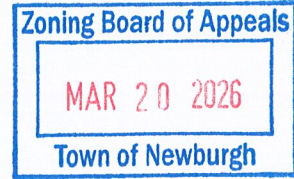


# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
21 Hudson Valley Professional Plaza  
Newburgh, NY 12550



OFFICE OF ZONING BOARD  
DARRIN SCALZO, CHAIRMAN  
SIOBHAN JABLESNIK, SECRETARY

TELEPHONE 845-566-4901  
FAX LINE 845-564-7802

## APPLICATION

DATED: March 20, 2026

TO: **THE ZONING BOARD OF APPEALS**  
THE TOWN OF NEWBURGH, NEW YORK 12550

GURU BABA, INC PRESENTLY

RESIDING AT NUMBER 151 Heather Drive, Hopewell Junction, NY 12533

TELEPHONE NUMBER 917-250-9355

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

### 1. LOCATION OF THE PROPERTY:

23-2-1 (TAX MAP DESIGNATION)  
5306 Route 9W (STREET ADDRESS)  
B (ZONING DISTRICT)

### 2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Section 185 Attachment 11 Table of Use & Bulk Requirements Schedule 8 B Zone

Section 185-48.9(1) – Cannabis – related uses

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED:

\_\_\_\_\_

b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:

1/15/2026

4. DESCRIPTION OF VARIANCE SOUGHT:

rear yard: 30 feet is required where 25.3 exists;

side yard: 15 foot required where 6.9 feet exists;

side yard to the automotive service building: 15 foot required where 14.4 feet exists;

front yard setback: 40 feet identified, however setbacks along State Highways are 60 feet

in accordance with Town Code Section 185-18 C (4) (b)

McCall Place is identified as a side yard, yet as a corner lot is an additional front yard,

requiring a setback of 40 feet.

SIGN VARIANCES:

Front Setback : Required 24.0', Provided 6.8'

Side Setback: Required 24.0'. Provided 5.2'

Sign Height: Max Hieght 14.0' Provided 24.0'

Sign Area: Continuation of 12/23/2019 area variance allowing sign area in excess of 75 sq ft.

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

N/A – no use variance requested

\_\_\_\_\_

**(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE  
ESTABLISHING SUCH DEPRIVATION)**

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

N/A – no use variance requested

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

N/A – no use variance requested

- d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

N/A – no use variance requested

6. IF AN AREA VARIANCE IS REQUESTED:

- a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

The property is located in the B Zoning District and a cannabis retail dispensary is permitted Use in the B zone. The existing structure on the property are leased to a VALERO GAS STATION, SUBWAY SANDWICH SHOP and AUTO REPAIR SHOP. The property as it exist today is a non conforming pre-existing use. The property is located on US Route 9W, in a fully developed retail corridor. The surrounding properties are use as bus depot, United Rentals and mixed residential uses. The proposed use of one of the stores in the building as a retail cannabis dispensary will not produce an undesirable change in the character of the neighborhood or a detriment to the nearby properties

- b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

The Town of Newburgh Zoning Code, Section 185 attachment 11 Table of Use and Bulk requirements B Zone, has the identical requirements for retail stores and cannabis retail dispensaries for lot area, lot width, lot depth, front yard, rear yard, 1 side yard and both sided yards. The same variances being applied for would be required for a new retail store as the variances sought for the proposed use of the end store in the building as a cannabis retail dispensary. The variances requested cannot be achieved by any other means due to the existing nature of the property. The site as an existing non conforming use currently exists and no expansion of the existing conditions are proposed.

c) **THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:**

Substantiality is determined by a consideration of the facts and circumstances surrounding the Impact of the variances if granted. Substantiality is not limited to mathematical calculation. None of the variances requested are substantial, whether analyzed mathematically or in Consideration of the facts and circumstances surrounding the impact if granted. The store, building and site improvements are all existing as a non conforming pre-existing use. The Variances requested are required as a cannabis retail store in the Town of Newburgh under the code is a change of use. The premises are currently being leased to a VALERO GAS STATION, SUBWAY SANDWICH SHOP and an AUTO REPAIR SHOP and no changes to the building are proposed.

