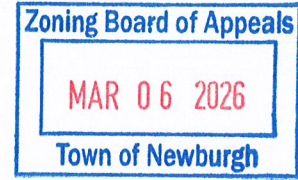




TOWN OF NEWBURGH

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: 02/11/26

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

I (WE) Debra McCabe PRESENTLY

RESIDING AT NUMBER 66 Meadow Hill Road, Newburgh, NY 12550

TELEPHONE NUMBER 914-475-8664

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:

S-B-L: 86-1-86 (TAX MAP DESIGNATION)

254 Route 17k (Suite 104 and 105), Newburgh, New York 12550 (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

1. 185-18C (4)b IN REGARDS TO THE FRONT YARD SETBACK

2. VARIANCE OR INTERPRETATION (LOCKABLE DUMPSTER REQUIRED BY TOWN OF NEWBURGH) ALTERNATE MEANS OF CANNABIS WASTE TO BE USED)

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:

x

4. DESCRIPTION OF VARIANCE SOUGHT: FRONT YARD SETBACK OF 3'-6"

THE BULK TABLE IN THIS ZONE REQUIRES A 50FT MIN SETBACK BUT AS THIS BUILDING ABUTS A STATE ROAD THE REQUIREMENT IS 60FT SO AN AREA VARIANCE IS BEING REQUESTED

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

(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

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

N/A

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

N/A

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:

THIS NON-CONFORMING FRONT YARD SETBACK HAS EXISTED SINCE THE BUILDING EXISTED
CIRCA 1985 SO THERE IS NO CHANGE.

- 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:

THIS IS A EXISTING NON-CONFORMING CONDITION THAT WAS NOT CREATED BY THE APPLICANT.
AN AREA VARIANCE IS THE ONLY OPTION TO MOVE FORWARD IN OPENING THE PROPOSED
BUSINESS.

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

THIS REQUEST IS A FAIR AND UNCOMPLICATED REQUEST AS THIS IS AN EXISTING NON-CONFORMING
CONDITION THAT HAS EXISTED SINCE CIRCA 1985

- 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 CHANGE TO THE EXISTING BUILDING OR EXISTING SITE.

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

THE BUILDING IS EXISTING AND THE NON CONFORMING CONDITION IS EXISTING SO THIS
IS NOT A CREATED CONDITION.

7. ADDITIONAL REASONS (IF PERTINENT):

Debra McCabe

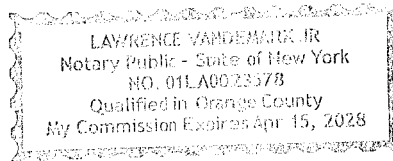
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 13 DAY OF FEBRUARY 2026

[Signature]

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

Debra McCabe

DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 66 Meadow Hill Road, Newburgh, NY 12550

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF The Leaf New York, LLC
254 Rt 17k, Newburgh, NY 12550 (Suite 104 & 105)

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Minuta Architecture, PLLC

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 2/11/26 Debra McCabe

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 11 DAY OF February 2026

ALEJANDRA B MAISONET
NOTARY PUBLIC STATE OF NEW YORK
ORANGE COUNTY
LIC. #01MA0027057
COMM. EXP. 07/24/2028

Alejandra B. Maisonet
NOTARY PUBLIC

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Martin Reisman, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 5 Morris Ct, Spring Valley, NY 12550
IN THE COUNTY OF Rockland AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF Ness Group LLC
254 RT 17K, Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Minuta Architecture, PLLC
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 2/11/20

Martin Reisman

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF Rockland ~~ORANGE~~:

SWORN TO THIS 11 DAY OF February 2020

CHAYA MEISNER
Notary Public - State of New York
No. 02ME6417496
Qualified in Rockland County 20
My Commission Expires 05/17/20

Chaya Meisner

NOTARY PUBLIC

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

PROXY

Martin Reisman, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 5 Morris CT, Spring Valley, NY 12550
IN THE COUNTY OF Rockland AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF Ness Group LLC
254 RT 17K, Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED The Leaf New York, LLC
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 2/11/26

Martin Reisman

OWNER'S SIGNATURE

WITNESS' SIGNATURE

Rockland

STATE OF NEW YORK: COUNTY OF ~~ORANGE~~ Rockland;
SWORN TO THIS 11 DAY OF February 2026

CHAYA MEISNER
Notary Public - State of New York
No. 02ME6417496
Qualified in Rockland County
My Commission Expires 05/17/2029

Chaya Meisner
NOTARY PUBLIC

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.

