

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

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In the Matter of

UNITY PLACE WAREHOUSE
(25-34)
Northwest Corner of Old Little Britain Road
and Unity Way
Section 97, Block 2, Lots 14.12, 20 & 21
Zone IB
-----X

SITE PLAN

Date: September 17, 2026
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:
Dennis Rocks, P.E., Weston & Sampson
Sean O'Connell, Anderson Design Group
-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We would like to welcome you to the Planning Board meeting of the 17th of September 2026. We have five agenda items and three Board business matters. And we will start the meeting with a roll call vote.

MR. DOMINICK: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MS. CARVER: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board attorney.

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

MS. MULLARKEY: Quinn Mullarkey, MHE Engineering

MR. HINES: Pat Hines, MHE Engineering.

CHAIRMAN EWASUTYN: At this point, we'll turn the meeting over to

Unity Place Warehouse

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Pat Hines.

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MR. HINES: Please rise for the

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Pledge.

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(The Pledge of Allegiance was

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recited.)

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MR. HINES: Please silence your

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phones.

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CHAIRMAN EWASUTYN: Our first

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item this evening is Unity Place

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Warehouse, project number 25-34.

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It's here this evening for site plan

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and ARB consideration. It's located

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on the northwest corner of Old Little

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Britain Road and Unity Way. It's an

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IB zone, and it's being represented

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by Dennis Rocks, PE.

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MR. ROCKS: Good evening.

19

Dennis Rocks from Weston & Sampson.

20

We're happy to be here. It's been a

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while. And the reason for the pause

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was we needed to get our storm water

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mitigation design approved by MHE.

24

And so, we were looking for a SEQRA

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neg dec, and so that was the key for

1
2 us to have the storm water mitigation
3 system approved by their office. And
4 so, the last time we were here was in
5 March, and the Public Hearing was
6 closed. And so, the plan you see
7 before you tonight is very, very
8 similar to the one you saw in March.
9 There are some minor changes that I
10 can run through with you.

11 So, what we did is there was a
12 detailed geotechnical analysis
13 performed for this site, and so we
14 brought the information from that
15 into the site plan. Sometimes,
16 people don't even know there's a
17 geotechnical report. Last time we
18 were here, there was a request for no
19 idling signs, and so we added those
20 to the plan. We did -- we changed
21 the planting around here
22 (Indicating.) We provided larger and
23 more dense evergreen boxwoods here to
24 shield the headlights. We already
25 had bushes there, but we upped them.

1
2 We needed to prepare a phasing
3 plan. One of the things for the
4 storm water management is if you
5 receive five acres of disturbance,
6 you need the Town Board approval.
7 And as part of all that, you need to
8 prepare a phasing plan. And so, we
9 did all of that, and that's really
10 it. The plan is otherwise the same.
11 So, we also have Sean here from the
12 architect, the Anderson architects.
13 And he has information from the
14 architectural review board, if and
15 when you are ready to see that. But
16 like I said, yeah, we are pointing
17 towards the neg dec, and hopefully,
18 we can talk about the ARB and site
19 plan approval. I'd be happy to
20 answer any questions.

21 CHAIRMAN EWASUTYN: Good.
22 Dave, questions on the site plan? We
23 will get into ARB afterwards.

24 MR. DOMINICK: No. They have
25 taken everything into consideration.

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It's coming out very well. Nice job.

MR. ROCKS: Thank you.

MS. DeLUCA: No questions.

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: No comment.

MR. BROWNE: Nothing more.

Thank you.

MS. CARVER: I have no
questions.

CHAIRMAN EWASUTYN: ARB,
please.

MR. O'CONNELL: Good afternoon,
everyone. My name is Sean O'Connell
from Anderson Design Group. So, as
was previously mentioned, we did go
over this a few times. Nothing
architecturally has been adjusted, so
I'll try to keep my side as brief as
possible and focus on the aesthetics,
colors, and materials. So, yes still
a 240,000-square-foot warehouse,
which we are dedicating these two
front corners towards Unity with
curtain glass for potential office

1
2 spaces for the warehouse and keeping
3 all of the loading docks away from
4 the streets where it's facing the
5 west side, the exiting Kohls loading
6 dock. So, we are trying to keep as
7 much of that loading dock as tight
8 and out of the way as possible.

9 For the elevation, the first
10 main item to talk about for the
11 materials would be the precast
12 structure that's being used. So,
13 these are precast walls, which is
14 essentially a sandwich of concrete on
15 each side and sandwiched in the
16 middle is the rigid insulation. But
17 it comes in as one assembly piece
18 from an offsite -- precast offsite.
19 So, all we have to do is when we come
20 onto the site, lift it up into place
21 and keep going all around the
22 building. These have much, much
23 better advantages than a standard
24 metal warehouse, acoustics being the
25 main one, keeping that as low as

1
2 possible. But also, aesthetically
3 having the colors and material
4 lasting much longer and having much
5 better upkeep. And as you can see,
6 as I mentioned before on the plan, we
7 are dedicating the two ends here for
8 potential office space. So, we have
9 big curtain wall, glass walls, as
10 well as series of clear windows along
11 the top to bring in as much natural
12 light into the warehouse as possible
13 or even potentially into the office
14 spaces. Actually, I can go straight
15 to the -- we went over the site plan
16 already, so I will show you the
17 material board, and I can also hand
18 around a few of the physical
19 materials we have, which show the
20 listed materials up here.

21 Essentially, whenever we do a
22 warehouse like this, we want it to
23 fit in. We want it to be neutral
24 color range. We don't want anything
25 out of the ordinary. No neon lights,

1
2 reds, greens, oranges, so we kept it
3 as toned down as possible. We also
4 like to tie it into the local area,
5 so in the Hudson Valley, we try to
6 keep it around a natural slate stone.
7 So, we fit our colors around that in
8 each of the shades. On top of that,
9 to keep it a little bit more on the
10 modern side, we are using using black
11 -- (Unintelligible) -- alluminum
12 storefronts, and essentially less
13 material, since most of it is precast
14 being broken up by different
15 horizontal and vertical fragments to
16 keep it less monotonous. We also
17 have our glass, which is specifically
18 solar band 65 or 70, which is the low
19 reflectance glass, so we are not
20 having any worries of cars driving by
21 yet reflecting off the light and
22 disturbing anyone in the vicinity.

23 And if you guys would like, I
24 also have some of the materials here.
25 Here you go. So, that is the glass,

1
2 the different colors for the precast,
3 and that is the steel frame. Feel
4 free to pass it around. But yeah,
5 essentially keeping the main source
6 of this is we don't want anything
7 that really sticks out. We are
8 trying to fit this in the
9 neighborhood and have it be as
10 neutral as possible and try to make
11 it was natural as possible as well.
12 That's about it, unless you guys have
13 any questions or concerns, I would be
14 happy to answer.

15 MR. DOMINICK: Sean, one quick
16 question. So, it's one building, two
17 tenants. Can it be one building, one
18 tenant?

