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

GASLAND PETROLEUM, INC.
(2021-23)

42 South Plank Road
Section 71; Block 2; Lot 11
B Zone

----- X

SITE PLAN EXTENSION

Date: June 25, 2025
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER LAPINE

----- X

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

2 CHAIRMAN EWASUTYN: The Town of
3 Newburgh Planning Board would like to
4 welcome you to their meeting of the 25th
5 of June 2025. This evening we have
6 eleven agenda items, three of which are
7 public hearings. Ken Mennerich will read
8 the notice of hearing when we reach that
9 point in the meeting.

10 We'll start the meeting now with
11 a roll call vote starting with Dave
12 Dominick.

13 MR. DOMINICK: Present.

14 MR. MENNERICH: Present.

15 CHAIRMAN EWASUTYN: Present.

16 MR. BROWNE: Present.

17 MS. CARVER: Present.

18 MR. WARD: Present.

19 MR. CORDISCO: Dominic Cordisco,
20 Planning Board Attorney.

21 MS. CONERO: Michelle Conero,
22 Stenographer.

23 MR. HINES: Pat Hines with MHE
24 Engineering.

25 MR. CAMPBELL: Jim Campbell, Town

2 of Newburgh Code Compliance.

3 CHAIRMAN EWASUTYN: At this point
4 we'll turn the meeting over to Dominic
5 Cordisco, Planning Board Attorney.

6 MR. CORDISCO: Please rise for the
7 Pledge of Allegiance.

8 (Pledge of Allegiance.)

9 MR. CORDISCO: If you would kindly
10 silence your cellphones.

11 CHAIRMAN EWASUTYN: The first item
12 of business this evening is Gasland
13 Petroleum, project number 21-23. It's a
14 site plan appearing before us this
15 evening for a one-year extension. The
16 project is located on 42 South Plank Road
17 in a B Zone. It's being represented by
18 LaBella Engineering. Chris Lapine is
19 representing the project.

20 MR. LAPINE: Good evening. My name
21 is Christopher Lapine with LaBella
22 Associates.

23 We're here this evening as a result
24 of the applicant failing to obtain their
25 building permit in a timely fashion.

2 Their site plan was signed on June 30th
3 of 2023. They had a two-year period in
4 order to secure a building permit. They
5 were under the impression, based upon
6 Section 74.2 of the Town Code, that a
7 demolition permit and an electrical
8 permit would satisfy as a building permit
9 because it's classified under the
10 definition of a building permit. They
11 were informed that that's not the case.
12 They were advised by the Building
13 Department to come back here this evening
14 to seek an extension of the approval and
15 also to discuss the phasing of demolition
16 that has taken place on the building.

17 When we were before the Board last
18 time, the intent had always been and was
19 to operate the existing gas station while
20 the new building was being constructed.
21 In order to do that, they had to take
22 10 feet off the rear of the building
23 and then stabilize the rear. They
24 worked with Central Hudson to relocate
25 the electric so that they are still

2 operating the gas station and a
3 portion of the convenience store.

4 To give you kind of an overview
5 of what this would look like, this is
6 where the existing building is. Here's
7 where the new building is. They've
8 taken 10 feet off the back of this,
9 which allows for adequate room to do
10 the form work, foundation work and
11 then start the construction of the
12 building.

13 Their goal is to have the
14 building erected and so they limit
15 their shutdown time so when it comes
16 time to knock down this existing
17 building down and do all the site
18 improvements in the front of this.

19 The overall layout is going to
20 remain the same from what you approved,
21 which is back to this picture here.

22 They have this intermediate
23 phase where they're keeping a portion
24 of the existing building while they
25 build the new building. We're here

2 to clarify that for the Planning
3 Board so that everybody understands
4 there's a phasing component to this.

5 The last item that we were asked
6 to do was to show a pad, which is
7 adjacent to where we had our approved
8 AC unit pads, for the -- it's called
9 the make-up area, which is, once
10 again, adjacent to the AC units.
11 It's shielded on this side by, we
12 have kind of a paver area.

13 We're hoping that these
14 clarifications are to the satisfaction
15 of the Planning Board. It is our
16 intent to continue to build what was
17 approved, it's just that there may
18 have been some miscommunication in
19 terms of the phasing and how this
20 work was being conducted.

21 CHAIRMAN EWASUTYN: Dominic Cordisco,
22 Planning Board Attorney, what is the
23 action before the Planning Board this
24 evening?

25 MR. CORDISCO: You're being

2 requested to extend the existing site
3 plan approval for an additional one-year
4 period. The original one was valid for
5 two years. They're within that time
6 period. It has not expired.

7 It's a little unusual in the sense
8 that they did get a signed site plan
9 within that time period, but they've also
10 been pursuing a building permit, as Chris
11 had mentioned. They're working through
12 those issues, as they just discussed.
13 Nonetheless, time would be -- it would be
14 wise for the applicant to request this
15 one-year extension on the site plan as
16 they continue to resolve these issues.

17 CHAIRMAN EWASUTYN: Who would they
18 resolve these issues with?

19 MR. CORDISCO: That would be with
20 the Building Department.

21 MR. LAPINE: Correct.

22 CHAIRMAN EWASUTYN: Questions or
23 comments. Jim Campbell, Code Compliance.

24 MR. CAMPBELL: It definitely was a
25 miscommunication as far as phasing of

2 the project, especially when our
3 department received the Central Hudson
4 disconnect for the electric. We took
5 it as -- I believe this whole Board
6 took it as that the building was
7 coming down and a new building was
8 being built.

9 As far as the existing building,
10 there's a long laundry list of items
11 that need to be addressed before they
12 can even consider operating the
13 existing building.

14 MR. LAPINE: I'm assuming that list
15 has been provided to the applicant.

16 MR. CAMPBELL: That was done in the
17 plan review. They did submit an
18 application for the permit to operate
19 that building.

20 Also, they never received the
21 building permit for the new building.
22 The last review of items submitted was
23 done on January 8, 2024.

24 MR. LAPINE: There was a demolition
25 permit granted, though. Correct?

2 MR. CAMPBELL: There was a
3 demolition permit issued for the removal
4 of the building.

5 MR. LAPINE: I think that's what I
6 was understanding as to where some of the
7 confusion may have lied, because the
8 section of your code, 71.2, defines the
9 building permit as a construction permit,
10 demolition permit or other permit that
11 authorizes the performance of the work.

12 Probably their delay partly is
13 because they should have gotten it done
14 quicker, but they also assumed, per that
15 section of the code, that a demolition
16 permit was classified as a building
17 permit.

18 MR. CAMPBELL: You're dealing with
19 two different things. One is the
20 extension.

21 MR. LAPINE: That's why we're here,
22 to seek the extension.

23 MR. CAMPBELL: My main concern is
24 the safety of that existing building, --

25 MR. LAPINE: Correct.

2 MR. CAMPBELL: -- which there is a
3 long laundry list of items to be
4 corrected. You just can't saw cut ten
5 feet off the building.

6 MR. LAPINE: I perfectly understand.
7 I understand that. I'm not the architect
8 of record, but that should have been
9 taken into account when the plans were
10 submitted.

11 MR. CAMPBELL: Another of my concerns
12 would be that a lot of these contractors
13 up here are not used to working in
14 confined spaces. This would be like a
15 New York City site. They like to spread
16 out. How is this whole site going to
17 work?

18 MR. LAPINE: I can give you a
19 specific example of a site where they've
20 done something similar. It's at the
21 intersection of Route 82 and Route 376 in
22 the Town of East Fishkill. That entire
23 building was built similar to this.
24 There's an existing building in front
25 of it which was cut in half and then

2 they built right behind it. Once
3 that building was completed and they
4 had about probably five feet of room
5 between the two, they shut the site
6 down for a period of time to do the
7 site work up front. It's viable.
8 It's been done before. They self
9 perform their work under their
10 construction company. It's a similar
11 group of individuals who performed
12 that same activity at the other
13 location.

14 MR. CAMPBELL: The third page in
15 that packet that was handed to you, I
16 believe you got it, that was the plan
17 review that was done on their last
18 submittal for using the existing
19 building. They're not supposed to have
20 anybody in that building.

21 MR. LAPINE: This is the first time
22 I'm seeing this.

23 MR. CAMPBELL: That's all I've got.

24 MR. LAPINE: I'll obviously pass
25 this along.

2 MR. CAMPBELL: They've already
3 received it.

4 MR. LAPINE: I guess one of the
5 other questions that came up was there
6 may be a need to go to the Zoning Board,
7 I think in your letter here, because the
8 variances in question may have expired
9 when the building permit wasn't obtained.

10 MR. CAMPBELL: At work session we
11 got an interpretation from the attorney.
12 He didn't feel that was necessary.

13 CHAIRMAN EWASUTYN: Dominic Cordisco,
14 Planning Board Attorney, would you speak
15 on that.

16 MR. CORDISCO: There's a provision
17 that's contained as a standard condition
18 in the Zoning Board of Appeals' decision
19 that says that the variance itself, once
20 granted, does not expire as long as the
21 applicant is actively pursuing the
22 application. In this case, even though
23 there's been a time delay as it relates
24 to the building permit, the fact is that
25 the original approval granted by the

2 Planning Board is still in effect.
3 You're now seeking an extension of it, so
4 you're still pursuing the approvals. You
5 haven't abandoned them. They haven't
6 expired. As a result, the provision that
7 is contained in the Zoning Board's
8 decision controls rather than the
9 provision that's in the Town Code.

10 MR. LAPINE: Thank you.

11 CHAIRMAN EWASUTYN: Thank you.

12 Pat Hines with MH&E.

13 MR. HINES: As was discussed
14 earlier, the project is really before the
15 Board tonight for an extension of the
16 approval from 30 June 2025 until 30 June
17 2026.

18 I would suggest that the building
19 issues and constructibility issues be
20 handled by Code Compliance as they are
21 currently. They are kind of outside the
22 scope of the Planning Board review at
23 this point.

24 I think the action before the Board
25 would be the consideration of that one-

2 year extension.

3 CHAIRMAN EWASUTYN: Any questions
4 or comments from Board Members? Dave
5 Dominick.

6 MR. DOMINICK: Nothing further.

7 MR. MENNERICH: No questions.

8 CHAIRMAN EWASUTYN: No questions.

9 MR. BROWNE: Not a question, just a
10 comment. I agree with the extension
11 part. The other thing about your
12 original intent to do the building the
13 way you're describing it, it's never been
14 done in this Town that way. You're aware
15 of that. It's new to us. We've never
16 seen it. Code Compliance is strictly the
17 folks involved with that.

