Yes, definitely we would have
13 equipment for DJs. I imagine just
14 mounted speakers so if a DJ comes in,
15 they just plug into our system, that way
16 they don't have to travel. There would
17 be DJs for music and of course a dance
18 area.

19 In short, if we have a certain
20 amount of guests, we have an area for
21 that amount of guests.

22 MR. WARD: I ditto on what Cliff
23 was trying to say, there are requirements
24 to be done, but you've got the dream
25 where you'll get there.

2 MS. MARLEY: Thank you.

3 MR. WARD: Thank you.

4 CHAIRMAN EWASUTYN: Jim Campbell,
5 Code Compliance.

6 MR. CAMPBELL: The building
7 addition, which is actually on the south
8 side of the building that I referred to,
9 that has a sprinkler system. There's a
10 tank in the basement. That system will
11 have to be looked at and brought up to
12 date. I'm sure it hasn't been looked at
13 in a number of years.

14 As far as the rest of the building,
15 it's actually based on how much work and
16 stuff is being done within the space if
17 it's considered substantially altered.

18 As far as accessible parking, based
19 on 60 spots you would need one additional
20 accessible spot.

21 Just a general note that the ZBA
22 approved a front yard deficiency back in
23 2011 when they did the addition-- when
24 that addition was proposed.

25 I believe you answered my question

2 about the 240 seats. I believe that was
3 for the parking calculation. The
4 occupancy load of the diner at the time
5 was 120.

6 Signage. The existing free-
7 standing sign and any future proposed
8 building-mounted signs will need to be
9 evaluated. Just because it's existing
10 doesn't mean it meets the code
11 requirements. It has to meet the code
12 today. If it doesn't, then a variance
13 may be required.

14 It also requires ARB.

15 MR. BUCK: Understood. Thank you.

16 CHAIRMAN EWASUTYN: The gentleman
17 in the first seat who hasn't spoken yet.
18 For the record, Pat Hines with MH&E.

19 MR. HINES: So this will need
20 adjoiners' notices circulated. I'll work
21 with Reuben's office to get that done.

22 We just talked about the front yard
23 setback. That was covered by a variance
24 already.

25 I just want to confirm that the

building is hooked to municipal water.
That water line is fairly new in front of
the building.

I note the sprinkler system does
have a tank. The DEP put that in when
they were working on the aqueduct.

MR. BUCK: We'll confirm. The
County records said public, public water
and sewer.

MR. HINES: There's definitely not
public sewer.

MR. BUCK: Public water, private
sewer.

MR. HINES: There is water in front
of there, but New York City put that in
for their aqueduct project. I don't know
that anyone has hooked to it yet, but
stranger things have happened. Just
confirm whether or not it is.

I do need that SPDES permit because
that may control your seating as well.

MR. BUCK: Yes.

MR. HINES: If you can get us a
copy of that, the DEC sewer.

2 It's a Type 2 action. I'm going to
3 suggest that we send it to DOT as a
4 courtesy letter which we typically do for
5 projects that are Type 2 on State
6 highways. I don't know what we'll get
7 back from them.

8 It's subject to ARB.

9 There is a lot coverage issue for
10 -- lot coverage is identified at 60
11 percent. Impervious coverage is at 80
12 percent. I think you're a little over
13 that. I'll take a look at the last
14 variance. It may have been covered in
15 those variances.

16 The existing dumpster, I think
17 something is going to have to happen with
18 that. They have that kind of enclosure
19 that's hidden by the weeds right now.

20 CHAIRMAN EWASUTYN: I don't think
21 there's anything beyond the weeds.

22 MR. HINES: A dumpster enclosure
23 must be something you want to figure on
24 the project to have.

25 Again they talked about the parking

lot.

This will need a referral to County Planning as well as it's located on the State highway. I think we do have enough information to send it to County Planning at this time.

CHAIRMAN EWASUTYN: We do?

MR. HINES: I think so. It's an existing site.