Part 1 – Project and Sponsor Information			
PB 26-01			
Name of Action or Project: Autumn Sky Plaza- Cannabis Dispensary			
Project Location (describe, and attach a location map): 254 Route 17k Newburgh NY 12550			
Brief Description of Proposed Action: Retail - Alteration to 2 existing adjacent retail suites (Suite 104 and 105) in an existing commercial building for use as a NYS			
Name of Applicant or Sponsor: The Leaf New York LLC/ Debra McCabe		Telephone: 914-475-8664 E-Mail: debramccabe@gmail.com	
Address: 66 Meadow Hill Road			
City/PO: Newburgh		State: New York	Zip Code: 12550
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 checked="" 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: NYS Office of Cannabis Management License Adult-Use Cannabis Pro			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		2.1 +/- 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?		2.1 +/- acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input 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			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES
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: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES
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: _____ _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Indiana Bat	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ 336088 - SEE ATTACHED COPY FROM DEC RECORDS DATA BASE	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Debra McCabe</u> Date: <u>2/13/26</u> Signature: <u>Debra McCabe</u> Title: <u>owner</u>		



ORANGE COUNTY – STATE OF NEW YORK
 ANN G. RABBITT, COUNTY CLERK
 255 MAIN STREET
 GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 14451 / 716
 INSTRUMENT #: 20180062139

Receipt#: 2540426
 Clerk: KP
 Rec Date: 08/27/2018 10:44:49 AM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 5
 Rec'd Frm: TS AGENCY LLC

Party1: AUTUMN SKY DEV CO INC
 Party2: NESS GROUP LLC
 Town: NEWBURGH (TN)
 86-1-86

Recording:

Recording Fee	45.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00

Sub Total: 320.00

Transfer Tax	
Transfer Tax - State	7600.00

Sub Total: 7600.00

Total: 7920.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 833
 Commercial Transfer Tax
 Consideration: 1900000.00

Transfer Tax - State	7600.00
----------------------	---------

Total: 7600.00

Payment Type: Check ___
 Cash ___
 Charge ___
 No Fee ___

Comment: _____

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 8/27/2018 and the same is a correct transcript thereof in witness whereof, I have hereunto set my hand and affixed my official seal 02/11/2026.

Kelly A. Eskew

County Clerk & Clerk of the Supreme County Courts
 Orange County

Ann G. Rabbitt

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY INGeo

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR
(CORPORATION)**

STATUTORY FORM CC

THIS IS A LEGALLY BINDING INSTRUMENT. IF NOT FULLY UNDERSTOOD, WE RECOMMEND ALL PARTIES TO THE INSTRUMENT CONSULT AN ATTORNEY BEFORE SIGNING.

THIS INDENTURE, made the 23rd day of July, 2018,

between Autumn Sky Development Co., Inc., P.O. Box 298, New Paltz, New York 12561, a corporation organized under the laws of New York,

party of the first part, and

Ness Group LLC, of 5 Morris Court, Spring Valley, New York 10977,

party of the second part:

WITNESSETH, that the party of the first part, in consideration of one dollar and other good and valuable consideration, lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, his heirs, successors and assigns forever, all Town of Newburgh, County of Orange, State of New York, more particularly described in Schedule A attached hereto;

Subject to all covenants, easements and restrictions of record, if any, affecting said premises;

Being and hereby intending to convey the same premises as conveyed to the parties of the first part by Deed dated June 12, 2013, and recorded in the Orange County Clerk's Office on June 18, 2013, in Liber/Reel 13586 of Deeds, at page 1429;

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, their heirs, successors and assigns forever. And the party of the first part covenants that it has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

AND the party of the first part/grantor, in compliance with Section 13 of the Lien Law, covenants that the party of the first part/grantor 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" or "grantor" shall be construed as if it read "parties" or "grantors" whenever the sense of this document so requires.

IN WITNESSETH WHEREOF, the party of the first part has caused its corporate seal to be hereunto affixed and these presents to be signed by its duly authorized officer the day and year first above written.

Steven Michalski
Steven Michalski, President of
Autumn Sky Development Co., Inc.

In presence of:

Acknowledgment by a Person Within New York State (RPL § 309-a)

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

On the 23rd day of July in the year 2018, before me, the undersigned, personally appeared Steven Michalski, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Tracy McNamara
(signature and office of individual taking acknowledgment)

TRACY MCNAMARA
Notary Public, State of New York
Qualified in Orange County
No. 01MC6226192
My Commission Expires Aug. 02, 2022

Schedule A Description

Title Number TSL-6927-OR

Page 1

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Newburgh, Orange County, New York, being Lot #3, as shown on a plan entitled "Plan for Charles Catanzaro and Richard Fracasse, Minor Subdivision", said plan having been filed in the Orange County Clerk's Office as Map No. 7063 and said lot more particularly described as follows:

BEGINNING at a point in the northeasterly line of the New York State Highway known as Route 17K (Cochecton Turnpike), said point being at the intersection of said line with the southwesterly corner of Lot #2, as shown on a map entitled "Minor Subdivision, Lands of Coldenham Development Company, Inc." said map having been filed in the Orange County Clerk's Office on November 16, 1984, as Map No. 6801, and running thence the following courses:

1. Along said northeasterly line of Route 17K, North 40 degrees 18' 24" West 300.00 feet to a point;
2. Along Lot #1, as shown on the above-referenced Catanzaro and Fracasse Subdivision Map, North 39 degrees 59' 54" East, 400.00 feet to a point;
3. Still along said Lot #1, South 31 degrees 02' 39" East, 200.00 feet to the northwesterly corner of Lot #2, as shown on the above referenced Coldenham Development Co., Inc. subdivision map;
4. Along said Lot #2, South 24 degrees 32' 50" West, 400.00 feet to the point or place of BEGINNING.