19 MR. O'CONNELL: Absolutely.

20 MR. DOMINICK: Thank you.

21 CHAIRMAN EWASUTYN: Stephanie?

22 MS. DeLUCA: No. I think it
23 looks very professional,
24 businesslike. I am very impressed.
25 I also like that tempered glass as

1
2 well. I thought that was -- or the
3 solar band, as you mentioned, and I
4 thought that was thoughtful,
5 especially, too, because you are also
6 near water.

7 MR. O'CONNELL: Exactly. And
8 there is a lot of reasons behind it,
9 as well. In this area, we are trying
10 to bring in as much natural light
11 into the warehouse as possible. We
12 also don't want the solar -- the sun
13 can make it too hot inside, so it's a
14 perfect medium between the two, and
15 the low reflectance is a huge
16 benefit.

17 MR. MENNERICH: I like the
18 variety of colors that you've chosen.
19 I think they go good together.

20 MR. O'CONNELL: Thank you.

21 CHAIRMAN EWASUTYN: Is there
22 consideration for somehow wiring the
23 building, if and when someone decides
24 to go with solar?

25 MR. O'CONNELL: Yeah, so the

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roof is designed already to have the
capacity to withhold it structurally.

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As for the wiring, it's fairly

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simple, if a tenant wants it, to make

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those connections and have

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penetrations go through. The main

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consideration when doing work for

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solar is definitely the structural

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capacity and making sure the roof can

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sustain that.

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CHAIRMAN EWASUTYN: Thank you.

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No further questions.

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MR. BROWNE: I'm good. I was

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going to inquire about the solar.

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Thank you.

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MS. CARVER: The colors work

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well together. Do you have a tenant

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yet, or you're still waiting?

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MR. ROCKS: We are talking to

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one guy, but still waiting.

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MS. CARVER: Nothing yet.

23

Thank you.

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CHAIRMAN EWASUTYN: Quinn

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Mullarkey?

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MS. MULLARKEY: So, as Mr.

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Rocks identified, the SWPPP has been

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prepared for this site. We have

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prepared a signoff memo. We are good

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with that. They met all of the

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comments we had on that.

8

This project does require

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approval from Orange County

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Department of Health for the water

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main extension. The project did

12

receive the five-acre waiver for the

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disturbance. The total disturbance

14

identified for this project is 8.25

15

acres. This project is here tonight

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for the architectural review.

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In regards to the traffic, the

18

project sponsor has agreed to a

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post-construction traffic monitoring

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study, so appropriate language must

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be incorporated into the approval

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resolution to require this

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post-construction traffic study. We

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also want to note that the Planning

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Board may want to discuss the

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requirements to establish an escrow

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for this study that is to be

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completed.

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The City of Newburgh did

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provide a flow authorization letter,

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which is also attached to my

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comments. Permits for water and

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sewer will be required prior to the

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issuance of a building permit. The

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Town of Newburgh sewer outside user

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agreement is required for the

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building. This must be provided

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prior to stamping the plans. The

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Planning Board's traffic consultant

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should weigh in on any offsite

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traffic improvements. The DOT

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highway work permit should be a

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condition of issuance of a building

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permit. And a resolution condition

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requiring pre-construction meeting

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with my office, the Building

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Department, water, sewer, and highway

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will be required.

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This is a type I action under

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SEQRA. We have prepared an FEAF part

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2 that we will go through for a

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matter of record. A lot of these,

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they are just yes or no questions.

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This is quite long, but just for the

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record, we will go through it.

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So, this project, the first

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item is impact on land. Does the

10

proposed action involve construction

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on, physical alterations of the land

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surface of the proposed site? That

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is a yes. So, then the

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subcategories, the proposed action

15

may involve construction on land

16

where depth to water table is less

17

than three feet. That is no. The

18

proposed action may involve

19

construction on slopes of 15 percent

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or greater. That is no. The

21

proposed action may involve

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construction on land where bedrock is

23

exposed. No. The action may involve

24

excavation and removal of more than a

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thousand tons. That's no. The

1
2 proposed action may involve
3 construction that continues for more
4 than one year or in multiple phases.
5 No, we are small impact. The
6 proposed action may result in
7 increased erosion. That is a small
8 impact, and a SWPPP has been
9 prepared. The proposed action is not
10 within a coastal erosion hazard area.

11 The next topic is the impact on
12 geological features. The proposed
13 action may result in the modification
14 or destruction of or inhibit access
15 to any unique or unusual land forms
16 on the site. That is a no.

17 The next impact is impacts on
18 surface water. The proposed action
19 may affect one or more wetlands or
20 other surface water bodies. That is
21 a yes. The proposed action may
22 create a new water body. No. The
23 proposed action may result in an
24 increase or decrease of over 10
25 percent or more than 10 acre increase

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2 or decrease in the surface area of
3 any body of water. No. The proposed
4 action may involve dredging more than
5 a hundred cubic yards of material
6 from a wetland or water body. No.
7 The proposed action may involve
8 construction within or joining a
9 fresh water title wetland. No. The
10 proposed action may create turbidity
11 in a water body either from upland
12 erosion. That is a small impact.
13 The proposed action may include
14 construction of one or more intakes
15 for withdrawal. No. The proposed
16 action may include construction of
17 one or more outfalls for discharge of
18 waste water. No. The proposed
19 action may cause soil erosion or
20 create a source of storm discharges.
21 It's a small impact. That has been
22 addressed in the SWPPP. The proposed
23 action may affect the water quality
24 of any water bodies. It's a small
25 impact. The proposed action may

1
2 involve the application of pesticides
3 or herbicides. No. The proposed
4 action may require the construction
5 of a new or expansion of existing
6 waste water treatment facilities.

7 No.

8 The next impact is the impact
9 on ground water. The proposed action
10 may result in new or additional use
11 of ground water or may have the
12 potential to introduce contaminants
13 to ground water. That is a no.

14 Impact on flooding. The
15 proposed action may result in
16 development on land subject to
17 flooding. That is a no.

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

21 Impacts on plants and animals.
22 The proposed action may result in a
23 loss of flora or fauna. That is a
24 no.

25 Impact on agricultural

1
2 resources. The proposed action may
3 impact agricultural resources. That
4 is a no.

5 Impact on aesthetic resources.
6 The land use of the proposed action
7 are obviously different from, or are
8 in sharp contrast to, current land
9 use patterns between the proposed
10 project and scenic or aesthetic
11 resource. That is a no.

12 Impact on historic and
13 archeological resources. The
14 proposed action may occur in or
15 adjacent to a historic or
16 archeological resource. That's a no.

17 Impact on open space and
18 recreation. The proposed action may
19 result in a loss of recreation
20 opportunities or reduction of an open
21 space resource as designated in any
22 adopted municipal open space plan.
23 That is a no.

24 Impact on critical
25 environmental areas. The proposed

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action may be located within or

3

adjacent to a critical environmental

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area. That is a no.

5

Impact on transportation.

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Proposed action may result in a

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change to existing transportation

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systems. That is a yes. The

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projected traffic increase may exceed

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capacity of existing road network.