CHAIRMAN EWASUTYN: We're not within proximity to Marlborough where we have to circulate?

MR. HINES: It's not within 500 feet of Marlborough.

CHAIRMAN EWASUTYN: So you're suggesting that we circulate to the Orange County Planning Department, we notify the DOT and then we send out the adjoiners' notice?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Would someone make a motion to move for those three steps.

MR. DOMINICK: So moved.

2 MS. DeLUCA: Second.

3 CHAIRMAN EWASUTYN: I have a motion
4 by Dave Dominick. I have a second by
5 Stephanie DeLuca. Can I have a roll call
6 vote.

7 MR. DOMINICK: Aye.

8 MS. DeLUCA: Aye.

9 MR. MENNERICH: Aye.

10 CHAIRMAN EWASUTYN: Aye.

11 MR. BROWNE: Aye.

12 MS. CARVER: Aye.

13 MR. WARD: Aye.

14 CHAIRMAN EWASUTYN: If all goes
15 well, when would you like to be open by?
16 Do you have a target?

17 MS. MARLEY: I was thinking early
18 next year, spring.

19 CHAIRMAN EWASUTYN: That's reasonable.

20 MS. MARLEY: Hopefully.

21 CHAIRMAN EWASUTYN: Thank you. Nice
22 meeting you.

23 MS. MARLEY: Thank you. Nice
24 meeting you.

25 (Time noted: 8:03 p.m.)

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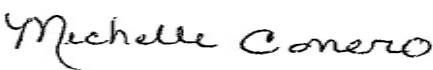
C E R T I F I C A T I O N

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 15th day of September 2025.



MICHELLE CONERO

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

2025 COMPREHENSIVE PLAN

- - - - - X

BOARD BUSINESS

Date: September 4, 2025
 Time: 8:04 p.m.
 Place: Town of Newburgh
 Town Hall
 1496 Route 300
 Newburgh, NY 12550

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

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

- - - - - X

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

2 CHAIRMAN EWASUTYN: Dominic, would
3 you discuss the stage that we're at. I
4 think the Town is going to have a scoping
5 session on the comprehensive plan.

6 MR. DOMINICK: The Board has
7 received a referral from the Town Board.
8 The Town Board is currently updating the
9 comprehensive plan. The last major
10 update to the plan itself dates back to
11 2005. My understanding is that this is a
12 new comprehensive plan even though it's
13 being characterized as an update. The
14 Town Board has updated it on a project-by-
15 project or specific item basis over time,
16 but this is a comprehensive and holistic
17 view for the Town.

18 The Town is also conducting a
19 generic environmental impact statement
20 review. It is common -- it is
21 recommended, actually, under SEQRA and
22 state law that when a town undergoes a
23 new comprehensive plan process, to
24 strongly consider a generic environmental
25 impact statement. It's generic because

2 it's not site specific, it's not looking
3 at particular impacts associated with a
4 particular site and traffic impacts. For
5 instance, it's looking at town-wide
6 impacts.

7 A generic environmental impact
8 statement still has the same procedural
9 steps as the regular environmental impact
10 statement does. It requires that a scope
11 be prepared, and so the Town Board has
12 introduced a draft scope. The scope
13 requires that public comments be given on
14 that scope. The Town Board has also sent
15 it to the Planning Board to the Zoning
16 Board to see if you have any comments
17 regarding the scope. It's fairly short,
18 the scope itself. It's not the
19 comprehensive plan.

20 At this point they're inviting
21 comments on the scope rather than the
22 plan itself. The comments on the plan
23 are to come later.

24 The scope really looks at the Town-
25 wide impacts as it relates to infrastructure,

2 traffic and kind of resiliency of the
3 Town relating to any proposed changes and
4 recommendations that could be included in
5 this new comprehensive plan.

6 MR. MENNERICH: Where is the scope
7 available?

8 MR. CORDISCO: It should be posted
9 on the Town's website. I know it was
10 referred to by Mark Taylor, there was an
11 e-mail with the scope. I can circulate
12 that if need be.