d) **THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:**

There will be no adverse effects or impacts on the physical or environmental conditions in the neighborhood or district. As a pre-existing site, the impact is identical to its present use. The site will be identical in its present use.

e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

The need for the variances applied for is based on the existing size/layout and location of the property. The variance is not self created but merely requested as the Town's Zoning Code classifies a retail cannabis dispensaries as a special use. The existing use as a retail store is identical to the proposed use as a cannabis retail dispensary. The difficulties are not self created as the applicant merely seeks to re-purpose a portion of the existing retail store as a retail cannabis dispensary.

7. ADDITIONAL REASONS (IF PERTINENT):

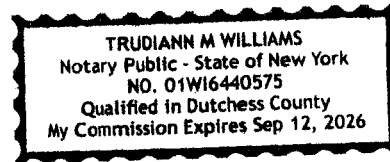
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GURU BABA, INC

*Kwelts*  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 17 DAY OF March, 2026



*Trudiann M. Williams*  
NOTARY PUBLIC

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

**(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 13 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).**

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)

**TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS**

PROXY

FRANK HESSARI, President of PRESTIGE PROPERTIES, INC., DEPOSES AND SAYS THAT

PRESTIGE PROPERTIES, INC has a business address of 289 North Plank Rd., Suite 2, Newburgh, New York

IN THE COUNTY OF ORANGE AND STATE OF NEW YORK AND THAT PRESTIGE PROPERTIES, INC IS THE OWNER IN FEE OF 5306 ROUTE 9W, NEWBURGH, NEW YORK WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT PRESTIGE PROPERTIES, INC AUTHORIZED GURU BABA, INC TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 3,20,26

  
\_\_\_\_\_

OWNER'S SIGNATURE

\_\_\_\_\_

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 20<sup>th</sup> DAY OF March , 2026

  
\_\_\_\_\_

NOTARY PUBLIC

JILL NIBE  
Notary Public, State of New York  
Registration #01N16334308  
Qualified In Orange County  
Commission Expires Jan. 4, 2028