11

We indicate that's a small impact.

12

The proposed action may result in the

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construction of paved parking area

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for 500 or more vehicles. That's no.

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The proposed action will degrade

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existing transit access. That is a

17

no. The proposed action will degrade

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existing pedestrian or bicycle

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accommodations. That's no. The

20

proposed action may alter the present

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pattern of movement of people or

22

goods. That is a no.

23

The next is impact on energy.

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The proposed action may cause an

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increase in the use of any form of

1
2 energy. That is a yes. The
3 subcategories here all indicate --
4 are no or small impact. They talk
5 about requiring a new substation,
6 creation of energy transmission or
7 supply to serve more a 50
8 single-family homes, utilize 2,500
9 megawatt hours per year. So, we went
10 through. Those are no.

11 Impact on noise, odor and
12 light. The proposed action may
13 result in an increase in noise,
14 odors, or outdoor lighting. That
15 would be no.

16 Impact on human health. The
17 proposed action may have an impact on
18 human health from exposure to new or
19 existing sources of contaminants. We
20 indicate no.

21 The next impact is the proposed
22 action is not consistent with adopted
23 land use plans. We indicate that
24 this is consistent, so we indicated
25 no.

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And consistency with community character. The proposed project is inconsistent with the existing community character. We indicate no.

And there are two new items with the updated EAF in regards to climate change, which we indicate is a small to no impact. And it is not located within a disadvantaged community. That is the gist of Part 2 FEA.

CHAIRMAN EWASUTYN: Thank you.

Dominic Cordisco, can you discuss with us the post-construction traffic study?

MR. CORDISCO: Yes. And so, just to refresh the Board as well, this was a condition of the original approval that was granted back in 2023 for the project. And what that condition had was a requirement for six months after the Certificate of Occupancy was issued for a post-construction traffic study to be

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2 conducted by the applicant, as well
3 as submitting that document to the
4 Board for the purpose of identifying
5 whether or not, you know, there were
6 any potential traffic issues that
7 might result from the operation of
8 the facility that weren't anticipated
9 as part of the review process; and
10 also potentially requiring additional
11 measures to be taken at that time,
12 depending on the outcome of that
13 study. One thing that we didn't
14 specify in the 2023 approval
15 resolution, which I would recommend
16 now based on experience, is that the
17 applicant should prepare a protocol
18 as to what -- how they intend to
19 conduct that study, which should then
20 be reviewed by the Board's traffic
21 consultant so that protocol and the
22 understanding of what would be coming
23 after their completed construction
24 and what's submitted meets the
25 Board's and Board's traffic

1
2 consultant's expectations. I would
3 also recommend a note to that effect
4 should be added to the site plan
5 itself, so if the site plan is
6 transferred, or if the property is
7 sold to a third party, you know, that
8 they clearly understand that this is
9 not a condition buried in an approval
10 resolution, but it's also a condition
11 of the site plan approval as well.

12 CHAIRMAN EWASUTYN: Questions
13 from Board members? And the dollar
14 amount, Dominic, when would that be
15 established?

16 MR. CORDISCO: The dollar
17 amount for the escrow, I think that
18 the -- so what MHE has suggested here
19 is that there be a continuation of
20 escrow that would be kept reserved to
21 ensure that the Board's traffic
22 consultant, in particular, would be
23 compensated for his review.
24 Normally, the escrow is closed out
25 when site plan approval, obviously,

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is achieved, and the site plan itself

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is signed, because that ends the

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Planning Board process. And then

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they move onto the Building

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Department. But here, I would

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suggest that the Board ask Mr.

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Wersted what an appropriate amount

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would be to reserve and keep open so

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that he or whoever is reviewing

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traffic at that time would have a

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basis to be compensated for their

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time in that review.

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CHAIRMAN EWASUTYN: Thank you.

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MR. BROWNE: John, I have a

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question. We are talking about from

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the CO. Does it trigger point -- I

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could foresee where the CO would not

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be for a full occupancy. Maybe for a

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third or half occupancy. If that's

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the case, then that would not reflect

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the full occupancy in the ultimate

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traffic?

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MR. CORDISCO: Yes, sir.

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MR. BROWNE: How can we address

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2 that?

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MR. CORDISCO: Yeah, I think that that's an excellent point. The approval resolution from 2023 actually had language to this effect. And what it said was in the event that a Certificate of Occupancy has been issued for the project, but the building is not fully occupied within the first year, then the applicant shall provide an interim report to the Planning Board within one year of the issuance of the Certificate of Occupancy, and that the Planning Board reserves the right to require additional measures to mitigate any significant noise or traffic impacts from the project that are identified at that time.

21

MR. BROWNE: Okay. Thank you.

22

23

CHAIRMAN EWASUTYN: Other questions from Board members?

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25

MS. DeLUCA: I have one. I am just curious how this all works. You

1
2 mention in the EAF that had something
3 to do with lighting, the effects of
4 the lighting. And I was just curious
5 as to how you can determine that
6 ahead of time and how that will
7 overall affect the neighborhood. I
8 don't know how that works. How do
9 you determine something like that?

10 MR. CAPPELLO: We do have a
11 lighting plan as part of the site
12 plan that shows --

13 MS. DeLUCA: The downward --

14 MR. CAPPELLO: The downward in
15 an analysis that we would be
16 required.

17 MS. DeLUCA: Okay.

18 MR. ROCKS: County Planning had
19 a detailed comment on that, and we
20 gave a very detailed response
21 elaborating on how we designed this
22 lighting system.

23 MS. DeLUCA: All right. Thank
24 you. Thank you for -- it's been a
25 while, so I don't recall all of that.

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2 Thank you.

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CHAIRMAN EWASUTYN: A general overview of what that comment/comments were and your response I think with would leave Stephanie's question closer to be answered than just okay. So, can we talk more on that?

MR. ROCKS: Sure. So, the biggest two things are the down lighting. And so, there is something called a "BUG rating" for lighting. And it's called backlighting, up-lighting, and glare, and so, we considered all of those aspects when we did the design. The other aspect now for lighting is the temperature. And so, there's different temperatures of light, and they provide a different experience. And some of the warmer temperature lights are not as pleasing and can be somewhat disruptive. And so, we have selected all cool temperature

1

2 luminaires. And those are the key
3 factors.

4 MS. DeLUCA: Okay.

5 CHAIRMAN EWASUTYN: And then,
6 sometimes, Board members ask a
7 question. The lighting that you are
8 proposing, the exterior lighting,
9 that's on throughout the evening or
10 throughout darkness of the day,
11 correct? So, the lighting on the
12 exterior of the building, and you
13 design in such a way that it would
14 not have adverse impact, but that
15 lighting, for conversation, starts at
16 6:00 in the evening and carries
17 through until 6:00 in the morning?

18 MR. ROCKS: Potentially, yes.

19 CHAIRMAN EWASUTYN: Okay.

20 Thank you.

21 MS. DeLUCA: Okay. Thank you.

22 CHAIRMAN EWASUTYN: Questions
23 from Board members?

24 (No Response.)