18 MR. LAPINE: Understood.

19 If I may clarify one other item. I
20 think this is for Code Compliance. Did
21 the pad for the air uptake unit get
22 approved as part of this approval? That
23 was a request conveyed to our office. We
24 had two concrete pads for the AC unit,
25 but we didn't show a concrete pad for the

2 air uptake unit. We were asked to
3 include that as part of this approval.
4 I know this is an extension. This is
5 what's been conveyed to me from the
6 applicant. I'm just here seeking
7 that approval as well, and clarification
8 that the approval tonight also will --

9 MR. CAMPBELL: You're looking for
10 an extension and an amendment to the
11 plan?

12 MR. LAPINE: I was just informed
13 about this on Monday. It was conveyed to
14 me that you're looking for the Board to
15 see where the pad location is in terms of
16 the building. Is that an accurate
17 assessment from the applicant?

18 MR. CAMPBELL: I do not know that.
19 I'm not the inspector that does all the
20 reviews as far as the building permit
21 applications.

22 MR. LAPINE: This was conveyed on
23 Monday to them. I had just the original
24 letter and then this came on Monday.
25 That's why I drew it up.

2 CHAIRMAN EWASUTYN: Pat, would you
3 consider it to be a field change? It's
4 not part of our dialogue tonight.

5 MR. HINES: A small change like
6 that could be handled as a field change
7 as the project progresses.

8 MR. LAPINE: As I said, we were
9 advised to show it to the Board tonight.
10 That's why I'm showing it to you.

11 CHAIRMAN EWASUTYN: Lisa Carver,
12 any comments?

13 MS. CARVER: Nothing further.

14 CHAIRMAN EWASUTYN: John Ward.

15 MR. WARD: No comments.

16 CHAIRMAN EWASUTYN: Having heard
17 from Dominic Cordisco, Planning Board
18 Attorney; Jim Campbell, Code Compliance;
19 Pat Hines with MH&E, would someone move
20 for a motion to grant a one-year
21 extension for Gasland Petroleum, project
22 number 21-23, from June 30, 2025 through
23 June 30, 2026.

24 MR. MENNERICH: So moved.

25 MR. BROWNE: Second.

2 CHAIRMAN EWASUTYN: I have a motion
3 by Ken Mennerich. I have a second by
4 Cliff Browne. Can I have a roll call
5 vote starting with Dave Dominick.

6 MR. DOMINICK: Aye.

7 MR. MENNERICH: Aye.

8 CHAIRMAN EWASUTYN: Aye.

9 MR. BROWNE: Aye.

10 MS. CARVER: Aye.

11 MR. WARD: Aye.

12 CHAIRMAN EWASUTYN: Thank you.

13 MR. LAPINE: Thank you so much. I
14 apologize for the inconvenience.

15 CHAIRMAN EWASUTYN: It's all part
16 of business.

17

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

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of July 2025.



MICHELLE CONERO

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

FUCHECK SUBDIVISION
(2021-31)

26 Tarben Way
Section 6; Block 1; Lots 11 & 12
AR Zone

----- X

PUBLIC HEARING
FIVE-LOT SUBDIVISION

Date: June 25, 2025
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: RAHUL VERMA

----- X

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

2 CHAIRMAN EWASUTYN: The Planning
3 Board's second item of business this
4 evening is the Fucheck Subdivision,
5 project number 21-31. It's a public
6 hearing on a five-lot subdivision located
7 on 26 Tarben Way in an AR Zone. Verma
8 Engineering Consulting is representing
9 the applicant.

10 Ken Mennerich will read the notice
11 of hearing.

12 MR. MENNERICH: I want to first
13 address the public hearing process that
14 we use here. I'd like to explain how the
15 Planning Board manages public hearings as
16 to have an orderly and productive hearing.

17 The project applicant or representative
18 for the project will give an overview
19 of the project. The Planning Board
20 Chairman will then open the hearing for
21 questions or comments on the project. At
22 this point you can raise your hand and be
23 recognized by the Chairman. Please give
24 your first name before asking a question
25 or commenting. The applicant or the

2 Planning Board technical representatives
3 may respond to your questions. Once
4 you have finished, you need to wait
5 for all persons that want to speak to
6 have a chance. Once everyone has had
7 an opportunity to speak, the Chairman
8 will recognize people that want to
9 speak again. The Planning Board
10 welcomes your comments and input on
11 the issues pertaining to the projects.
12 Thank you for that input.

13 "Notice of hearing, Town of
14 Newburgh Planning Board. Please take
15 notice that the Planning Board of the
16 Town of Newburgh, Orange County, New
17 York will hold a public hearing
18 pursuant to Section 274-A of the New
19 York State Town Law and Chapter 163-8J
20 of the Town of Newburgh Code on the
21 application of Fuchek Five-Lot
22 Subdivision, project 2021-31. The
23 project proposes a five-lot residential
24 subdivision of two existing parcels.
25 One of the existing parcels contains

2 a single-family residential structure.
3 The combined lot size is 16.4 plus or
4 minus acres. Access to the subdivision
5 is a proposed private road from Tarben
6 Way, an existing Town roadway. All
7 lots will be served by onsite wells
8 and subsurface sanitary sewer disposal
9 systems. The project site is located
10 in the Town's AR Zoning District.
11 The project is known on the Town Tax
12 Maps as Section 6; Block 1, Lots 11
13 and 12. A public hearing will be
14 held on the 25th day of June 2025 at
15 the Town Hall Meeting Room, 1496
16 Route 300, Newburgh, New York at 7 p.m.
17 or as soon thereafter, at which time
18 all interested persons will be given
19 an opportunity to be heard. By order
20 of the Town of Newburgh Planning
21 Board. John P. Ewasutyn, Chairman,
22 Planning Board Town of Newburgh.
23 Dated 6 June 2025."

24 MR. VERMA: Again, Rahul Verma
25 representing the applicants, Ray and Dawn

2 F u c h e c k .

3 To walk through the project very
4 quickly for the benefit of the public,
5 the existing Tarben Way cul-de-sac is
6 here. There is an existing easement for
7 a private road to be constructed to this
8 point. The road will be extended to a
9 cul-de-sac to allow access to the back
10 part of the property.

11 The existing private residence is
12 located here. Currently it has a gravel
13 driveway leading to it from the Tarben
14 Way cul-de-sac. At the property line it
15 changes to an asphalt drive and a parking
16 area for this house.

17 There will be, as you mentioned,
18 one, two, three, four, five lots here,
19 with the associated driveway improvements,
20 all serviced by septic systems and
21 private wells, and then a stormwater
22 management area located in this corner
23 of the existing parcel.

24 FRANK: We're on 12 Tarben Way.
25 I just want to see for sure if it's

2 where I think it is. I was lot 6.

3 The maps I got when I bought the
4 house just two and a half, three years
5 ago, I received eleven pages of maps
6 of areas and lot numbers. Nothing is
7 said about lot 11. Here this mentions
8 lots 11 and 12. My map of only three
9 years ago shows only lot 12, nothing
10 about lot 11. Can you pinpoint lot 11
11 on that?

12 MR. DOMINICK: Sir, what's your
13 name for the record?

14 FRANK: Frank.

15 MR. HINES: I just want to clarify.
16 The lots that he's referencing are tax
17 lot numbers, not lots on the original
18 subdivision. They're different from what
19 -- the original subdivision had lots
20 numbered, as you said, 1 through 12.
21 When he's saying lots 11 and 12, those
22 are the existing tax lots for the two
23 parcels.

24 ANN: My name is Ann. Is that
25 subdivision at the very end -- off of the

2 end of Tarben Way?

3 MR. HINES: Yes.

4 MR. VERMA: Yes.

5 ANN: We just wanted to be sure
6 where it was.

7 MR. VERMA: I can't speak for the
8 maps that you have. I will tell you that
9 currently this house is built on this
10 large lot here and this is an adjacent
11 parcel that's unimproved that will then
12 be subdivided.

13 FRANK: Can you show that first --

14 MR. VERMA: To answer your question,
15 ma'am. As you go to the end of Tarben
16 Way, there's the cul-de-sac there,
17 there's the driveway for this house
18 there, and then very near it, maybe 50
19 feet beyond it, is your daughter's
20 driveway?

21 MR. FUCHECK: It's the first
22 cul-de-sac. There's a white mailbox
23 there.

24 MR. VERMA: I believe there's a new
25 house that's been built in this area

2 here, if I remember correctly.

3 ANN: Thank you.

4 CHAIRMAN EWASUTYN: Good questions,
5 Ann and Frank. Good questions.

6 Any additional questions:

7 MS. ALI: My name is Karen Ali. I
8 live at 20 Tarben Way which is in front
9 of the home that you speak of. There is
10 Federal, I was told, wetlands behind
11 me, --

12 MR. VERMA: Sure.

13 MS. ALI: -- adjacent to your
14 current home there. What will happen
15 there?

16 MR. VERMA: With the wetlands?

17 MS. ALI: Yes.

18 MR. VERMA: Nothing will happen.

19 All of the development -- I'm not sure if
20 you can see it from there, but there's an
21 offset line here. Everything has been
22 built outside of that wetland area.

23 Since it's a Federal wetland,
24 there's no buffer requirement. As part
25 of the site design, I added some extra

2 space just to preserve some of that
3 habitat between the proposed home and the
4 existing wetland in that area.

5 MS. ALI: My home takes up those
6 wetlands. My home butts up to that. My
7 property line currently is in front of
8 where they put grass. It's all in my
9 lot.

10 MR. VERMA: So I can clarify, are
11 you this lot here?

12 MS. ALI: Yes.

13 MR. VERMA: Very good.

14 MS. ALI: Correct. I also received
15 a letter saying there was a proposed land
16 change or new lot lines, that my lot
17 would then be reduced in size.

18 MR. VERMA: Not for this project.

19 MS. ALI: I received a letter --

20 MR. VERMA: I'm not disputing that.
21 Do you recall --

22 MS. ALI: -- for this project. It
23 says that on it.

24 MR. VERMA: Do you recall who that
25 letter was from?

2 MS. ALI: I have a copy of it.

3 MR. VERMA: Okay. That would be
4 helpful. I'm not aware of that letter.
5 I don't know if the Planning Board knows,
6 or Pat.

7 MR. HINES: No.

8 MS. ALI: John P. Ewasutyn.

9 MR. VERMA: That's the Planning
10 Board.

11 MR. HINES: That would have been
12 the public hearing notice for this
13 meeting.

14 MS. ALI: It's a proposed change to
15 the project proposing that they change
16 between the adjacent parcels to reduce my
17 lot.