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

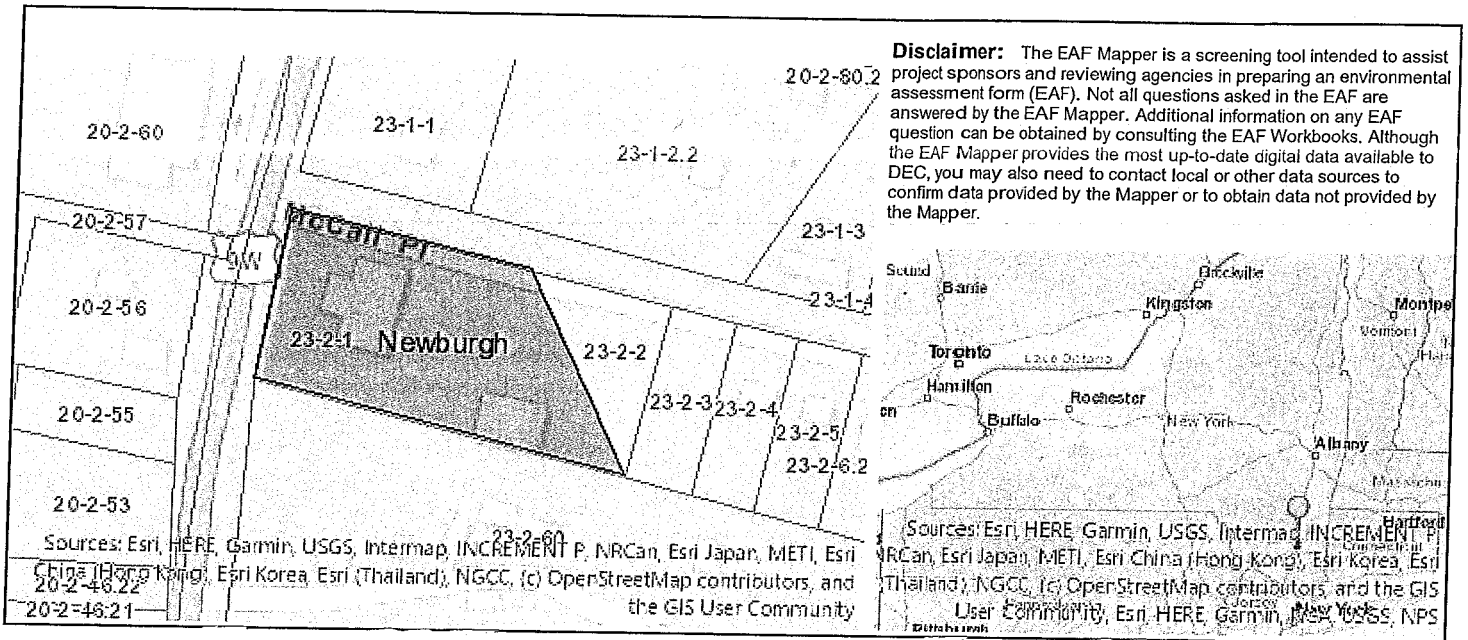
<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Site Plan of Lands of First Prestige Properties, Inc.			
Project Location (describe, and attach a location map): Intersection of the easterly side of Route 9W with the southerly side of McCall Place Tax Parcel 23-2-1			
Brief Description of Proposed Action: Applicant is proposing to utilize approximately 2,040 square feet of an existing commercial building for retail sales of cannabis and related products. The existing commercial building currently contains a 24 hour convenient mart and a Subway sandwich shop, with the cannabis sales proposing to occupy a currently vacant space. All parking, lighting, landscaping and refuse enclosures are existing, and proposed signage will be added to the existing directory sign as well as the store front.			
Name of Applicant or Sponsor: Guru Baba, Inc. (Kamaljit Kaur)		Telephone: 917-250-9355 E-Mail: Kamal73k@yahoo.com	
Address: 151 Heather Drive			
City/PO: Hopewell Junction		State: NY	Zip Code: 12533
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.65 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.65 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? if the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ There are no mapped wetlands in the vicinity of the project site	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



# EAF Mapper Summary Report

Tuesday, December 30, 2025 12:05 PM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:  
NAME(S) OF PARTY(S) TO DOCUMENT

Luba Properties, Inc

TO

First Prestige Properties, Inc

SECTION 23 BLOCK 2 LOT 1

RECORD AND RETURN TO:  
(name and address)