25 CHAIRMAN EWASUTYN: Dominic,

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can we first start out by declaring a

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negative declaration, and then you

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will walk us through the conditions

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of approval for site plan and ARB?

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MR. CORDISCO: Yes, certainly.

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So, as far as the negative

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declaration is concerned, my

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suggestion would be to adopt the Part

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2 EAF as prepared by MHE, as well as

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adopting a negative declaration for

12

this type I action.

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CHAIRMAN EWASUTYN: Having

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heard from Dominic Cordisco, Planning

15

Board attorney, would someone move

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for that motion?

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MS. CARVER: So moved.

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MR. BROWNE: Second.

19

CHAIRMAN EWASUTYN: Was that

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you, Lisa?

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MS. CARVER: Yes.

22

CHAIRMAN EWASUTYN: Lisa Carver

23

moved for that motion. Cliff Browne

24

second. Can I have a roll call vote

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starting with Dave Dominick?

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MR. DOMINICK: Aye.

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MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

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MR. BROWNE: Aye.

7

MS. CARVER: Aye.

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MR. CORDISCO: And then, as far

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as conditions of approval, this would

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be for an amended site plan approval

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resolution as well as granting

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architectural review board approval.

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Now, the conditions are essentially

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carried forward from the 2023

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resolution. There would be plan

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revisions, just as we discussed

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tonight, a potential note to be added

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to the plans regarding the

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post-construction study. The outside

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agency approvals all have to be

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obtained, including coverage under

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the DEC general permit for storm

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water discharges, which, obviously,

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they are working on. They have

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already obtained the five-acre waiver

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from the Town Board as MHE noted.

Was there ever a storm water facilities maintenance agreement that was completed for the project?

MR. CAPPELLO: I believe we'll have to update it, but we did submit all of the -- the outside sewers, so they both need to be updated.

MR. CORDISCO: So, both of those will be listed as conditions, but if they're satisfied, then they will be satisfied. So, there is also performance security for the storm water improvements. Where do things stand now with the DOT as far as the --

MR. ROCKS: The DOT work has been completed, and the projet has been closed.

MR. CORDISCO: We'll just look for confirmation that that permit has been closed out.

CHAIRMAN EWASUTYN: And that was the entryway on 17K?

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MR. ROCKS: Yes.

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MR. CORDISCO: You still have outstanding the Orange County Department of Health for the water main extension.

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MR. ROCKS: Yes, we needed the neg dec to get that.

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MR. CORDISCO: And then, also the Town of Newburgh Water Department for the portable water and fire flow connections, for the design of the fire protection systems, there is an inspection fee that has to be posted for the water main extension. And, as you mentioned, the outside sewer district agreement, which has to be updated. There is a landscape security and inspection fee. You have ongoing compliance with tree preservation law. Emergency access, you have to coordinate with the jurisdictional emergency services for provisions of keys for the emergency access to the building. The building

1
2 -- excuse me. The Planning Board
3 will be granting architectural review
4 board approval, which means that the
5 architectural plans that were
6 presented is what's allowed to be
7 constructed. And if there's any
8 changes that are proposed to those,
9 you have to come back to the Board.
10 As well as the outdoor fixtures and
11 amenities, only what's shown on the
12 plan can be constructed in the
13 location shown, so if you decide to
14 move a dumpster or other outdoor
15 fixtures, then that would require an
16 amended approval from the Board.

17 All of the mitigation measures
18 that would be spelled out in SEQRA
19 negative declaration are also
20 conditions of the approval. There
21 was, in addition to the post-
22 construction traffic analysis, as
23 part of the 2023 approval, there was
24 a post-construction noise analysis
25 that would go hand in hand with the

1
2 traffic analysis. So, there would be
3 both of those, which we just walked
4 through. There is a narrative that
5 is limitation of use, so what is
6 being applied for in terms of the
7 size of the building and the
8 warehouse use of the property is also
9 a limit of what it can be used for.
10 So, if there is a proposed change of
11 use in the future, then that change
12 of use would have to come back to the
13 board. Those are all of the
14 conditions.

15 CHAIRMAN EWASUTYN: Are there
16 any buildings that are going to be
17 demoed?

18 MR. HINES: Yes.

19 MR. ROCKS: Two homes.

20 CHAIRMAN EWASUTYN: Do they
21 also get a demolition permit?

22 MR. CORDISCO: I will add that
23 in. Thank you.

24 MR. HINES: That is new to the
25 project. Previously, there was not,

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2 but --

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CHAIRMAN EWASUTYN: That's what
made me think about it. That's how
they can expand and move it back.

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MR. CORDISCO: Thank you.

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CHAIRMAN EWASUTYN: Having
heard conditions of approval for
Unity Place Warehouse, project number
25-34, for amended site plan and ARB
approval, presented by Dominic
Cordisco, Planning Board attorney,
any Board members have any questions?

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MR. BROWNE: Yes, John. At the
work session, we discussed the
neighbor's concern about the --

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CHAIRMAN EWASUTYN: The
language in the original deed. We
received a later.

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MR. CAPPELLO: Yes, we provided
a response from the real estate
attorney who handled the closing for
Mr. Spitzer and provided it to the
Planning Board attorney for his
opinion.

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MR. CORDISCO: Yes.

MR. BROWNE: Should we have something from Dominic so we can have that entered into the record?

MR. CORDISCO: Yes. You know, the issue is whether or not a restriction on future use of property is enforceable by the members of the public at large. And the law in New York is very clear on that, so if a restriction is placed on property that was part of, say, a subdivision, and then that property is subdivided, and the owners of the individual lots that are part of that subdivision would have a direct interest in how those restrictions are enforced. And so, they become enforceable essentially by those owners that had a common, you know, or at least a prior common interest in the overall property. That's not the case here, and so, as a result, it's not enforceable, and not something that

1
2 the Planning Board can be looking to
3 to enforce against the applicant. It
4 doesn't forestall the possibility
5 that a third party may bring an
6 action against the applicant
7 directly. But it's simply not a
8 Planning Board matter.

9 MR. BROWNE: Thank you.

10 CHAIRMAN EWASUTYN: Any further
11 questions from Planning Board
12 members?

13 (No Response.)

14 CHAIRMAN EWASUTYN: Okay. We
15 have an action on the table to grant
16 amended site plan and ARB approval
17 for the Unity Place Warehouse. Would
18 someone move for that motion?

19 MR. DOMINICK: So moved.

20 MR. BROWNE: Second.

21 CHAIRMAN EWASUTYN: I have
22 motion by Dave Dominic. I have a
23 second by Cliff Browne. Can I have a
24 roll call vote starting with
25 Stephanie -- Lisa Carver? Excuse me.

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MS. CARVER: Aye.

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MR. BROWNE: Aye.

4

CHAIRMAN EWASUTYN: Aye.

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MR. MENNERICH: Aye.

6

MS. DeLUCA: Aye.

7

MR. DOMINICK: Aye.