18 MR. HINES: No.

19 MR. VERMA: I can just answer that.
20 It was Karen?

21 MS. ALI: Yes.

22 MR. VERMA: Sorry. No, it's not
23 reducing your lot. I'm not disputing
24 what the letter says. I can walk you
25 through this. It's using the existing

2 lot line. Your existing north lot line
3 will remain the same. The road, the
4 easement for that private road is beyond
5 your lot line. All the improvement will
6 be done within the bounds of that
7 easement. That does not encroach onto
8 your lot purposefully. It makes a bend
9 and goes away. Your backyard lot line
10 that goes into the wetland area there,
11 again, remains the same. That parcel is
12 owned by the applicant's daughter and
13 son-in-law and none of that is changing.
14 Their frontage there will remain in the
15 exact same spot. All the changes are
16 being done to subdivide out the lot that
17 the applicant intends to build a home on,
18 and then the other lots on the other
19 parcel in the back corner from you to
20 subdivide for these homes.

21 MS. ALI: This letter was sent
22 falsely. Okay.

23 MR. VERMA: I can tell you that
24 your lot is not decreasing.

25 CHAIRMAN EWASUTYN: Frank, we have

2 to allow other people to speak who
3 haven't had the opportunity.

4 MR. WARREN: Lynn Warren. I don't
5 know what lot I have here. It's 30 or
6 something. 30.

7 MR. VERMA: You're over here?

8 MR. WARREN: Here's my thing. When
9 I bought this property, I bought just a
10 little under 20 acres for my daughters to
11 split it in two, put two houses on it.
12 It was a nice little cul-de-sac, a nice
13 little area, and I want to keep it that
14 way. That's why I spent a lot of money
15 developing this property. It was not
16 cheap. I ended up buying another 7 acres
17 behind my daughter to again protect my
18 investment, protect my grand kids growing
19 up there. It's a nice little cul-de-sac.
20 It's one of the nicest ones in the Town
21 of Newburgh.

22 I was born and raised in the Town
23 of Newburgh. There's no street in the
24 Town of Newburgh that I haven't been on,
25 okay. I want to keep it that way.

2 I've met with the Fuchecks. I'd
3 love to have them as neighbors, all
4 right. When I bought it there was a two-
5 lot subdivision supposed to be up there
6 on the road. Now all of a sudden I'm
7 being told there's going to be a five-lot
8 subdivision up there. I'm all for it.
9 Put your house up there. Do what you've
10 got to do. I didn't go and try to take
11 20 and make it five or whatever.

12 My thing is, when you start going
13 -- let's just be very transparent here.
14 I've talked to anybody that wants to
15 listen. Now we're talking about putting
16 a private road in. A lot of money. A
17 lot of money. I can see if you're
18 putting up one house, you're going to
19 have a little driveway to service the
20 house. A private road is costly. Now
21 I'm saying to myself, how do we fund this
22 private road. I'm not questioning
23 anybody's ability to pay for anything.
24 I'm just saying, how do we fund it? We
25 have three extra lots. Who do we sell

2 these lots to? Who is going to be my
3 daughters' neighbors? Who is going to
4 build these houses? These are all
5 questions. I know that's not your
6 problem, but it's something I'm thinking
7 of to protect my investment. For me, I'm
8 done. I don't care about the money.
9 It's my kids' investment, what I got for
10 my grand kids and children going forward.
11 So that's my only concern with this, and
12 it's a concern, you know.

13 I met with the Fuchecks and I said
14 -- you know, I signed off on my
15 right-of-way to the road. As long as I
16 don't have to put money into it, I don't
17 need it, I'm fine with it.

18 I'm really concerned with, you
19 know, who is going to build these other
20 three houses. Pretty much everybody --
21 as I look around and see the faces that
22 we know from the Town of Newburgh, I
23 think pretty much everybody in here has
24 been on that road. It's a beautiful
25 little road. Everybody waves to you.

2 It's really, really nice. I'm sure they
3 will only add to the value of it as
4 homeowners there. I'm just worried about
5 what happens to the other three houses.
6 I mean, we all know, let's say the right
7 word, there's some people around building
8 houses that I don't want them building
9 next to what I've got my investment in.
10 I know we can't control that. I would
11 like for the Town Board to take that into
12 consideration somehow.

13 Listen, the Fuchecks are honorable
14 people. They definitely are. I also
15 know that, you know, when things get
16 short, things get tough, we'll do what we
17 have to do to make it happen. Let me
18 sell these three lots to these
19 individuals over here and just put them
20 up one, two, three.

21 My only other thing, I think I know
22 the answer but I would like it on the
23 record, that if this does get passed,
24 there's only one single home going on
25 each one of these lots, not a two family.

2 I don't want to hear mother/daughter. I
3 don't want to hear any of this stuff.
4 Mother/daughter, we all know that's to
5 get an apartment that nobody knows about.
6 It is what it is. I've been around a
7 long time and I don't want it happening
8 in my -- I just don't want it to happen.
9 I want to make sure it does not happen.
10 How do we make sure it doesn't happen?
11 Once you pass it, it's out of your hands.
12 Who controls that? Who controls it? Who
13 controls it? Who does? I have to go by
14 -- again, honorable people, but, I mean,
15 once they sell the lots, how do I know
16 what they're going to put up there? Is
17 there a certain size house that's going
18 to be spec'd on these properties to keep
19 our value up? Is that in there anywhere?

20 MR. VERMA: The first part of your
21 statement, I can't speak to that.

22 MR. WARREN: No disrespect, Rahul.
23 I love you. I want to make sure my
24 family is protected.

25 MR. VERMA: That first part I can't

2 speak to.

3 The second part, I can tell you
4 that these are currently proposed per the
5 zoning as single-family homes.

6 I believe, Ray, we had talked about
7 2,000 square foot homes.

8 MR. FUCHECK: 2,000.

9 MR. VERMA: They kind of fit in
10 with the character of what's on Tarben
11 Way, plus or minus.

12 MR. HINES: The septic system
13 designs are for four bedrooms.

14 MR. VERMA: Correct.

15 MR. WARREN: That helps. I'm just
16 worried about it.

17 MR. HINES: The lot sizes for the
18 lots on top are not permitted for a two-
19 family house.

20 MR. VERMA: Correct.

21 MR. WARREN: None of them that are
22 proposed could put a two-family house on
23 there?

24 MR. HINES: The one lot could. The
25 larger balanced parcel.

2 MR. FUCHECK: There will be no
3 two-family house there.

4 MR. WARREN: I believe you're
5 telling me what --

6 MR. HINES: The balance of those
7 lots don't have the lot area for a two-
8 family residential structure. The septic
9 systems are designed for a four-bedroom
10 max.

11 MR. VERMA: What the site -- I know
12 you're familiar with the area. With the
13 site the way that it is, the septic
14 systems are pretty much maxed out to
15 where they can fit in.

16 MR. WARREN: For the record, I
17 would love to see the Fuchecks up there.
18 They're great people. I'm worried about
19 the other three houses. I'm just worried
20 about my investment, you know. I know
21 that that's the chance you take, I get
22 it, by approving something like this.

23 Just reverse a little bit, that's
24 the reason why I took the chance and put
25 the money I did into my 20 acres, spent

2 the money there saying I'll be protected.
3 There's two houses up there. I buy the
4 other land up behind it, we're good.
5 We're good. My kids are good. My grand
6 kids can live there and play. There's so
7 many kids on the street. The Fuchecks
8 have grandchildren, too. I'm just
9 concerned about who else is going to be
10 living on the street.

11 There's two other lots going on
12 right now. I'm going to buy both lots
13 just so they can sit there. I don't want
14 nobody there. I know that's crazy, but
15 I'm concerned.

16 That's it. Thank you for listening.

17 CHAIRMAN EWASUTYN: Dominic Cordisco,
18 Planning Board Attorney, do you want to
19 add anything to that?

20 MR. CORDISCO: I understand the
21 concern. As a property owner it's
22 something that comes up from time to time
23 before the Planning Board.

24 As the applicant's representative
25 mentioned, this Planning Board, and any

2 planning board to be honest, doesn't have
3 control over the issues, as you
4 acknowledged. There aren't conditions
5 that you can attach associated with it.

6 The lots are being designed for
7 single- family residences, not for two
8 family, so that one question can be
9 answered.

10 The other issues are just beyond --

11 MR. WARREN: Not to interrupt you,
12 Dominic. My thing is, I say to myself
13 maybe if I had known that going into it,
14 maybe I would have bought a different
15 piece of property. Now that I've
16 invested my money into it, who is
17 protecting me? I've already did what I
18 was supposed to do. It was not easy
19 doing what I had to do, Board of Health
20 and all this. It was ridiculous. I did
21 it. It cost me a lot of money to do it,
22 but I did it because I wanted my grand
23 kids to grow up and be in a nice little
24 development. I'm not saying it's not
25 going to still be that development. Like

2 you just said, there's nothing to protect
3 my investment now that I put my hard
4 earned money into it. What happens now?

5 Honestly, I mean, I'm not naming
6 names, but the other people, I know them
7 all, a lot of people are young couples
8 and they bought there for the same exact
9 reason I did, that there's not going to
10 be traffic going up and down the
11 cul-de-sac, it's a nice little place
12 where they can raise their kids. I want
13 to try to make sure it stays that way.

14 I'm not trying to offend anybody.
15 I'm not trying to hurt anybody in the
16 future with what they want to do. I just
17 also want to protect my future with my
18 kids, what's going to happen.

19 I just really wanted to be heard.
20 Hopefully this is going to be taken
21 seriously and we can really think this
22 through.

23 MR. CORDISCO: The thing about
24 planning boards, if I may, is that the
25 planning board, unlike a zoning board of

2 appeals which has a great deal of
3 discretion in deciding whether or not to
4 grant variances to allow things to happen
5 in neighborhoods and whether or not it
6 fits into a neighborhood, the planning
7 board's review is really restricted to
8 whether or not the proposal meets the
9 code requirements and all technical
10 issues and environmental issues are
11 addressed. Beyond that, once an
12 applicant meets those thresholds with
13 what's laid out in the code, there's just
14 not the discretion to say well, we think
15 this is changing this neighborhood and so
16 as a result we're not going to approve
17 it. In fact, they would be opening
18 themselves up to legal liability if they
19 were to do that.

20 MR. WARREN: So let's learn from me
21 going forward. Before I buy any
22 property, it really doesn't matter what
23 it says on the deeds because they can be
24 changed. Even though you're told that it
25 can't be changed, it can be changed.