Mark Grossing, Esq.  
2658 Route 9D  
Wappingers Falls, NY 12590

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY

54 18347

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED  MORTGAGE  SATISFACTION  ASSIGNMENT  OTHER

PROPERTY LOCATION

- |                            |                           |
|----------------------------|---------------------------|
| 2089 BLOOMING GROVE (TN)   | 4289 MONTGOMERY (TN)      |
| 2001 WASHINGTONVILLE (VLG) | 4201 MAYBROOK (VLG)       |
| 2289 CHESTER (TN)          | 4203 MONTGOMERY (VLG)     |
| 2201 CHESTER (VLG)         | 4205 WALDEN (VLG)         |
| 2489 CORNWALL (TN)         | 4489 MOUNT HOPE (TN)      |
| 2401 CORNWALL (VLG)        | 4401 OTISVILLE (VLG)      |
| 2600 CRAWFORD (TN)         | 4600 NEWBURGH (TN)        |
| 2800 DEERPARK (TN)         | 4800 NEW WINDSOR (TN)     |
| 3089 GOSHEN (TN)           | 5089 TUXEDO (TN)          |
| 3001 GOSHEN (VLG)          | 5001 TUXEDO PARK (VLG)    |
| 3003 FLORIDA (VLG)         | 5200 WALKKILL (TN)        |
| 3005 CHESTER (VLG)         | 5489 WARWICK (TN)         |
| 3200 GREENVILLE (TN)       | 5401 FLORIDA (VLG)        |
| 3489 HAMPTONBURGH (TN)     | 5403 GREENWOOD LAKE (VLG) |
| 3401 MAYBROOK (VLG)        | 5405 WARWICK (VLG)        |
| 3689 HIGHLANDS (TN)        | 5600 WAWAYANDA (TN)       |
| 3601 HIGHLAND FALLS (VLG)  | 5889 WOODBURY (TN)        |
| 3889 MINISINK (TN)         | 5801 HARRIMAN (VLG)       |
| 3801 UNIONVILLE (VLG)      |                           |
| 4089 MONROE (TN)           |                           |
| 4001 MONROE (VLG)          |                           |
| 4003 HARRIMAN (VLG)        |                           |
| 4005 KIRYAS JOEL (VLG)     |                           |

NO PAGES 4 CROSS REF.   
CERT. COPY  ADD'L X-REF.   
MAP#  PGS.

PAYMENT TYPE: CHECK   
CASH   
CHARGE   
NO FEE

Taxable  
CONSIDERATION \$ 207,296.35  
TAX EXEMPT   
Taxable  
MORTGAGE AMT. \$   
DATE

MORTGAGE TAX TYPE:  
\_\_\_ (A) COMMERCIAL/FULL 1%  
\_\_\_ (B) 1 OR 2 FAMILY  
\_\_\_ (C) UNDER \$10,000  
\_\_\_ (E) EXEMPT  
\_\_\_ (F) 3 TO 6 UNITS  
\_\_\_ (I) NAT.PERSON/CR. UNION  
\_\_\_ (J) NAT.PER-CR.UN/1 OR 2  
\_\_\_ (K) CONDO

CITIES  
\_\_\_ 0900 MIDDLETOWN  
\_\_\_ 1100 NEWBURGH  
\_\_\_ 1300 PORT JERVIS  
\_\_\_ 9999 HOLD

*Donna L. Benson*  
DONNA L. BENSON  
ORANGE COUNTY CLERK

RECEIVED FROM: *River City Abao*

STATE OF NEW YORK (COUNTY OF ORANGE) SS:  
I, KELLY A. ESKEW, COUNTY CLERK AND CLERK OF THE  
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO  
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH  
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE  
ON 8/22/02 AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL

*Kelly A. Eskew* 8/22/02  
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
ORANGE COUNTY

LIBER 5975 PAGE 334

LIBER 5975 PAGE 334

ORANGE COUNTY CLERKS OFFICE 55898 LMS  
RECORDED/FILED 08/22/2002 02:24:50 PM

FEES 47.00 EDUCATION FUND 20.00  
SERIAL NUMBER: 000816  
DEED CNTL NO 62998 RE TAX 830.00

#129208

Bargain & sale deed, with covenant against grantor's acts -Ind. or Corp.

THIS INDENTURE, made the 30<sup>th</sup> day of January, Two Thousand Two

BETWEEN

Luba Properties Inc., a New York corporation with offices for the transaction of business at 7 Morris Drive, Newburgh, New York 12550, party of the first part, and

First Prestige Properties Inc., a New York corporation with offices for the transaction of business at 618 Route 9W North, Middlehope, New York, 12550, party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN AND 00/100 (\$10.00) DOLLARS, lawful money of the United States and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, and State of New York, being further bounded and described in Schedule A attached hereto.

BEING and intended to be the same premises conveyed in a certain deed dated 6/2/88 by Helchar Realty Corp. to Luba Properties Inc. and recorded in the office of the Orange County Clerk in Liber 2951 of deeds at page 250 on 6/7/88.