8

CHAIRMAN EWASUTYN: Thank you.

9

Congratulations.

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MR. ROCKS: Thank you very

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much.

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(Time Noted 7:35 p.m.)

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C E R T I F I C A T E

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

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

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

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

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VICTORIA CHUMAS ARIAS

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

-----X
In the Matter of

845 CRONOMER SUBDIVISION
(25-35)
3 Thayer Lane
Section 34, Block 1, Lots 25.151 & 25.152
Zone R-2

-----X

SITE PLAN
2-LOT SUBDIVISION

Date: September 17, 2026
Time: 7:36 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:
Reuben Buck, Engineering & Surveying
Properties

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: Our second item of business is 845 Cronomer Subdivision, project number 25-35. It's a site plan for two-lot subdivision located on 3 Thayer Lane, in an R-2 zone. It's being represented by...

MR. BUCK: Good evening. Reuben Buck, Engineering Properties

CHAIRMAN EWASUTYN: Thank you, Reuben.

MR. BUCK: Here on behalf of 845 Cronomer Lake, LLC for the subdivision of lands sandwiched in between Union Avenue to the east and the Thruway to the west. The parcel was previously subdivided to construct two six-bedroom duplexes. The applicant is now proposing to subdivide the remaining lands of what was lot one, was six and a half acres at the time. The exiting duplex will now be on roughly 1.75 acres, and a new duplex will be constructed on

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remaining lands of approximately 5

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acres.

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To facilitate the construction of the new building, there is going to be a lot line change between the two existing parcels, so the lot line is deleted. This is -- there is adequate space for the construction of a new subsurface sewage dispose system. So, lot two's sewer disposal system is currently located on lands approximately here (Indicating). We did soil testing to confirm we had adequate soil, so that system is going to be relocated here (Indicating), and then a new one constructed so that all three units have their own waste water facilities. Access for the new duplex will be off Union Avenue. There is adequate site distance where the driveway meets the existing roadway. The driveway will require crossing DEC wetlands and disturbing

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a wetland area and some buffer, which
were require a permit from the DEC.

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Additionally, we received some
comments from the Town's code
enforcement officer just identifying
-- due to the length of the driveway,
we require turnout location along the
driveway as well as our office taking
another look at the far end of the
driveway and ensuring that a fire
truck has adequate space to turn
around there.

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We did receive review comments
from the office of MHE, relatively
minor in nature. I'm sure Quinn will
go through those. I'm happy to
answer any questions the Board
members may have.

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CHAIRMAN EWASUTYN: Quinn,
please.

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MS. MULLARKEY: So, as Reuben
indicated, this does require a
wetland article or New York State DEC
Article 24 Wetland Permit for

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2 disturbance. They have provided a
3 signed wetland delineation plan.
4 This delineation is valid until 2031.
5 We do note that the limit of
6 disturbance should be depicted on the
7 plans. If the limit -- if the
8 disturbance is greater than one acre,
9 then a storm water pollution
10 prevention plan will be required.
11 The Highway Department should comment
12 on the driveway location on Union
13 Avenue. Comments have been received
14 from Orange County Department of
15 Planning. They have identified a
16 local determination with advisory
17 comments. This project does require
18 compliance with the tree preservation
19 ordinance in the Town Code, so we
20 will want to see a tree survey and
21 calculations.

22 As Reuben indicated, the
23 septic will be located on the back
24 of the property line. We do note
25 that the existing septic system will

1
2 service the new duplex and a new
3 septic will be built for the existing
4 home. So, there will be a swap. We
5 do want to see notes on the plans.
6 Reuben provided a narrative, but we
7 want to see notes on the plan
8 regarding the sequencing of that
9 construction and transfer.

10 Then, we have some minor notes
11 on the septic details and clean up.
12 And Jim Campbell provided comments
13 from from the Building Department.

14 CHAIRMAN EWASUTYN: Comments
15 from Board members?

16 MR. DOMINICK: Nothing further.

17 MS. DeLUCA: No, nothing for
18 me.

19 MR. MENNERICH: No.

20 MR. BROWNE: Nothing further.

21 CHAIRMAN EWASUTYN: No comment.

22 MS. CARVER: Nothing further.

23 CHAIRMAN EWASUTYN: We can't
24 move forward on this, this evening,
25 correct, Dominic?

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MR. CORDISCO: That's correct.

CHAIRMAN EWASUTYN: And the
reason we can't move forward?

MR. CORDISCO: I think the
applicant has to resubmit. There's
additional details that they are to
be providing.

CHAIRMAN EWASUTYN: That's a
tree preservation has to be shown?

MR. CORDISCO: Yes, sir.

CHAIRMAN EWASUTYN: And I think
when we have that and whatever the
details, then we could consider
scheduling a Public Hearing?

MR. CORDISCO: Yes, sir.

MR. BUCK: Sounds good. Thank
you.

MR. CORDISCO: And the turn
around details as well.

CHAIRMAN EWASUTYN: Thank you.

(Time Noted 7:42 p.m.)

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C E R T I F I C A T E

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

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this matter.

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VICTORIA CHUMAS ARIAS

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

-----X
In the Matter of

ROCKET SUBDIVISION
(25-08)
397 Candlestick Road
Section 6, Block 1, Lot 56.21
Zone AR

-----X

4-LOT SUBDIVISION

Date: September 17, 2026
Time: 7:42 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:
Jonathan Millen, PLS, ACES

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: Our third item of business is the Rocket Subdivision, project number 25-08. It's a four-lot subdivision, located in an AR zone, being represented by Jonathan Millen.

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MR. MILLEN: Good evening. To reiterate what's going on with this plan is we have a four-lot subdivision. Each lot will be served by well and septic. Two lots will have a common shared driveway. Nothing really specific unusual about this situation.

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CHAIRMAN EWASUTYN: Okay. Quinn, you have comments, review comments?

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MS. MULLARKEY: Yup. So, this project we need to see the tree survey and the calculations of the percentage of each category of trees to be removed. The chart on the tree survey must be completed.

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MR. MILLEN: We submitted a

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2 tree survey.

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MR. HINES: It's lacking the
calculations that are required.

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MR. MILLEN: I understand that.
Once thing I wanted to request,
specific instructions on --
essentially, for this project, we
only located the trees that were, in
fact, within the graded perimeter.
So, in fact, all of these trees will
be removed.

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MR. HINES: But if you could
give us an analysis of the amount of
trees left on the site, some from of
percentage, realizing that I think
the site is heavily wooded right now

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MR. MILLEN: Right.

MR. HINES: So, we need that --

MR. MILLEN: This area, that's
all wetlands here --

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MR. HINES: The requirements
are that in this zone you can cut
50 percent of each of the three
protected specimen trees.

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MR. MILLEN: Because at the time we requested the instructions, before doing the tree survey, I believe we were instructed that we didn't have to survey every tree on the site.

MR. HINES: I am not telling you to survey every tree; you only have a couple. But we just need that calculation, that this project will not disturb 50 percent of the trees on the site.