2 MR. CORDISCO: I don't know who
3 told you that it couldn't be changed.

4 MR. WARREN: I get it. Trust me,
5 I'm learning. That's the reason why I
6 went into it, no problem, this will be
7 great, you know.

8 Like I said, I don't want to keep
9 them from living there. Even going
10 forward, five houses, is it really that
11 many houses? Not really, you know what I
12 mean. I don't know, you know.

13 MR. CORDISCO: I understand.

14 MR. WARREN: I'm sorry. Go ahead.

15 CHAIRMAN EWASUTYN: The lady in the
16 back.

17 MS. WARREN: My name is Elizabeth
18 Warren. I have a question. Who owns the
19 property going off of Tarben Way? Where
20 is the road going to go into, the private
21 road that you're going to have to do?

22 MR. VERMA: This private road?

23 MS. WARREN: Yeah.

24 MR. VERMA: So that is going on to
25 the adjacent property. That's where the

2 right-of-way is granted for access to
3 this point. That right-of-way actually
4 continues back further to --

5 MS. WARREN: So they are going to
6 have access coming in Tarben Way?

7 MR. VERMA: Yes.

8 MS. WARREN: Over my 30 Tarben Way?

9 MR. VERMA: No. I'm not sure where
10 30 is.

11 UNIDENTIFIED SPEAKER: 30 is next
12 to 20.

13 MR. FUCHECK: That's a right-of-way.

14 MS. WARREN: There won't be cars
15 going in?

16 MR. WARREN: There's going to be --
17 well, I don't know how many cars. Ten
18 cars. I don't know.

19 MS. WARREN: Where is the driveway
20 going to start for that?

21 MR. VERMA: It's going to be where
22 the existing dirt road is.

23 MR. WARREN: Right where Fuchek's
24 driveway is now.

25 MR. FUCHECK: Where my daughter's

2 driveway goes in, that's the road.

3 MS. WARREN: The shale road. So
4 it's before Kiana's house, Lynn?

5 MR. WARREN: Yes, that would be
6 before Kiana's house.

7 I'm going to start my other
8 daughter's house in the spring and I was
9 concerned about that.

10 MR. VERMA: That's the one that's
11 right here?

12 MS. WARREN: It doesn't touch any
13 of the property?

14 MR. WARREN: No. That's why I'm
15 okay with that one hundred percent.

16 CHAIRMAN EWASUTYN: Frank, do you
17 have any additional comments?

18 FRANK: I think it's been satisfied
19 in a subsequent conversation.

20 CHAIRMAN EWASUTYN: Additional
21 questions or comments from the public?

22 MS. ALI: I just want to confirm
23 that my lot is not going to change.

24 MR. VERMA: Correct. There is
25 no --

2 MS. ALI: I just want that on the
3 record for some sort of moment where --

4 MR. VERMA: I will tell you, with
5 this proposal, there's no change to your
6 lot by the line -- there's a lot line and
7 the two lots behind you.

8 MS. ALI: I'm talking about the
9 road that's being created. That's my
10 home.

11 MR. VERMA: Correct. Your home is
12 right here.

13 MS. Ali: I'm kissing cousins. I'm
14 right there.

15 MR. VERMA: Understood. The
16 right-of-way goes from your top property
17 line into the adjacent lot, not into your
18 lot.

19 CHAIRMAN EWASUTYN: Additional
20 questions or comments from the public?

21 ANN: I think we're all concerned
22 about the things Lynn is concerned about,
23 that the character of our Tarben Way is
24 going to change. I know you don't have
25 control over that, but it's a concern to

2 all of us who live there.

3 CHAIRMAN EWASUTYN: I'll turn the
4 meeting over now to the Board Members.
5 Dave Dominick.

6 MR. DOMINICK: Nothing additional.

7 CHAIRMAN EWASUTYN: Ken Mennerich.

8 MR. MENNERICH: No questions.

9 CHAIRMAN EWASUTYN: Lynn, are you
10 talking about deed restrictions or are
11 you talking about people restrictions?

12 MR. WARREN: I was told when I
13 bought the property that I have, that
14 that particular right-of-way would only
15 be able to get to by certain properties
16 such as mine, the other one was the one I
17 bought up top and then the Fuchecks.
18 There was only -- there could only be two
19 lots up there because it couldn't be a
20 private road or something. You couldn't
21 build a private road off there, it had to
22 be a driveway that would have two houses
23 come off.

24 I don't want to be the guy that
25 squashes this for them. I'm just

2 concerned, that's all. I believe that,
3 you know, if Mr. Fucheck was saying Lynn,
4 I'm going to build all five houses, I
5 would feel much more comfortable.

6 After we say yes, who is going to
7 take these houses over? What kind of job
8 are they going to do?

9 Ann and Frank, they're just great
10 people. It's a great little street. I'm
11 telling you, it's probably one of the
12 nicest little cul-de-sacs in this area.
13 I just want to keep it that way. I'm not
14 saying they're not going to keep it that
15 way. Trust me, I get it. We don't know
16 who is going to be there after. I know
17 you don't have a crystal ball.

18 CHAIRMAN EWASUTYN: It's not the
19 size of the home you're talking about,
20 it's the potential new homeowner?

21 MR. WARREN: Pretty much. I know I
22 can't control that. I get it. You do
23 worry. You do worry, you know. It's
24 such a nice development. You don't have
25 to worry about -- you just don't have to

2 worry, you know. Everybody respects
3 each other. They go up and down slow,
4 everybody waves. It's like Maybury or
5 something. It's just nice. You don't
6 have that anymore. Again, I believe
7 they're going to be a part of it. I
8 repeat myself. My apologies. I just
9 worry what's going to happen down the
10 road. That's all. I don't know.

11 CHAIRMAN EWASUTYN: You can't say
12 anything right now. The only reason why
13 I say that, I like to keep order to the
14 meeting. Right now the meeting is open
15 to discussion from the Planning Board
16 Members. I made a statement. I had a
17 comment. Now the next in line is Cliff
18 Browne. We'll get back to you.

19 MR. BROWNE: I don't have anything
20 additional.

21 I appreciate your presentation.
22 Thank you.

23 CHAIRMAN EWASUTYN: Lisa Carver.

24 MS. CARVER: No. Thank you for
25 everyone's comments.

2 CHAIRMAN EWASUTYN: John Ward.

3 MR. WARD: Thank you very much.

4 I'm happy to hear all the neighbors
5 communicating together, understanding
6 what's what with the project. Thank you.

7 CHAIRMAN EWASUTYN: Mr. Fucheck.

8 MR. FUCHECK: We bought this
9 property and I plan on building a high-
10 end home up there. My daughter built a
11 high-end home up there. I don't plan on
12 letting the four lots that I do sell go
13 to somebody that's not going to build a
14 high-end home.

15 I will work with you, Lynn.

16 MR. WARREN: I believe you a
17 hundred percent.

18 MR. FUCHECK: We will make sure
19 they're nicer homes. I don't want the
20 development to go bad. I like it back
21 there. Our grandchildren live there. My
22 wife will not let the grandchildren -- I
23 can guarantee you that.

24 CHAIRMAN EWASUTYN: Do you remember
25 the first home that was built on Tarben?

2 MR. WARREN: The first one on the
3 right?

4 MR. FUCHECK: I think it was
5 theirs.

6 CHAIRMAN EWASUTYN: It was a rather
7 small home. I remember the home on the
8 right-hand side. A cute house. I
9 remember that. As the subdivision
10 developed, the homes became greater in
11 size and the whole area changed. When
12 Pat Tarsio built the subdivision, if you
13 remember that, Tarben Way took many, many
14 years, but I believe -- is Tarben Way a
15 private road or a Town road?

16 MR. WARREN: A Town road now.

17 CHAIRMAN EWASUTYN: Thank you.

18 Pat Tarsio put his heart and soul
19 into getting this approved. There were
20 exchanges, if you remember, may his soul
21 rest in peace, with Gus Jukakus. We're
22 talking history. Again, it started out
23 to be a private road which developed into
24 a Town road. There were years that went
25 into it. As all things in life, you're

2 right, it was a beautiful piece of fruit
3 and people invested, the homes grew and
4 they grew and they grew. If this
5 character or this thread continues on, I
6 can't guarantee you anything. I would
7 say that you're in the right place at the
8 right time only because I know the
9 property. I do know that.

10 I remember when you were working on
11 that road and I asked you to and you said
12 yes, I would, at my own expense, I'll
13 improve the stonewall on the entryway on
14 the left. Do you remember that?

15 MR. WARREN: Yup.

16 CHAIRMAN EWASUTYN: That had
17 collapsed. You have put a lot of your
18 own time and effort into that road.

19 MR. WARREN: The residents put a
20 lot of money into that road to keep it
21 nice.

22 Listen, I believe he's going to do
23 it nice. I just want to have my voice
24 heard. By all means, I don't want to
25 hold no one back from doing what they

2 need to do in life. I just want to be
3 sure to the best of what you can do as a
4 Board. Obviously after it's passed we
5 can't. I don't want you not to pass it
6 because I don't want to do that to the
7 Fuchecks. They want to live up there and
8 do that and they want to live out their
9 dream. My grand kids are a mile up the
10 road. I'm blessed. They're there all
11 the time. I just worry about the other
12 few houses. I wish there was something
13 we could do, but there's not.

14 I don't want to take anyone else's
15 time up.

16 CHAIRMAN EWASUTYN: I admire you.
17 You're a success story. You started out
18 in 1983. Correct?

19 MR. WARREN: Who?

20 CHAIRMAN EWASUTYN: You.

21 MR. WARREN: It's not about me.
22 Come on. Listen, no one loves the Town
23 of Newburgh more than me.

24 CHAIRMAN EWASUTYN: You've been in
25 this business since 1983. Look where you

2 are today. We have to have faith in
3 life.

4 MR. WARREN: The Fuchecks have been
5 here forever. Old people are putting
6 money into the Town. He can live
7 anywhere he wants. He chooses to be
8 here. That's where I want to be. Let's
9 keep it nice. I'm sure he will.

10 Thank you for listening. That's
11 all. Thank you, guys.

12 CHAIRMAN EWASUTYN: I'll turn it
13 over to Code Compliance, Jim Campbell.

14 MR. CAMPBELL: I have nothing
15 additional.

16 CHAIRMAN EWASUTYN: Pat Hines with
17 MH&E.

18 MR. HINES: Procedural matters, a
19 private road access and maintenance
20 agreement will be required. Those
21 agreements should incorporate provisions
22 for the long-term maintenance of the
23 stormwater facilities as well as the
24 roadway.