13 The Town Board will be accepting
14 written comments on the scope until
15 September 20th.

16 It's not really a substantive
17 comment period. A scope, as you know
18 from reviewing scopes before, it's an
19 outline of what's going to be studied.
20 Here it's very broad categories because,
21 like I said, it's looking at Town-wide
22 traffic, not site specific traffic but
23 Town-wide traffic, that could be changed
24 as a result of recommendations in the
25 comprehensive plan. It's looking at

2 water and sewer impacts that could be
3 resulting from there, as well as kind of
4 the Town-wide community character. Those
5 are typical. You wouldn't necessarily
6 consider visual impacts, school-related
7 impacts or things like that for a
8 comprehensive plan that is more generic.

9 CHAIRMAN EWASUTYN: Questions,
10 comments?

11 MR. BROWNE: I looked it over
12 quick. Has there been an overall global,
13 like we're looking for the Town to be
14 this or that, or just an overview
15 statement type of thing?

16 MR. CORDISCO: I couldn't answer
17 that. I'm not part of the comprehensive
18 plan process.

19 MR. BROWNE: I'm just kind of
20 curious because oftentimes it's in pieces
21 that fit under this big umbrella.

22 MR. HINES: Comp plans generally
23 have a preamble of where the Town wants
24 to head. Usually there's a history
25 section, a discussion of the hamlets

2 and how the Town developed, and then
3 exactly that, where they want to
4 head.

5 The comp plan, once it's adopted,
6 is then used as a guide for zoning
7 changes, things that you're looking
8 forward to. If you want to do a zone
9 change or change your zoning, it should
10 flow from the comp plan.

11 MS. DeLUCA: There was one question
12 I had. I was just curious, were the
13 zoning areas going to be changed based on
14 -- or modified in some way based on
15 traffic?

16 MR. HINES: Usage can flow out of
17 that, where the Town is headed with what
18 kind of uses they want within those zones
19 can flow out of that. Traffic issues,
20 that's a thing the Town hears most about
21 with bigger projects. Certainly any zone
22 changes have to be addressed in the comp
23 plan in order to flow into your zoning.

24 MS. DeLUCA: Thank you.

25 MR. HINES: I know the Town Board

2 is looking at different uses. I think
3 the senior density bonus is being looked
4 at. Things that you struggle -- things
5 that we see, things that are sent to the
6 ZBA are often addressed. If there are a
7 lot of things sent to the ZBA consistently,
8 that's something that should be looked at.

9 MR. WARD: You have to remember,
10 twenty years ago was the first one. They
11 changed it. Now with all the growth
12 going on, you're updating and changing
13 what you need for the future.

14 MR. HINES: Twenty years ago cell
15 towers were a new technology. Zoning
16 changes much slower than technology,
17 unfortunately.

18 MR. CORDISCO: At this particular
19 step what's being identified is these are
20 the areas that we should look at.

21 This Board does not have to comment
22 on this. This was sent to you as a
23 courtesy. If you decide to comment, you
24 could either comment individually as
25 members or residents of the Town, but if

2 the Board felt that there was a consensus
3 among you that there was something
4 missing from the scope, and we're talking
5 again about areas that should be
6 evaluated such as traffic, water, sewer,
7 things that the Town has control over,
8 zoning, that if there was something that
9 was missing from the scope, and I do not
10 believe that there is, but if you had the
11 opinion that there was, then the Board
12 itself could authorize a letter back to
13 the Town Board saying we think you should
14 consider this as well. That's up to the
15 Board.

16 CHAIRMAN EWASUTYN: What happened
17 is during public hearings and then after
18 public hearings people, in my opinion,
19 more so requested possible zone changes,
20 Fletcher Drive being one.

21 In my opinion I don't think there's
22 been much discussion on, again back to
23 2005 when I forget if it was thirteen
24 hamlets that were identified.