MR. MILLEN: Okay. So, you need a synopsis for total number of trees?

MR. HINES: Yes.

MR. MILLEN: And we are going to sum these up to be removed, and want to approve that we're not removing more than 50 percent of the trees on the site?

MR. HINES: Yeah. I would recommend, maybe, an aerial photo that shows how much is wooded on the

1

2 site.

3 MR. MILLEN: Right.

4 MR. HINES: And just show that
5 there is, you know, a limited number
6 of trees to be cut. I don't want to
7 go through an exercise of counting
8 every tree when, I think, you are
9 cutting 15 trees or something on the
10 entire site.

11 MR. MILLEN: Okay. We will do
12 that.

13 CHAIRMAN EWASUTYN: Is there a
14 SWPPP that needs to be --

15 MR. MILLEN: We are working on
16 the SWPPP right now.

17 MS. MULLARKEY: Yes, a SWPPP
18 will need to be prepared and reviewed
19 by my office. We also note that
20 septic systems, we need engineer's
21 stamped plans for those.

22 MR. MILLEN: This is Jonathan
23 Cello. He will be signing off on
24 those. I spoke to him this evening,
25 so with the next submittal we will

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2 have those signed.

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4 MS. MULLARKEY: And there are
5 outstanding comments from our March
6 and February comment letters.

6

7 MR. MILLEN: Yes. I think we
8 addressed them all.

8

9 MS. MULLARKEY: I don't have
10 them in front of me right now, but I
11 think a few were still outstanding.
12 I think it's in regards to the
13 roadway dedication parcel.

13

14 MR. MILLEN: Yeah. We did go
15 through that. We had the attorney
16 provide the description of the
17 dedication for that.

17

18 MR. CORDISCO: We've seen the
19 description. I haven't seen the
20 related documents to it, but we can
21 go through that together.

21

22 MR. MILLEN: Okay.

22

23 MS. MULLARKEY: And is the
24 wetland delineated? Has that been --

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25 MR. MILLEN: Yes. As you can
see here, we located all of the

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wetland flags. There were 59, I

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believe, total and delineated the

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100-foot buffer around them. And we

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have the -- we do have the signoff

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from the DEC.

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MS. MULLARKEY: So, DEC did

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take jurisdiction or no?

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MR. MILLEN: Yes, and it was

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their volunteers who flagged it for

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us.

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MS. MULLARKEY: Okay.

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CHAIRMAN EWASUTYN: So, are we

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at the point that we could schedule a

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Public Hearing, or we need further

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information before we can schedule a

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Public Hearing?

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MS. MULLARKEY: The Public

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Hearing was held in March.

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MR. HINES: We did.

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MS. MULLARKEY: That is what I

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have indicated.

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CHAIRMAN EWASUTYN: So, these

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are revised subdivision plans based

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upon the last meeting, and we did

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have a Public Hearing?

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MR. HINES: Yes.

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CHAIRMAN EWASUTYN: Okay. So,
one more submission completing the
questions that we raised this evening
should complete and approve the
proposed subdivision?

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MR. CORDISCO: Yes. The Public
Hearing was held on March 19th.

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MR. MILLEN: I'm aware of that.
The main criteria we need to satisfy
now is to have the engineer sign off
on all of the septic design and to
prepare the storm water pollution
prevention plan.

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MR. HINES: And give us a
calculation of the trees.

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MR. MILLEN: And then give you
the calculation on all of the trees.

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MS. MULLARKEY: Yup.

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MR. MILLEN: Oh, and this would
be included in the next submittal,
but somehow or other the dimensions
for the turnouts and stuff were not

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shown on the previous plan, so I just brought a couple copies to illustrate that for the turnouts. There was a comment from Jim regarding that the dimensions weren't on the previous plan.

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MR. HINES: Jim Campbell submitted a comment about the dimensions of turnouts and turnarounds.

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CHAIRMAN EWASUTYN: He did remember the fact that they were on the plans that were on table in front of you, but the revised plans --

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MR. HINES: Were not.

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MR. MILLEN: Right. In modern programs, for every layer that you establish, there is also a little button that says, Do you want to print that the layer, even though you see it on a screen. And unfortunately, our big partner died about a month ago, so we're sending stuff off to P&P. And it's on the

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screen, but the way it came out, it

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didn't plot it. So, I didn't

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realized that. Apologize.

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CHAIRMAN EWASUTYN: Any other

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questions from Board members?

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(No Response.)

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CHAIRMAN EWASUTYN: All right.

9

Jonathan, when do you think you will

10

have all of the information?

11

MR. MILLEN: Absolutely by the

12

next meeting.

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CHAIRMAN EWASUTYN: Okay. I

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can't act on it until we have it, so

15

there is a meeting on the 1st of

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October, and a meeting on the 15th of

17

October.

18

MR. MILLEN: Right, so we will

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do the best we can to get it in for

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the 1st. Thank you for your time. I

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appreciate it.

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(Time Noted 7:50 p.m.)

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C E R T I F I C A T E

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

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related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

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VICTORIA CHUMAS ARIAS

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

-----X
In the Matter of

CANNABIS RETAIL DISPENSARY AT CORTLAND
COMMONS
(26-18)
5440 Route 9W
Section 2, Block 1, Lot 60
Zone B
-----X

AMENDED SITE PLAN
SPECIAL USE PERMIT

Date: September 17, 2026
Time: 7:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:
Brandon Petrella, RA, AIA, Mauri
Architects, PC
-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: The fifth item of business this evening is Cannabis Retail Dispensary at Cortland. It's located on Route 9W in a B zone. Brandon Petrella, architect, is here this evening to talk about the amended site plan and special use permit.

MR. PETRELLA: Good evening. Brandon Petrella, Mauri Architects. There is not really a big update from our last meeting. There was some minor comments from MHE. I think we've addressed most of those. One of the largest ones, and the only revision to the plan was delineating the actual drivethrough area. I think we've answered the questions of how it's regulated by OCM. And I believe we're ready to schedule the Public Hearing.

CHAIRMAN EWASUTYN: Good. Questions from Board members, Dave Dominick?

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2 MR. DOMINICK: Nothing at this
3 time. Just for the record, the
4 response from the cannabis company,
5 for me, seemed a little confusing.
6 Where your presentation was, Yes,
7 there is a drivethrough, they were
8 like pushing the ball back in our
9 court, so to speak. So, there is a
10 little confusion on my part, and I
11 was led to believe that was pretty
12 much acceptable.

13 MR. PETRELLA: So, what they
14 are saying is drivethrough is
15 permitted, but if a drivethrough
16 isn't permitted in this zone by your
17 town law, I can't just have one
18 because the state permits
19 drivethroughs at a dispensary. They
20 don't -- they preempt a lot of things
21 from town boards, but -- I forget the
22 phrasing, but basically, you know,
23 lighting, parking, traffic through
24 the site, that is still your purview.
25 They're allowed to establish this use

1
2 once the license is granted, but if
3 you don't permit drivethroughs in
4 that district, it doesn't matter if
5 there is a drivethrough there.
6 That's what they are saying, that
7 it's ultimately your decision, but it
8 is allowable by state law.