25 Security for the private road and

stormwater improvements will be required to be posted prior to stamping the maps.

Cost estimates will need to be prepared for each of those, the private road and stormwater, and they will be submitted to my office. We will subsequently submit those to the Town Board for approval.

I had a comment regarding the private road name requiring Town Board approval. That was approved Monday night as Cabo Court.

We had a couple of technical items from the June 2025 meeting that need to be addressed.

There's a cross-grading easement on the maps as notes. Dominic Cordisco should weigh in on the appropriate notes on the map and whether a separate cross-grading easement is required. I believe there were some consent forms that may or may not be required.

With that, those are the outstanding procedural comments we have.

2 CHAIRMAN EWASUTYN: Pat Hines,
3 Dominic Cordisco, I'm not sure if we came
4 to a SEQRA determination on this project.

5 MR. CORDISCO: Not yet.

6 MR. HINES: We have not.

7 CHAIRMAN EWASUTYN: Thank you. So
8 let's procedurally go through the steps.

9 Are there any additional questions
10 or comments from the public?

11 (No response.)

12 CHAIRMAN EWASUTYN: Would someone
13 make a motion to close the public hearing
14 on the Fucheck Subdivision, project 21-31,
15 for a five-lot subdivision.

16 MS. CARVER: So moved.

17 MR. BROWNE: Second.

18 CHAIRMAN EWASUTYN: I have a motion
19 by Lisa Carver. I have a second by Cliff
20 Browne. Can I have a roll call vote
21 starting with Dave Dominick.

22 MR. DOMINICK: Aye.

23 MR. MENNERICH: Aye.

24 CHAIRMAN EWASUTYN: Aye.

25 MR. BROWNE: Aye.

2 MS. CARVER: Aye.

3 MR. WARD: Aye.

4 CHAIRMAN EWASUTYN: Can we be
5 advised by either Pat Hines or Dominic
6 Cordisco as far as declaring a negative
7 declaration for the Fucheck Subdivision
8 to close out that step in the process.

9 MR. CORDISCO: That would be the
10 appropriate next step.

11 MR. HINES: The applicants have
12 submitted a long form EAF for the project
13 which the Board has reviewed.

14 A stormwater pollution prevention
15 plan has been prepared.

16 My office has reviewed the subsurface
17 sanitary sewer disposal design as well as
18 the private roadway and found those to be
19 in order.

20 We did discuss the wetlands
21 extensively during the proposal review.
22 This project has been before the Board
23 for many years. Those wetlands have been
24 delineated by a wetland consultant and
25 have been avoided, so there is no impact

2 to the wetlands.

3 The existing culvert crossings on
4 the driveway are utilized for the private
5 roadway.

6 We would recommend a negative
7 declaration.

8 CHAIRMAN EWASUTYN: Having heard
9 from Pat Hines with MH&E and Dominic
10 Cordisco, Planning Board Attorney with
11 Drake Loeb, would someone move for a
12 motion to declare a negative declaration
13 on the Fucheck Subdivision.

14 MR. DOMINICK: I'll make the motion.

15 MR. MENNERICH: Second.

16 CHAIRMAN EWASUTYN: I have a motion
17 by Dave Dominick. I have a second by Ken
18 Mennerich. Can I have a roll call vote
19 starting with Dave Dominick.

20 MR. DOMINICK: Aye.

21 MR. MENNERICH: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MR. BROWNE: Aye.

24 MS. CARVER: Aye.

25 MR. WARD: Aye.

2 CHAIRMAN EWASUTYN: Procedurally
3 again, the conditions of approval?

4 MR. CORDISCO: Yes. Mr. Chairman,
5 I just want to touch on one thing that
6 came up a bit tonight as well as had been
7 previously addressed by the applicant.
8 In connection with the improvements to
9 the right-of-way to make it into a
10 private road, that required the written
11 consent from the other owners along that
12 right-of-way, which the applicant did
13 submit to us back in April. That
14 actually would have been a condition of
15 the approval, but it's been satisfied
16 previously.

17 The other conditions that you
18 should consider would be, as Pat had
19 mentioned, the fact that there will be a
20 new private road access and maintenance
21 agreement that would be only applicable
22 to the maintenance of the -- is it Cabo
23 Court?

24 MR. HINES: Yes.

25 MR. CORDISCO: They will share

amongst themselves only for the new lots that are created. No one else will be responsible for maintaining Cabo Court. We need that road maintenance agreement to be provided. It could be a condition of the approval.

The applicant will also need to post the security for the private road improvements as well as the stormwater improvements. That security has to be posted prior to the stamping of the maps.

There needs to be cost estimates for the private roadway and stormwater facilities.

Also, all of the outstanding engineering comments have to be addressed prior to the signing of the plans.

Since no recreational facilities are being proposed, it would be appropriate for the Board to impose a recreation fee in accordance with the Town's schedule. In this case there are essentially four new lots that are being created, and so my recommendation would

2 be a rec fee for those four new lots.

3 CHAIRMAN EWASUTYN: The individual
4 lot fee for one lot is?

5 MR. HINES: 2,000.

6 CHAIRMAN EWASUTYN: \$2,000?

7 MR. HINES: Yes.

8 CHAIRMAN EWASUTYN: That will be a
9 total of \$8,000 to cover the cost of the
10 recreation fee.

11 MR. CORDISCO: Yes.

12 MR. HINES: The only other
13 condition is the NYS DEC construction
14 SPDES permit prior to stamping the maps
15 as well.

16 CHAIRMAN EWASUTYN: Are there any
17 questions or comments from the Planning
18 Board Members before we move for a motion
19 to grant the Fuchek Subdivision final
20 approval subject to the conditions
21 presented by Planning Board Attorney
22 Dominic Cordisco?

23 MS. CARVER: No.

24 CHAIRMAN EWASUTYN: There being no
25 final questions, would someone move for

2 that motion.

3 MR. VERMA: Before you do that, can
4 I just ask Pat a question?

5 Pat, you want the NOI filed first
6 with the DEC?

7 MR. HINES: That way it's done so
8 it doesn't get forgotten. We require
9 that.

10 MR. VERMA: I just wanted to make
11 sure. Thank you.

12 CHAIRMAN EWASUTYN: For the record,
13 the acronym, we'll call it, that you just
14 discussed, for the audience can you
15 explain what that is?

16 MR. VERMA: I apologize. The NOI
17 is a notice of intent to construct and
18 operate the stormwater management
19 practices per the approved plans.

20 CHAIRMAN EWASUTYN: Thank you.

21 There's a motion on the table.
22 Would someone move for that motion.

23 MR. WARD: So moved.

24 MR. DOMINICK: Second.

25 CHAIRMAN EWASUTYN: I have a motion

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

5 MR. DOMINICK: Aye.

6 MR. MENNERICH: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MR. BROWNE: Aye.

9 MS. CARVER: Aye.

10 MR. WARD: Aye.

11 CHAIRMAN EWASUTYN: Thank you all.

12

13 (Time noted: 7:45 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of July 2025.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

GERACI SUBDIVISION
(2025-03)

272 Frozen Ridge Road
Section 6; Block 1; Lot 86.2
AR Zone

----- X

PUBLIC HEARING
FOUR-LOT SUBDIVISION

Date: June 25, 2025
Time: 7:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

----- X

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

2 CHAIRMAN EWASUTYN: The third item
3 of business this evening is a public
4 hearing. It's the Geraci Subdivision,
5 project number 25-03. It's a public
6 hearing on a four-lot subdivision located
7 on Frozen Ridge Road. It's in an AR
8 Zone. It's being represented by Messina
9 Associates.

10 MR. MENNERICH: "Notice of hearing,
11 Town of Newburgh Planning Board. Please
12 take notice that the Planning Board of
13 the Town of Newburgh, Orange County, New
14 York will hold a public hearing pursuant
15 to Section 274-A of the New York State
16 Town Law and Chapter 163-8J of the Town
17 of Newburgh Code on the application of
18 Geraci Four-Lot Subdivision, project
19 2025-03. The project proposes a four-lot
20 residential subdivision of an existing
21 14.3 plus or minus acre parcel of
22 property. Lot 1 will contain an existing
23 residential structure while lots 2 and 3
24 are proposed for residential development.
25 Lot 4 is a residual parcel which will not

be proposed for residential use at this time. All lots will have access from Frozen Ridge Road. All lots will be served by onsite wells and subsurface sanitary sewer disposal systems. The project site is located in the Town's AR Zoning District. The project is known on the Town Tax Maps as Section 6; Block 1; Lot 86.2. A public hearing will be held on the 25th day of June 2025 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. or as soon thereafter, at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 6 June 2025."

MR. MESSINA: I'm Carmen Messina, I'm the engineer and land surveyor for this project.

What he read was pretty much the whole story about this.

I would like to add that the lot

2 that has the existing house needed two
3 variances, the side line variance and the
4 front yard variance, which we received
5 from the Zoning Board. We've noted below
6 the title block here the variances that
7 we received.

8 CHAIRMAN EWASUTYN: Is there anyone
9 in the audience that has any questions or
10 comments as far as the four-lot subdivision
11 that we have in front of us this evening?
12 Please raise your hand and give your
13 first name.

14 (No response.)

15 CHAIRMAN EWASUTYN: Let the record
16 show that there's no public comment at
17 this time.

18 I'll turn the meeting over to Dave
19 Dominick, Planning Board Member.

20 MR. DOMINICK: Nothing further.

21 MR. MENNERICH: No questions.

22 CHAIRMAN EWASUTYN: No comment.

23 MR. BROWNE: Nothing additional.

24 MS. CARVER: Nothing further.

25 MR. WARD: Nothing additional.

2 CHAIRMAN EWASUTYN: Jim Campbell
3 with Code Compliance.

4 MR. CAMPBELL: Nothing additional.

5 CHAIRMAN EWASUTYN: Pat Hines with
6 MH&E.

7 MR. HINES: We had a couple of
8 comments, one of which was the
9 outstanding comments from the June
10 comment letter be addressed. Since these
11 comments were issued, I received a memo
12 from Mr. Messina identifying how each of
13 those were addressed.

14 We noted that the project received
15 several variances. Those variances have
16 now been noted in the bulk table.

17 Approval of the driveway easement
18 in favor of lot 3 across lot 4 is
19 required. If Dominic doesn't have that
20 yet, that would be a condition of
21 approval.