FOR INFORMATIONAL PURPOSES ONLY:

Said premises is known as 254 Route 17K, Newburgh, NY. Section 86 Block 1 Lot 86, Orange County.

DEED

Title No. TSL-6927-OR

Autumn Sky Development Co., Inc,
To
Ness Group, LLC

District Valley Central

Section 86

Block 1

Lot 86

County or Town County of Orange

Street Address 254 State Route 17k
Newburgh, New York 12550

Return By Mail To:

91 Brookside Avenue
Chester, NY 10918

Reserve This Space For Use Of Recording Office

March 4, 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 ◊◊
Michael A. D'Angelo ◊◊
Ivan M. Bonet ◊◊
James C. Lindeman

Jennifer L. Schneider
Managing Attorney

BY EMAIL ONLY

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

Re.: The Leaf New York Dispensary

Planning Board Project No.: 2026-01

Dear Chairman Scalzo and Board Members:

At the Planning Board's February 5, 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.

The property is located at 254 Route 17k, designated on the tax map as Section 86, Block 1, Lot 86, and is improved with an existing two-story, 18,384 square foot commercial building. The Applicant seeks to convert two of the commercial suites in the building into a cannabis dispensary retail business. The site previously received variances from the Zoning Board of Appeals for signage in November 2013.

The current cannabis dispensary proposal has a pre-existing nonconforming condition as follows:

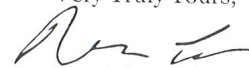
- Front Yard Setback: 60 feet is required where 56'6" exists;

The Applicant may also be seeking the Zoning Board's variance or interpretation on the following:

- Locking Dumpster for Cannabis Special Use: The Town of Newburgh has previously required that all exterior cannabis waste receptacles be locked and secured. This Applicant does not seek to use an exterior receptacle for cannabis waste. Rather, they intend to store all cannabis waste in their secured product area for retrieval by their cannabis distributors. The Applicant notes that this is an approved cannabis disposal method pursuant to New York Office of Cannabis Management, and may seek approval from the Zoning Board to proceed in this manner.

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

* Retired 2025

** Retired 2015; d. 2025

◊ LL.M. in Taxation

◊◊ Member NY & NJ Bar

MINUTA | ARCHITECTURE

554 Temple Hill Road, New Windsor, New York 12553 P: 845.565.0055 F: 845.565.6622 E: info@minutaarchitecture.com

ZONING BOARD OF APPEALS

ARCHITECTS PROJECT # 25124

Date: March 06, 2026

To: Hon. Darrin J. Scalzo, Chairman
Town of Newburgh Zoning Board of Appeals
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

CC: File, Owner

Via: Hand

Pages: 3

Re: 254 Route 17k Suites 104 & 105, S-B-L: 86-1-86



Existing Freestanding Street Sign at Entrance



Existing Main Lower Level (Project Entrance)



North End - Parking Lot



South End - Parking Lot with existing dumpsters

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. Puglille, Jr.
Alana R. Bartley ◊◊
Aaron C. Fitch

Sarah N. Wilson
Michael J. Barfield ◊◊
Michael A. D'Angelo ◊◊
Ivan M. Bonet ◊◊
James C. Lindeman

Jennifer L. Schneider
Managing Attorney

* Retired 2025
** Retired 2015; d. 2025

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

March 4, 2026

BY EMAIL ONLY

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

Re.: The Leaf New York Dispensary

Planning Board Project No.: 2026-01

Dear Chairman Scalzo and Board Members:

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The current cannabis dispensary proposal has a pre-existing nonconforming condition as follows:

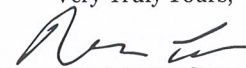
- Front Yard Setback: 60 feet is required where 56'6" exists;

The Applicant may also be seeking the Zoning Board's variance or interpretation on the following:

- Locking Dumpster for Cannabis Special Use: The Town of Newburgh has previously required that all exterior cannabis waste receptacles be locked and secured. This Applicant does not seek to use an exterior receptacle for cannabis waste. Rather, they intend to store all cannabis waste in their secured product area for retrieval by their cannabis distributors. The Applicant notes that this is an approved cannabis disposal method pursuant to New York Office of Cannabis Management, and may seek approval from the Zoning Board to proceed in this manner.

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

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Alexandrea Diaz, being duly sworn, depose and say that I did on or before

March 12, 2026, post and will thereafter maintain at

254 Route 17k (Suites 104 & 105) 86-1-86 IB 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.

alexandrea diaz

Sworn to before me this 10

day of MARCH, 2026.

[Signature]