9 MR. CORDISCO: And I concur
10 with that analysis.

11 MR. PETRELLA: Thank you.

12 MR. DOMINICK: Thank you for
13 clearing that up.

14 MR. PETRELLA: No problem.

15 CHAIRMAN EWASUTYN: Stephanie
16 DeLuca?

17 MS. DeLUCA: I hate to be -- to
18 throw this at you, but I am just
19 trying to come up with a rationale
20 for the purpose for a drivethrough
21 being in that area. I mean,
22 convenience sake, okay. I get that.
23 I keep thinking in the back of my
24 mind many years ago in the 1970s, in
25 the City of Newburgh, there was

1
2 something called Cop and Stop, so I
3 just kind of keep thinking along
4 those lines of the convenience of
5 that. Other than convenience, I am
6 just trying to figure out what's the
7 purpose.

8 MR. PETRELLA: It's a feature
9 that some dispensaries have, and
10 consumers are asking for it. It's
11 something they want to -- consumers
12 nowadays, they want to go online,
13 they want to order, they don't want
14 to interact with people, they don't
15 want to get out of their car, and
16 this is something that the business
17 will generate revenue from. It's
18 truly that simple. There is nothing
19 -- the transaction is almost similar
20 than stopping your car, getting out,
21 and going in. There is no product.
22 You don't get to look -- I mean,
23 there are displays, but you don't
24 look around. You go in, simple
25 transaction, you go right back into

1
2 your car.

3 MS. DeLUCA: And they basically
4 know what they want.

5 MR. PETRELLA: Yeah, they are
6 legally not allowed to display actual
7 cannabis products in retail space.
8 It's all just empty boxes and flashy
9 things to get somebody to look at,
10 but it's advisement. So, the
11 transaction is the same, except the
12 person is just not getting out of the
13 car. That is the only difference.

14 MS. DeLUCA: Okay. And it does
15 not affect the traffic next door to
16 the -- like the pizza area and
17 everything else?

18 MR. PETRELLA: No. This site
19 was always designed to have a
20 drivethrough, you know, because the
21 drivethrough was there. It was
22 originally meant to be fast food,
23 which is a much more intensive use,
24 right? So, the fact this will have a
25 few customers coming through instead

1
2 of lines of people going to a Dunkin'
3 or a Wendy's. And again, those
4 transactions are longer, because you
5 order. Yes, you preorder, but then
6 you get to the window and they're
7 trying to get those, you know,
8 two-minute times. You have ordered.
9 Before you even can come here, you
10 have to order, pay, then you drive
11 here, and then you pick it up. So,
12 the transaction time is quick.

13 MS. DeLUCA: Okay, thank you.

14 MR. PETRELLA: You are very
15 welcome.

16 MR. MENNERICH: No questions.

17 CHAIRMAN EWASUTYN: No comment.

18 MR. BROWNE: Nothing more.

19 Thank you.

20 MS. CARVER: No questions.

21 CHAIRMAN EWASUTYN: Quinn?

22 MS. MULLARKEY: So, the
23 majority of our comments have been
24 addressed, I would say. We did
25 receive the Orange County Department

1
2 of Planning GML response, and it is a
3 local determination. The adjoiners'
4 notices have been sent. And as
5 indicated, the project is before the
6 Board tonight to schedule the Public
7 Hearing.

8 CHAIRMAN EWASUTYN: Can I have
9 a motion to schedule the Cannabis
10 Retail Dispensary at Cortland for a
11 Public Hearing on the 15th of
12 October?

13 MR. DOMINICK: So moved.

14 MS. DeLUCA: Second.

15 CHAIRMAN EWASUTYN: A motion by
16 Dave Dominick, a second by Stephanie
17 DeLuca. Can I have a roll call vote
18 started with Dave?

19 MR. DOMINICK: Aye.

20 MS. DeLUCA: Aye.

21 MR. MENNERICH: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MR. BROWNE: Aye.

24 MS. CARVER: Aye.

25 CHAIRMAN EWASUTYN: Motion

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carried.

MR. PETRELLA: Thank you,
everybody. Have a wonderful evening.

(Time Noted 7:56 p.m.)

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C E R T I F I C A T E

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 30th day of September
2026.



VICTORIA CHUMAS ARIAS

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

-----X
In the Matter of

DREAM BUILDERS & DEVELOPERS
(26-23)
24 Devito Drive
Section 20, Block 2, Lot 30.23
Zone R-3

-----X

INITIAL APPEARANCE
5-LOT SUBDIVISION

Date: September 17, 2026
Time: 7:56 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:
Nick Rugnetta & Ievgen Adamovych, Pietrzak
& Pfau, PLLC

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: The fifth item this evening is Dream Builders & Developers. It's initial appearance for a five-lot subdivision on Devito Drive in an R-3 zone. And it's being represented by -- Nick, are you going to be speaking on it?

MR. RUGNETTA: Me and Ievgen.

CHAIRMAN EWASUTYN: For the record, your name?

MR. RUGNETTA: Nick Rugnetta.

(Court Reporter Speaking.)

MR. RUGNETTA: R-U-G-N-E-T-T-A.

MR. ADAMOVYCH: My name is Ievgen Adamovych.

MR. DOMINICK: Could you spell it?

MR. ADAMOVYCH: Yes.

I-E-V-G-E-N the last name is A-D-A-M-O-V-Y-C-H.

We are engineers from Pietrzak & Pfau engineering company, and it's initial presentation for five-lot subdivision. S/B/L 20, 2, 30.2.

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This is five lots with an existing

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dwelling on the lot, which is going

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to be removed. Parcel is on an R-3

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zoning district. We are attempting

6

to use public water and onsite septic

7

systems for each lot.

8

CHAIRMAN EWASUTYN: Quinn, you

9

want to take lead on this? And then

10

we will turn it over the Planning

11

Board members.

12

MS. MULLARKEY: As sated, this

13

is the project's initial appearance

14

before the Board. It's a five-lot

15

subdivision of four-and-a-half-acre

16

parcel within the R-3 zoning

17

district. Because it's a first

18

appearance, adjoiners' notices must

19

be sent out after this meeting. This

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project is considered a major

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subdivision, so Orange County

22

Department of Health approval will be

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required for the septic system and

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subdivision. Tonight, the Planning

25

Board should declare its intent for

1
2 lead agency and circulate to the New
3 York State Department of Costal
4 Resources, the New York State DEC,
5 and SHPO, and Orange County
6 Department of Health. We would like
7 to see confirmation that all lots
8 will be served by municipal water. I
9 didn't think the plan indicated that.

10 MR. ADAMOVYCH: I -- I'm sorry.

11 MS. MULLARKEY: So, future
12 submissions must show water
13 connection details and standard water
14 notes. The proposed lots four and
15 five will share a driveway with the
16 neighboring parcel, so Town Board
17 approval will be required for the
18 three lots on a common driveway.
19 Common driveway access and
20 maintenance agreements will be
21 required for lots four and five, as
22 well as lots one and tax lot 30.22.
23 The existing tax lots must be party
24 to the agreements.