22 The project is identified as only
23 disturbing 0.87 acres which is below the
24 1-acre threshold, so no stormwater SPDES
25 permit is required from the DEC. It's

2 important that the project stay under
3 that threshold or a permit would be
4 required.

5 We've reviewed the subsurface
6 sanitary sewer disposal systems and found
7 those to be acceptable.

8 With that, we have no outstanding
9 comments.

10 CHAIRMAN EWASUTYN: I think I asked
11 you, Jim. Do you have any comments?

12 MR. CAMPBELL: I have no comments.

13 CHAIRMAN EWASUTYN: Have we made a
14 SEQRA determination on this?

15 MR. CORDISCO: No, sir.

16 MR. HINES: No.

17 CHAIRMAN EWASUTYN: Are there any
18 additional questions or comments from the
19 public?

20 (No response.)

21 CHAIRMAN EWASUTYN: Would someone
22 move for a motion to close the public
23 hearing on the four-lot subdivision for
24 Geraci, project number 25-03.

25 MR. MENNERICH: So moved.

2 MS. CARVER: Second.

3 CHAIRMAN EWASUTYN: I have a motion
4 by Ken Mennerich. I have a second by
5 Lisa Carver. Can I have a roll call vote
6 starting with Dave Dominick.

7 MR. DOMINICK: Aye.

8 MR. MENNERICH: Aye.

9 CHAIRMAN EWASUTYN: Aye.

10 MR. BROWNE: Aye.

11 MS. CARVER: Aye.

12 MR. WARD: Aye.

13 CHAIRMAN EWASUTYN: Now can we
14 bring up the action of the SEQRA
15 determination.

16 MR. HINES: The applicants have
17 submitted an environmental assessment
18 form for the project. The wetlands on
19 the site were delineated by DEC
20 personnel, however the wetlands are
21 located outside of the "urban area" which
22 would have brought them under their
23 jurisdiction. Based on the January '25
24 changes, this project is located further
25 north in Newburgh where it is not in the

urban area regulated by that.

There are no other significant environmental impacts identified.

There are no threatened or endangered species.

The project complies with the Tree Ordinance in that the only trees on the site proposed to be removed are former orchard trees that are in pretty rough shape. The Board has made previous determinations on projects that agricultural trees are not under the purview of the Tree Preservation Ordinance.

With that, we would recommend a negative declaration.

CHAIRMAN EWASUTYN: Having heard from Pat Hines with MH&E recommending to the Board that we declare a negative declaration on the Geraci Subdivision, would someone move for that motion.

MR. BROWNE: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion

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

5 MR. DOMINICK: Aye.

6 MR. MENNERICH: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MR. BROWNE: Aye.

9 MS. CARVER: Aye.

10 MR. WARD: Aye.

11 CHAIRMAN EWASUTYN: Motion carried.

12 Planning Board Attorney Dominic
13 Cordisco, can you give us the conditions
14 of approval for the Geraci Subdivision.

15 MR. CORDISCO: Yes. I did receive
16 a draft of the driveway easement
17 maintenance agreement which I've
18 reviewed. There are no changes proposed
19 to that draft. It will need to be,
20 obviously, recorded simultaneously with
21 the filing of the plat when it's time to
22 file the plat.

23 The conditions are addressing any
24 outstanding engineering comments, but I
25 believe that those comments have already

2 been addressed. That's a standard
3 condition included in all of the approval
4 resolutions.

5 As well as paying for the
6 recreation fees for the new lots. My
7 apologies. My brain froze up.

8 CHAIRMAN EWASUTYN: If it's \$2,000
9 per every new lot, then the rec fee
10 dollar amount comes out to, I believe,
11 \$8,000?

12 MR. CORDISCO: It would actually be
13 for three new lots.

14 CHAIRMAN EWASUTYN: Thank you. I'm
15 glad we brought that up. Thank you.

16 Having heard the conditions of
17 approval presented by Planning Board
18 Attorney Dominic Cordisco, would someone
19 move for a motion to grant conditional
20 approval to the Geraci Subdivision.

21 MR. DOMINICK: I'll make the
22 motion.

23 MR. WARD: Second.

24 CHAIRMAN EWASUTYN: I have a motion
25 by Dave Dominick. I have a second by

2 John Ward. Can I please have a roll call
3 vote starting with John Ward.

4 MR. WARD: Aye.

5 MS. CARVER: Aye.

6 MR. BROWNE: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MR. MENNERICH: Aye.

9 MR. DOMINICK: Aye.

10 CHAIRMAN EWASUTYN: Thank you.

11 MR. MESSINA: Thank you.

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13 (Time noted: 7:55 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of July 2025.



MICHELLE CONERO

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

----- X
In the Matter of

LANDS OF MELISSA MENENDEZ
(2025-11)

5 Kings Hill Road
Section 11; Block 1; Lot 63.22
R-1 Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: June 25, 2025
Time: 7:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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

2 CHAIRMAN EWASUTYN: The Planning
3 Board's fourth item is the lands of
4 Melissa Menendez, project number 25-11.
5 It's a public hearing for a two-lot
6 subdivision located on Kings Hill Road.
7 It's in an R-1 Zone. It's being
8 represented by Patricia Brooks of Control
9 Point Associates.

10 Patricia.

11 MS. BROOKS: Good evening. Again,
12 this is a two-lot subdivision of a parcel
13 of land located on the southerly side of
14 Kings Hill Road. The remaining lands
15 also have road frontage on the westerly
16 side of Rock Cut Road.

17 We're creating a new 2.31 acre
18 buildable lot with the remaining lands
19 being 16.3 acres containing an existing
20 house and accessory buildings.

21 CHAIRMAN EWASUTYN: Mr. Mennerich
22 will read the notice of hearing.

23 MR. MENNERICH: "Notice of hearing,
24 Town of Newburgh Planning Board. Please
25 take notice that the Planning Board of

2 the Town of Newburgh, Orange County,
3 New York will hold a public hearing
4 pursuant to section 274-A of the New
5 York State Town Law and Chapter 163-8J
6 of the Town of Newburgh Code on the
7 application of Lands of Melissa
8 Menendez, project 2025-11, a two-lot
9 subdivision. The project proposes a
10 two-lot subdivision of an 18.6 plus
11 or minus acre parcel of property
12 located at the southwest intersection
13 of Rock Cut Road and Kings Hill Road.
14 The site contains an existing single-
15 family residential structure. The
16 proposed lot will be a 2.31 plus or
17 minus acre flag lot with a 40-foot
18 wide access strip. The existing and
19 proposed residences will be served by
20 individual wells and subsurface
21 sanitary sewer disposal systems. The
22 site contains a portion of New York
23 State DEC wetland NB-11. The project
24 site contains a 100-year floodway.
25 The project site is located in the

2 Town's R-1 Zoning District. The
3 project address is 5 Kings Hill Road.
4 The project is known on the Town Tax
5 Maps as Section 11; Block 1, Lot 63.22.
6 A public hearing will be held on the
7 25th day of June 2025 at the Town
8 Hall Meeting Room, 1496 Route 300,
9 Newburgh, New York at 7 p.m. or as
10 soon thereafter, at which time all
11 interested persons will be given an
12 opportunity to be heard. By order of
13 the Town of Newburgh Planning Board.
14 John P. Ewasutyn, Chairman, Planning
15 Board Town of Newburgh. Dated 19 May
16 2025."

17 CHAIRMAN EWASUTYN: Thank you.

18 Questions or comments from the
19 public? Please raise your hand and give
20 your first name.

21 (No response.)

22 CHAIRMAN EWASUTYN: Let the record
23 show that currently there is no public
24 comment on the lands of Melissa Menendez
25 for a two-lot subdivision.

2 At this point we'll turn the
3 meeting over to Jim Campbell, Code
4 Compliance.

5 MR. CAMPBELL: My only remaining
6 comment is that a turnout is required.

7 MS. BROOKS: We did show a turnout
8 at a distance of 500 feet near the house,
9 50 feet in depth and 30 feet in width.
10 If you would like to see it in a
11 different location at the point in time
12 that they obtain the building permit --

13 MR. CAMPBELL: That I took as the
14 turnaround.

15 MS. BROOKS: Right. That is at the
16 distance of the 500 feet.

17 MR. CAMPBELL: You have a turnout
18 and a turnaround. They're two separate
19 items of the code.

20 MS. BROOKS: I understood that when
21 it was at the 500 feet, the turnout and
22 the turnaround could be in common.
23 Again, I know at the point in time of the
24 building permit they certainly can adjust
25 it as required in accordance with what

2 your recommendations are. I didn't bring
3 that section of the code with me this
4 evening. We're happy to work with you
5 independently, if that's a condition of
6 approval this evening. We can sit down
7 and review the map together if you want
8 something different than what we have
9 right now. I thought this was in
10 compliance with your request. If you
11 want something different, we certainly
12 can accommodate.

13 MR. CAMPBELL: If you can move on
14 and I'll come back to this.

15 CHAIRMAN EWASUTYN: At this point
16 I'll turn the meeting over for comments
17 to Planning Board Members. Dave Dominick.

18 MR. DOMINICK: Nothing additional.

19 MR. MENNERICH: No questions.

20 MR. BROWNE: Nothing more.

21 MS. CARVER: Nothing further.

22 MR. WARD: Nothing more.

23 CHAIRMAN EWASUTYN: Are there any
24 further questions or comments from the
25 public?

2 (No response.)

3 CHAIRMAN EWASUTYN: If there are no
4 questions or comments from the public,
5 can I have a motion to close the public
6 hearing on the Lands of Melissa Menendez,
7 project number 25-11, for a two-lot
8 subdivision.

9 MS. CARVER: So moved.

10 MR. MENNERICH: Second.

11 CHAIRMAN EWASUTYN: I have a motion
12 by Lisa Carver. I have a second by Ken
13 Mennerich. Can I have a roll call vote
14 starting with Dave Dominick.

15 MR. DOMINICK: Aye.

16 MR. MENNERICH: Aye.

17 CHAIRMAN EWASUTYN: Aye.

18 MR. BROWNE: Aye.

19 MS. CARVER: Aye.

20 MR. WARD: Aye.

21 CHAIRMAN EWASUTYN: Dominic Cordisco,
22 have we made a SEQRA determination on this?

23 MR. CORDISCO: You have not, sir.

24 CHAIRMAN EWASUTYN: Pat Hines, how
25 would you advise us?

2 MR. HINES: We circulated the
3 notice of intent for lead agency. We
4 heard back from the Office of Parks,
5 Recreation, Historic Preservation which
6 requested a phase 1a/1b study of the
7 site. That was provided. On June 17th
8 we received a no impact letter from the
9 Office of Parks, Recreation, Historic
10 Preservation.