SUBJECT to covenants, rights-of-way, easements, and restrictions of record.

This transaction is being made in the usual course of business actually conducted by the grantor and does not constitute a sale, transfer, or alienation of all or substantially all of the assets of grantor. This conveyance is authorized by the Board of Directors and no other consent is required.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

Schedule A

ALL that certain plot, piece, or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being bounded and described as follows:

**BEGINNING** at a point at the intersection of the southeasterly line of the existing U. S. Route 9W with the southwesterly line of the existing McCall Place;

**THENCE** from said point of beginning and along the southwesterly line of McCall Place, S 64 degrees 46' E 283.30 feet to a point on the division line between the lands now or formerly of Trapini on the East and the parcel herein described on the West;

**THENCE** along the last mentioned division line, S 14 degrees 16' E 262.03 feet to a point on the division line between the lands now or formerly of Filiberti on the southwest and the parcel herein described on the northeast;

**THENCE** along the last mentioned division line, N 63 degrees 55' W 443.09 feet to a point in the aforementioned southeasterly line of U S Route 9W;

**THENCE** along the last mentioned line, N 23 degrees 41' E 196.10 feet to the point or place of **BEGINNING**.



January 16, 2026

James R. Loeb \*  
Richard J. Drake\*\*  
Glen L. Heller ◊  
Marianna R. Kennedy  
Gary J. Gogerty  
Stephen J. Gaba  
Adam L. Rodd  
Dominic Cordisco  
Ralph L. Puglielle, Jr.  
Alana R. Bartley ◊◊  
Aaron C. Fitch

Sarah N. Wilson  
Michael J. Barfield ◊◊  
Ivan M. Bonet ◊◊

Jennifer L. Schneider  
Managing Attorney

\* Retired 2025  
\*\* Retired 2015; d. 2025

◊ LL.M. in Taxation  
◊◊ Member NY & NJ Bar

BY EMAIL ONLY

Darrin J. Scalzo, Chairman  
Zoning Board of Appeals  
Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York 12550

Re: Guru Baba, Inc. d/b/a Cannabis Huts/ Planning Board Project No. 25-32

Dear Chairman Scalzo and Board Members:

At the Planning Board's January 15, 2026 meeting, the Planning Board resolved to refer this proposed cannabis dispensary facility site plan and special use permit application to the Zoning Board of Appeals for certain variances.

This property is located at 165 South Plank Road, designated on the tax map as Section 23, Block 2, Lot 1, and is improved with is improved with an existing Valero gas station and convenience store. The site was previously referred to the ZBA for proposed EV charging stations, but that application has been withdrawn by the applicant. *5300 KTC 9W*

The current cannabis dispensary proposal has several pre-existing nonconforming conditions as follows:

- rear yard: 30 feet is required where 25.3 exists;
- side yard: 15 foot required where 6.9 feet exists;
- side yard to the automotive service building: 15 foot required where 14.4 feet exists;
- front yard setback: 40 feet identified, however setbacks along State Highways are 60 feet in accordance with Town Code Section 185-18 C (4) (b);
- McCall Place is identified as a side yard, yet as a corner lot is an additional front yard, requiring a setback of 40 feet.

Additional variances may be required due to signage on site, to be confirmed by the applicant and the code compliance officer.

This matter is a Type II action under SEQRA, and as a result the Planning Board has not declared its intent to serve as lead agency.

Thank you for your consideration of this matter.

Very Truly Yours,

  
Dominic Cordisco

cc:

David A. Donovan, Esq., Attorney for the ZBA  
Town of Newburgh Planning Board  
Patrick J. Hines, Planning Board Consulting Engineer

---

**Re: Sign info needed for 5306 - Valero**

---

**From** Jim Campbell <campbell-bldgdept@townofnewburgh.org>

**Date** Tue 2026-02-24 10:15 AM

**To** Dean Meci <qualitydean@gmail.com>

**Cc** planningboard@townofnewburgh.org <planningboard@townofnewburgh.org>; Jay Singh Aman's brother <jat3k@yahoo.com>; Dominic Cordisco <cordisco@gmail.com>; Pat Hines <PHines@mhepc.com>; Jay Singh Aman's brother <joginder76@hotmail.com>; Tim Rooke <va083197@aol.com>; Joseph Saffioti <jsaffioti@saffiotianderson.com>

Additional variances and an Interpretation will be required, in addition to the previous variances noted.