25 The EAF identifies a bat within

1
2 the area, so there will be tree
3 clearing restrictions. A note should
4 be added to the plans to that effect.
5 Grading plans must be provided. This
6 project appears to be over an acre
7 of disturbance, although it's not
8 indicated, but just what it appears.
9 So, coverage under the DEC
10 construction storm water permit will
11 be required, and we will need to see
12 a SWPPP.

13 The existing residential
14 structure that is to be demoed will
15 require a demolition permit from the
16 Town's Building Department. The
17 existing well that services that
18 existing single-family home, that
19 will have to be abandoned per AWWA,
20 the applicable standards. The EAF
21 identifies onsite rain gardens to be
22 used. Those should be identified on
23 the plans and addressed in the SWPPP.
24 Information regarding the existing
25 right-of-way must be submitted to

1
2 Dominic for review. New access
3 agreements require approval. Notes
4 must be added to the plans requiring
5 submission of as-built plans and
6 engineer's certification of all
7 septic systems prior to issuance of a
8 Certificate of Occupancy. Town water
9 and sewer notes must be included on
10 the plans. We'll need all of our
11 typical details that we require, site
12 development, septic design, grading
13 plan, ENS. The highway
14 superintendent will need to comment
15 and approve the driveway. And notes
16 should be added to the plans
17 requiring submission of plot plan and
18 foundation stakeouts prior to
19 issuance of a building permit.

20 MR. RUGNETTA: Thank you.

21 CHAIRMAN EWASUTYN: Comments
22 from Board members?

23 MR. DOMINICK: Nothing further.

24 MS. DeLUCA: Nothing.

25 MR. MENNERICH: Nothing at this

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time.

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MR. BROWNE: Nothing more.

4

MS. CARVER: No.

5

CHAIRMAN EWASUTYN: So,

6

Dominic, the action this evening is?

7

MR. CORDISCO: We'll be

8

authorizing the adjoiners' notices

9

and circulating for lead agency, sir.

10

CHAIRMAN EWASUTYN: Can I have

11

a motion to circulate our intent for

12

lead agency?

13

MR. DOMINICK: So moved.

14

MS. CARVER: Second.

15

CHAIRMAN EWASUTYN: I have

16

motion by Dave Dominick. I have a

17

second by Lisa Carver. Can I have a

18

roll call vote starting with Dave?

19

MR. DOMINICK: Aye.

20

MS. DeLUCA: Aye.

21

MR. MENNERICH: Aye.

22

CHAIRMAN EWASUTYN: Aye.

23

MR. BROWNE: Aye.

24

MS. CARVER: Aye.

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CHAIRMAN EWASUTYN: Okay.

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Thank you.

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MR. RUGNETTA: We just have one question regarding the SWPPP requirement. So, table one of the general permit, we were going to confirm with regard to the impervious coverage, and I believe that it may be under the 25 percent. So, if that is the case, I think we will only have to provide erosion sediment control plans.

MR. ADAMOVYCH: It is less than five acres total lot, 4.55 area for disturbance. For impervious areas, it's less than 25 percent, but it's preliminary calculations.

MS. MULLARKEY: Yup, so an ENS plan would still have to be provided.

MR. RUGNETTA: And we provide the impervious coverage calculation right on the plan when we get to that point.

MS. MULLARKEY: Okay.

MR. ADAMOVYCH: And the other

1
2 thing I want to point out that we are
3 proposing the front yard kind of way
4 farther (Phonetic) than bulk
5 requirements, if that is okay with
6 the board because we are not going to
7 meet the...

8 MR. HINES: Yes. For flagged
9 lots, you showed it appropriately.
10 Where the lot meets the lot width is
11 the front yard setback.

12 MR. ADAMOVYCH: Yes.

13 CHAIRMAN EWASUTYN: Okay.

14 MR. ADAMOVYCH: Thank you.

15 CHAIRMAN EWASUTYN: And you
16 will work with Pat Hines's -- Quinn's
17 office -- excuse me -- for the
18 adjoiners' notices?

19 MR. RUGNETTA: Yes.

20 CHAIRMAN EWASUTYN: Thank you.

21 MR. RUGNETTA: Have a good
22 night.

23

24 (Time Noted 8:02 p.m.)

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C E R T I F I C A T E

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

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Public for and within the State of New
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That the witness whose examination is
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the testimony given by that witness.

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

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VICTORIA CHUMAS ARIAS

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

-----X
In the Matter of

XTERIOR PRO, LLC
(26-08)

-----X

BOARD BUSINESS

Date: September 17, 2026
Time: 8:03 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:
N/A

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

Xterior Pro, LLC

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CHAIRMAN EWASUTYN: We have three items of Board business. Can I have a motion to schedule a Public Hearing for Exterior Pro, LLC, project number 26-08 for a Public Hearing on the first of October?

MR. MENNERICH: So moved.

MS. CARVER: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Lisa Carver. 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.

(Time Noted 8:04 p.m.)

Xterior Pro, LLC

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

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am in no way interested in the outcome of
this matter.

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VICTORIA CHUMAS

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

-----X
In the Matter of

MKJ WAREHOUSE
(22-32)
and
MONARCH DRIVE SENIOR HOUSING PROJECT
(19-28)
-----X

BOARD BUSINESS

Date: September 17, 2026
Time: 8:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
QUINN MULLARKEY

APPLICANT'S REPRESENTATIVE:
N/A
-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: The second motion is to set the consultant's work session with MKJ Warehouse for discussion, project number 22-32, for the 22nd of September.

MR. HINES: They are proposing changes. DOT has identified some conditions for their access road. Ken Wersted did indicate he could attend that virtually on that date if we hold it that day.

CHAIRMAN EWASUTYN: On the 22nd?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: So, we'll make for a motion for two actions pertaining to the consultant's work session on the 22nd. The second motion would be for Monarch Drive Senior Housing Project, project number 19-28, to also schedule that for the same consultant's meeting. Can I have a motion to approve that?

MS. CARVER: So moved.

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MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Lisa Carver. I have a second by Ken Mennerich. Can I please have a role call vote starting with Dave Dominick?

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

CHAIRMAN EWASUTYN: We are not going to close the meeting because the longer we keep the meeting open, the longer we will have Pat Hines. So, for those of you who aren't in a hurry to go home...

All kidding aside, we are going to miss you.

ALL: Congratulations, Pat.

CHAIRMAN EWASUTYN: Can I have a motion to close the Planning Board meeting of September 17, 2026?

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MS. DeLUCA: So moved.

MS. CARVER: Second.

CHAIRMAN EWASUTYN: I have a
motion by Stephanie DeLuca. I have a
second by Lisa Carver. 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.

(Time Noted 8:07 p.m.)

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C E R T I F I C A T E

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 : SS.:
COUNTY OF ORANGE)

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am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 30th day of September
2026.



VICTORIA CHUMAS ARIAS