11 In addition, a wetland boundary
12 validation was received from the DEC.
13 That was also done.

14 We circulated this to the County
15 Planning Department as the project
16 abutted a County highway. We received
17 back a Local determination.

18 The wetlands were completely
19 avoided on the site.

20 We would recommend a negative
21 declaration.

22 CHAIRMAN EWASUTYN: Having heard
23 from Pat Hines of MH&E recommending that
24 the Planning Board is in a position to
25 declare a negative declaration for the

2 Lands of Melissa Menendez, project number
3 25-11, would someone move for that
4 motion.

5 MR. WARD: So moved.

6 MR. BROWNE: Second.

7 CHAIRMAN EWASUTYN: I have a motion
8 by John Ward. I have a second by Cliff
9 Browne. Can I have a roll call vote
10 starting with Dave Dominick.

11 MR. DOMINICK: Aye.

12 MR. MENNERICH: Aye.

13 CHAIRMAN EWASUTYN: Aye.

14 MR. BROWNE: Aye.

15 MS. CARVER: Aye.

16 MR. WARD: Aye.

17 CHAIRMAN EWASUTYN: Dominic Cordisco,
18 Planning Board Attorney, can you give us
19 conditions of approval for the Lands of
20 Melissa Menendez.

21 MR. CORDISCO: Yes. The conditions
22 would include, as Patti had mentioned,
23 working with Code Compliance regarding
24 the turnaround, to resolve that issue.

25 There are no additional outstanding

2 engineering comments.

3 MR. HINES: No.

4 MR. CORDISCO: There would also be
5 a recreation fee for one new lot that
6 would be created.

7 CHAIRMAN EWASUTYN: Having heard
8 the conditions of approval for the Lands
9 of Melissa Menendez presented by the
10 Planning Board Attorney, would someone
11 move for that motion.

12 MR. DOMINICK: I'll make the motion.

13 MR. MENNERICH: Second.

14 CHAIRMAN EWASUTYN: I have a motion
15 by Dave Dominick. I have a second by Ken
16 Mennerich. Can I have a roll call vote
17 starting with --

18 MR. BROWNE: A question, John. Do
19 we have any comments back from Jim on the
20 turnout and turnaround?

21 MR. CAMPBELL: It can be read both
22 ways. I'm going to confer with my
23 supervisor tomorrow.

24 MS. BROOKS: Again, we will work
25 with you. I will assure you that before

2 the map is presented to Chairman Ewasutyn
3 for signature, we'll make sure that we
4 get a letter from Code Compliance that
5 the map is in conformance with what the
6 determination is as far as the safety
7 turnout.

8 CHAIRMAN EWASUTYN: He did include
9 that in the conditions of approval.

10 Having a motion on the table,
11 having discussion, there was a motion
12 made by John Ward and there was a second
13 by Cliff Browne I believe. At this point
14 we'll poll the Board Members one more
15 time starting with Dave Dominick.

16 MR. DOMINICK: Aye.

17 MR. MENNERICH: Aye.

18 CHAIRMAN EWASUTYN: Aye.

19 MR. BROWNE: Aye.

20 MS. CARVER: Aye.

21 MR. WARD: Aye.

22 CHAIRMAN EWASUTYN: Motion carried.

23 Thank you.

24 MS. BROOKS: Thank you.

25 (Time noted: 8:05 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of July 2025.



MICHELLE CONERO

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

ELKAY PARTNERS DEVELOPMENT
(2024-29)

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

----- X

MULTI-FAMILY APARTMENTS
SENIOR HOUSING

Date: June 25, 2025
Time: 8:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: LARA PRUSCHKI

----- X

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

2 CHAIRMAN EWASUTYN: Item number
3 5, Elkay Partners Development, project
4 number 24-29. It's multi-family
5 apartments, senior housing density
6 bonus. It's located on Brewer Road
7 in an R-3 Zone. It's being represented
8 by, Lara, is it?

9 MS. PRUSCHKI: Yes.

10 CHAIRMAN EWASUTYN: With
11 Engineering & Surveying Properties.
12 Lara.

13 MS. PRUSCHKI: Lara Pruschki from
14 Engineering & Surveying Properties.

15 Since we were last before the
16 Board in April, our client had done their
17 pro forma and went back to their architect
18 to see if they could accommodate additional
19 units in the same building footprint, which
20 they were able to do. We have increased
21 the unit count to what the density allows,
22 which is 168 units.

23 In addition to that, we have added
24 some parking on the interior loop here
25 to accommodate those extra units.

1 We have the same limit of
2
3 disturbance as the initial plan that
4 was shown before you in April. This
5 just has some additional parking.

6 Since that meeting as well, we
7 received a positive jurisdictional
8 determination from the DEC, which
9 then they visited the site and
10 confirmed the wetland boundary. We
11 have submitted a map to them for
12 signature.

13 CHAIRMAN EWASUTYN: At this point
14 we'll turn the meeting over to Pat Hines
15 with MH&E.

16 MR. HINES: Again, this is the
17 third concept review for this project.
18 The plans reverted back to the original
19 unit count from October.

20 In between October of '24 and now,
21 I believe the building height changed.

22 MS. PRUSCHKI: Yes.

23 MR. HINES: It was five buildings
24 originally. Now there's three.

25 At the April meeting I believe the

Board authorized us to resend the
adjoiners' notices. We did not do that
because the applicant's representative
wanted to hold off, knowing that they may
come back in for the change. I would
suggest that we send the adjoiners'
notices back out identifying the changes
from five structures to three structures
and the height change so that the area
residents know that.

We talked at work session about the
need to recirculate lead agency. It was
determined that the original lead agency
circulation would remain valid.

We just talked about the wetlands.

We would like any future plans
submitted to show any improvements on tax
lot 33 which is surrounded by the project
off the roadway there.

MS. PRUSCHKI: Okay.

MR. HINES: The previous comments
we issued continue to be applicable.

The project does require referral
to the Town Board under Zoning Chapter

185-48 for the senior housing density bonus. The Board could discuss authorizing that letter tonight.

Also, the senior units in the complex are limited to 1,000 square feet, which is often a challenge for the architects. We wanted to repeat that early on in the process, that the senior density bonus has that restriction on unit size.

CHAIRMAN EWASUTYN: Jim Campbell with Code Compliance.

MR. CAMPBELL: I just have a couple of minor comments. On the EAF, the hours should be discussed. I think you have that.

MS. PRUSCHKI: Yes.

MR. CAMPBELL: These hours are different than what's on the EAF.

Also, a copy of the latest sketch was forwarded to the fire chief of the Cronomer Valley Fire Department for any possible comments.

MS. PRUSCHKI: Okay.

2 CHAIRMAN EWASUTYN: Dave Dominick,
3 questions or comments.

4 MR. DOMINICK: Nothing further.

5 CHAIRMAN EWASUTYN: Ken Mennerich.

6 MR. MENNERICH: No questions.

7 CHAIRMAN EWASUTYN: No comment.

8 MR. BROWNE: Not at this time. You
9 have a ways to go yet.

10 MS. CARVER: What are the building
11 heights?

12 MS. PRUSCHKI: They're going to be
13 under the maximum of 35 feet.

14 MS. CARVER: Thank you.

15 CHAIRMAN EWASUTYN: John Ward.

16 MR. WARD: No comments right now.

17 CHAIRMAN EWASUTYN: Dominic Cordisco,
18 Planning Board Attorney, can you reconfirm.
19 the comments that were made by Pat Hines
20 of MH&E.

21 MR. CORDISCO: Yes. I went through
22 my file and we did actually previously
23 refer the prior version of the concept
24 plan back in November of 2024 to the Town
25 Board for the 168 units with regard to

1 the 19 units that were proposed for the
2 senior density bonus at that time. My
3 recommendation would be to advise the
4 Town Board that the layout has been
5 changed, and although the same number of
6 units have been kept, the height of the
7 buildings has been increased. I think
8 that since the Town Board ultimately has
9 to grant approval for the senior density
10 bonus, that they should be apprised of
11 the fact that the layout has changed. My
12 recommendation would be to update the
13 Town Board with a new letter advising
14 them that this Board has received a
15 revised concept plan.

17 CHAIRMAN EWASUTYN: You'll prepare
18 the letter to advise the Town Board?

19 MR. CORDISCO: Yes, I will.

20 CHAIRMAN EWASUTYN: Continue. I'm
21 sorry.

22 MR. CORDISCO: That's the only
23 action that I would recommend at this
24 time.

25 CHAIRMAN EWASUTYN: So if I

understand, this evening we're going to recirculate the adjoiners' notice, we're going to again, one more time, declare our intent for lead agency?

MR. HINES: No. We did that already.

MR. CORDISCO: Correct.

CHAIRMAN EWASUTYN: Even with the change we're not going to --

MR. CORDISCO: I would not recommend recirculating because the jurisdiction over the project hasn't changed.

CHAIRMAN EWASUTYN: So then the only action before us this evening is to send out the adjoiners' notice and for you to prepare a letter to the Town Board based upon Chapter 185-48, a referral to the Town Board for the senior housing density bonus?

MR. CORDISCO: Yes, sir.

MR. HINES: I believe we previously advised the applicant that the Town is undertaking a comprehensive plan update and that this project is proceeding basically at its own risk subject to any

2 changes that could come out of that.

3 MS. PRUSCHKI: Yes.

4 CHAIRMAN EWASUTYN: Would someone
5 make a motion for the two items before
6 us.

7 MR. MENNERICH: So moved.

8 MR. BROWNE: Second.

9 CHAIRMAN EWASUTYN: I have a motion
10 by Ken Mennerich. I have a second by
11 Cliff Browne. Can I have a roll call
12 vote starting with Dave Dominick.

13 MR. DOMINICK: Aye.

14 MR. MENNERICH: Aye.

15 CHAIRMAN EWASUTYN: Aye.

16 MR. BROWNE: Aye.

17 MS. CARVER: Aye.

18 MR. WARD: Aye.

19 CHAIRMAN EWASUTYN: Thank you.

20

21 (Time noted: 8:12 p.m.)

22

23

24

25

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of July 2025.