Town of Newburgh Municipal Code:

**VARIANCE:** 185-14-J(5)(a) – States “No freestanding sign shall be located less than 15 feet from any front or side property line, or a distance equal to the height of said sign, whichever is greater.”

Height of the Free-Standing Sign is 24'. The setbacks are:

- Front Setback: Required 24.0', Provided 6.8'
- Side Setback: Required 24.0', Provided 5.2'

**INTERPRETATION:** 185-14-M(2)(b) – States “On lots with a lot width of 100 feet or less, the maximum sign area shall be 40 square feet. On lots with a lot width of more than 100 feet, the maximum sign area shall be 60 square feet.” Width of lot is +/- 195', max. free-standing sign area allowed is 60 SF.

- On December 26, 2019 an area variance was granted by the Town of Newburgh Zoning Board of Appeals for sign area exceeding 75 SF. Is this variance still applicable?

**VARIANCE:** 185-14-M(2)(c) – States “The maximum height shall be 14 feet.”

- Max. Height 14.0', Provided 24.0'

On Tue, Feb 17, 2026 at 10:32 AM Dean Meci <qualitydean@gmail.com> wrote:

Good morning Jim and friends

Please let me know if the pylon sign setbacks that were provided are acceptable when you have a moment.

Please verify receipt of this email

Sincerely





**SUBWAY**

Open  
STELLA  
ARTON  
STELLA  
ARTON

87

NO  
PARKING  
HERE



Craig Polisar  
C. 845-337-5937  
**AVAILABLE**  
**JOHN JEASE**  
REALTORS  
**565-2800**  
www.jjease.com



**AVAILABLE**  
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**AFFIDAVIT OF POSTING(S) OF  
NOTICE OF PUBLIC HEARING  
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

I Jalinh Sif, being duly sworn, depose and say that I did on or before  
April 9, 2026, post and will thereafter maintain at

5306 Route 9w 23-2-1 B Zone in the Town of Newburgh, New York, at or near the front

property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which  
notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to  
the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The  
Notice must then be removed and property disposed of within ten (10) days of the close of the Public  
Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for  
additional time.

Jalinh Sif

Sworn to before me this 30

day of March, 2026.

Desiree Barbara Rivera

**DESIREE BARBARA RIVERA**  
**Notary Public, State of New York**  
**No. 01RI0010361**  
**Qualified in Orange County**  
**Commission Expires June 27, 2027**





**OFFICE OF NEWBURGH**  
1000 Newburgh Turnpike, Suite 100  
Newburgh, NY 12551  
Tel: 845.562.2200  
Fax: 845.562.2201  
www.newburghny.gov

**PROPOSED ZONING**  
The Office of Newburgh is currently reviewing a proposed rezoning of a portion of the Town of Newburgh, New York, from R-1 to R-2. The rezoning is being proposed by the Newburgh Board of Zoning Appeals. The rezoning is being proposed to allow for the construction of a new residential development in the area.

**PUBLIC HEARING**  
A public hearing will be held on the proposed rezoning at the following time and location:  
Date: [Date]  
Time: [Time]  
Location: [Location]

The Office of Newburgh is inviting the public to attend the hearing and provide input on the proposed rezoning. For more information, please contact the Office of Newburgh at the phone number or website listed above.

Office of Newburgh  
1000 Newburgh Turnpike, Suite 100  
Newburgh, NY 12551  
Tel: 845.562.2200  
Fax: 845.562.2201  
www.newburghny.gov