25 I had an off-the-record comment to

2 someone recently in reference to a
3 proposed zone change in a quadrant in the
4 Town of Newburgh. I said I remember when
5 that spot was considered to be a hamlet
6 district. Their response was something
7 like well, they have it next door in the
8 other town. My general thought after I
9 heard that comment was I'm not certain if
10 that's a consideration or a priority.
11 Again, that's just -- it's been a long
12 process. You may say, John, you should
13 know more about it. Quite frankly, I
14 don't think I know that much more than
15 you do because in my opinion the clarity
16 of it and the time it's taken to come
17 from point A to point B has been a long
18 time.

19 Again, Ken Mennerich and I could
20 date ourselves, Ken being much older, but
21 that's okay.

22 When we did a comprehensive plan,
23 which we did in 1991, there was -- this
24 Town Board is much different than the
25 Town Board in 1991, there was

2 communication between the Planning Board
3 and the Town Board, questions, comments
4 that went back and forth and it was more
5 individual and more creative. I sat in
6 on all the public hearings.

7 In your neighborhood Holmes Road
8 was a priority to people as far as
9 traffic and speed.

10 I know a public hearing in John
11 Ward's neighborhood was Pilot and the
12 congestion of traffic. It was kind of
13 generic comments.

14 We just recently got a letter from
15 the gentleman who talked about
16 overdevelopment. He was relating really
17 to he lives on High View Drive and he's
18 been at every public hearing or meeting
19 on Elkay. I remember when he first came
20 to the office when it first was on the
21 agenda. He unexpectedly came into the
22 office one day and I did speak with him.
23 His main concern at the time was he was
24 going to be moving in two years time -- I
25 think I'm fairly honest when I talk. He

2 was going to be moving in two years time
3 and he just wanted to make sure that it
4 wasn't going to arrive on his doorstep in
5 two years time. Well, Elkay has been
6 around for almost two years time and now
7 he's writing about his neighborhood
8 changing. I don't think he's leaving
9 is what I'm trying to say. He was
10 commenting more about the change and
11 his comfort of development in the
12 area and how he's inconvenienced by
13 it. I don't know if I'm even making
14 sense. I think what I'm trying to
15 say is I don't have a clear understanding
16 of it.

17 Dominic, does that make sense?

18 MR. CORDISCO: Yes.

19 CHAIRMAN EWASUTYN: Pat, do you
20 have a clear understanding of it? You're
21 more involved in the Town than I am.

22 MR. HINES: I was not involved in
23 that. I've been following a lot. I know
24 the Town Board has been holding off on
25 any zone changes or zoning requests for

2 about two years because they're in this
3 process. They have a list of people who
4 have been asking for text changes or zone
5 changes. They've been kind of putting
6 them on the back burner as they relate to
7 the comp plan. They haven't done any of
8 those.

9 CHAIRMAN EWASUTYN: That's what my
10 sense is, they are collecting information.

11 MR. HINES: The Town has a
12 consultant, Dave Smith from -- I think
13 he's still with Saccardi & Schiff. He's
14 their planning consultant. He was very
15 involved in the 2005 one and he still is.

16 CHAIRMAN EWASUTYN: I think he
17 started with them. Now he's independent.

18 MR. HINES: He worked on that one
19 and still continues through. He's very
20 familiar with the Town.

21 CHAIRMAN EWASUTYN: All right.
22 Would someone move for a motion to close
23 the Planning Board meeting.

24 MS. DeLUCA: So moved.

25 MR. WARD: Second.

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

6 MR. DOMINICK: Aye.

7 MS. DeLUCA: Aye.

8 MR. MENNERICH: Aye.

9 CHAIRMAN EWASUTYN: Aye.

10 MR. BROWNE: Aye.

11 MS. CARVER: Aye.

12 MR. WARD: Aye.

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14 (Time noted: 8:16 p.m.)

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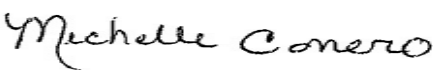
C E R T I F I C A T I O N

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 15th day of September 2025.



MICHELLE CONERO