Michelle Conero

MICHELLE CONERO

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

BEAR PARK PLAYGROUND
 (2025-18)

152 North Plank Road
 Section 41; Block 2; Lot 15.1
 B Zone

- - - - - X

AMENDED SITE PLAN

Date: June 25, 2025
 Time: 8:12 p.m.
 Place: Town of Newburgh
 Town Hall
 1496 Route 300
 Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: STEVEN BURNS

- - - - - X

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

2 CHAIRMAN EWASUTYN: The sixth item
3 of business this evening is Bear Park
4 Playground, project number 25-18. It's
5 an initial appearance for an amended site
6 plan. It's located on 152 North Plank
7 Road in a B Zone. It's being represented
8 by Steve Burns of Burns Engineering
9 Services.

10 MR. BURNS: Good evening. My name
11 is Steve Burns. I'm with Burns
12 Engineering Services. I represent the
13 owners of Bear Park Playground proposed
14 to be at 152 North Plank Road.

15 The existing building is
16 approximately -- it's just under 5,000
17 square feet. It's a single story
18 building. Everybody has probably seen it
19 through the years and is familiar with it.

20 It has some weird -- it has six
21 weird doors that are about three feet off
22 the ground that are on two different
23 sides of the building. I believe it used
24 to be a bread -- bread sales and
25 distribution used to happen at the

2 building.

3 Our plan is to take the existing
4 building and reuse the footprint. We'll
5 take the one overhead door that remains
6 out and make that the main entrance with
7 a staircase with handicap access to it.

8 We would discontinue the front
9 traffic lane in front of the building
10 that connected it to the building to the
11 north and the site to the north. We
12 would locate our handicap parking space
13 up front there.

14 Additionally, we'll reuse the
15 existing pavement to get nineteen
16 additional regular parking spots to serve
17 the use.

18 The actual use is similar to an
19 arcade. They have a couple VR machines
20 planned and a lot of like train-type
21 games and stuff. I'm sure my kids will
22 love it.

23 There's existing sewer and water
24 services connected. I'll get them mapped
25 out.

2 I'll have to update the zoning
3 schedule. There's going to be three
4 variances required, one for the sign, one
5 for the front setback which is existing,
6 the sign is also existing, and one for
7 the side yard setback, which is also
8 existing.

9 CHAIRMAN EWASUTYN: Dave Dominick,
10 Planning Board Member.

11 MR. DOMINICK: Steve, this is kind
12 of new, at least to me, this concept.
13 Walk us through the business model. The
14 customer comes in, comes in with cash,
15 puts it in the machine? Is there a
16 credit card he puts in the machine or
17 does he come into a kiosk and buys
18 tickets to play the crane game or the VR
19 game or whatever?

20 MR. BURNS: I don't know how the
21 actual interface is going to be. I have
22 seen the floor plans for it. There's a
23 small party room in one section of the
24 building. The rest of the floor space is
25 pretty much VR machines and other sorts

2 of, you know, video games and crane-type
3 machines.

4 MR. DOMINICK: So the party room is
5 for birthday parties and such?

6 MR. BURNS: Yes.

7 MR. DOMINICK: What kind of food
8 will you be serving or are you going to
9 cater out?

10 MR. BURNS: I believe that they
11 will be catering out. There are no
12 provisions for food preparation or
13 anything onsite.

14 MR. DOMINICK: Vending machines?

15 MR. BURNS: There's the possibility
16 of having a vending machine, yes.

17 MR. DOMINICK: Thank you.

18 CHAIRMAN EWASUTYN: Ken Mennerich.

19 MR. MENNERICH: No questions.

20 CHAIRMAN EWASUTYN: Two minor
21 questions. One, eventually you'll show
22 the dumpster location?

23 MR. BURNS: Yes.

24 CHAIRMAN EWASUTYN: Will there be a
25 change -- we'll eventually do ARB approval.

2 Are you proposing a facade change?

3 MR. BURNS: We're going to take out
4 the doors, the loading doors, and we're
5 going to change the spaces out to
6 windows. That's pretty much it. There's
7 not really going to be too much otherwise.

8 We're going to have to build a
9 staircase where the building jogs back to
10 get from the parking area up to the main
11 entrance, which is going to be in the
12 sidewall here, right here. This is the
13 existing building overhead door. We're
14 going to take that overhead door out and
15 we're just going to put a regular double
16 door with a staircase.

17 The parking in the front is quite a
18 bit higher and closer to the ground floor
19 elevation. We're going to use that to
20 our advantage so that we can get handicap
21 access around to this doorway which is
22 three feet off the ground as it exists.

23 CHAIRMAN EWASUTYN: Is there any
24 potential for painting the facade of the
25 building?

2 MR. BURNS: Yes.

3 CHAIRMAN EWASUTYN: That's my
4 point. You will be tweaking the
5 building, whether it be painting or
6 siding or something like that?

7 MR. BURNS: Yes. It's currently
8 block.

9 CHAIRMAN EWASUTYN: Thank you.

10 MR. BURNS: Painted block.

11 CHAIRMAN EWASUTYN: Cliff Browne.

12 MR. BROWNE: What's your target age
13 group?

14 MR. BURNS: I would have to say
15 somewhere eight to fourteen, fifteen.

16 MR. BROWNE: Younger kids. You're
17 hoping anyway for a fair amount of car
18 parking to bring these kids in. That's
19 why the twenty-one spaces? I think it
20 was twenty-one spaces.

21 MR. BURNS: The twenty-one is
22 essentially the maximum that I could fit
23 in the existing pavement.

24 MR. BROWNE: If you're looking at
25 that age group, do you have -- what's

2 your capacity?

3 MR. BURNS: I don't have that
4 offhand.

5 CHAIRMAN EWASUTYN: Jim, would
6 there be a fire code or some kind of code
7 as far as occupancy?

8 MR. CAMPBELL: Yes. In all
9 buildings there is. It's based on the
10 use and stuff. That would have to be
11 determined.

12 MR. BURNS: I think that that's
13 actually been calculated, now that I'm --
14 I've looked at the architectural plans.
15 I would have to go back to them to see
16 what they actually calculated as the
17 occupant load.

18 MR. BROWNE: Essentially all of
19 your inside gaming per se is geared to
20 the five to fifteen-year age?

21 MR. BURNS: Yes.

22 MR. BROWNE: Okay. Thank you.

23 CHAIRMAN EWASUTYN: Lisa Carver.

24 MS. CARVER: Do you have plans for
25 the front? You're going to redo the

2 parking. You're going to put lines for
3 parking for the spots.

4 The entrance, when you first pull
5 in off 32, is there going to be curbing?
6 What are you planning to put there?

7 MR. BURNS: We didn't have any
8 plans essentially at this point, but I
9 think --

10 CHAIRMAN EWASUTYN: You'll have to
11 upgrade the curbing. The curbing is defunct.

12 MR. BURNS: All right.

13 CHAIRMAN EWASUTYN: What we were
14 discussing at the meeting -- sorry for
15 interrupting you -- I think Dave Dominick
16 had the idea of something to do with what
17 kind of --

18 MR. DOMINICK: Hardscape or
19 concrete or block.

20 CHAIRMAN EWASUTYN: Creating
21 something that might look like a
22 sidewalk. Again, the tightness of the
23 spot, putting plants along there with
24 people plowing, who is going to maintain
25 it and how long is it going to last?

2 MR. BURNS: There's not much room.

3 CHAIRMAN EWASUTYN: The curbing is
4 just -- it needs to come up.

5 MR. HINES: Right now there's river
6 rock that's not maintained and there's
7 weeds. The Board discussed maybe just
8 putting in new curbing with hardscape.

9 MR. BURNS: Okay.

10 CHAIRMAN EWASUTYN: Sorry, Lisa.

11 MS. CARVER: That's okay.

12 MR. BURNS: I'll take that up with
13 the owners.

14 CHAIRMAN EWASUTYN: John Ward.

15 MR. WARD: If you can, please on
16 the other plan, where your handicap
17 parking is, on the left you have a square
18 that's not identified. What is that?

19 MR. BURNS: That was going to
20 become lawn. We were going to take the
21 pavement out of there.

22 MR. WARD: Okay.

23 MR. BURNS: The pavement will
24 become unnecessary.

25 MR. WARD: Thank you.

2 CHAIRMAN EWASUTYN: Jim Campbell,
3 any comments?

4 MR. CAMPBELL: Yes. As you
5 mentioned, the freestanding sign would
6 require a variance at this point. I
7 don't know the dimensions. That would
8 have to be determined.

9 Just an FYI, the last permitted
10 sign change in 2015 had the sign sized as
11 8 by 4. You're proposing a sign of 8 by
12 6. If the sign stays, it will need some
13 sort of analysis.

14 MR. BURNS: Okay.

15 MR. CAMPBELL: Are there any
16 building-mounted signs proposed?

17 MR. BURNS: I don't believe there
18 are at this time.

19 MR. CAMPBELL: If so, display them
20 on the submittal.

21 MR. BURNS: Okay.

22 MR. CAMPBELL: Sprinklers may be
23 required. We need more information
24 regarding -- when you're submitting the
25 architecturals, something to give us more

2 data on that.

3 The ADA access aisle needs to be
4 marked with a no parking sign --

5 MR. BURNS: Okay.

6 MR. CAMPBELL: -- between the two
7 spots.

8 You answered my last one as far as
9 that area to the north, it is going to be
10 grass.

11 CHAIRMAN EWASUTYN: Thank you.

12 Pat Hines with MH&E.

13 MR. HINES: Our first comment, as
14 Mr. Burns mentioned, the bulk table needs
15 to be updated for the indoor use. The
16 current bulk table identified a restaurant.

17 I did take a look at the plans and
18 identified the variances that will be
19 required. They are preexisting
20 nonconforming uses. That's based on the
21 indoor amusement column D-4 bulk table.

22 The front yard setback on a State
23 highway is 60 feet where 46.8 is
24 provided. The side yard is 15 feet where
25 14.9 is provided. Any variances for the

sign would be required.

I don't know if the Board wants to wait to get that updated bulk table or do the referral now. I believe I've identified the appropriate variances.

We'll be looking for a parking calculation based on the use and the building size. I know you said you had nineteen with two accessible. We need to have the basis for that to make sure it's enough.

The sidewalk and curbing should be clearly defined on the plan. I too couldn't figure out what the square area is. If that could be labeled as to be turned into a lawn area.

Water and sewer utilities are needed.

We talked about sprinklers.

Drive aisles should be dimensioned.

It's a Type 2 action. We typically circulate by letter for these projects that are on the DOT highways, just to advise them of the change.

2 We need to do adjoiners' notices.
3 I'll work with your office, Steve, to
4 provide those and get those out.

5 MR. BURNS: Okay.

6 CHAIRMAN EWASUTYN: Dominic, it
7 sounds as if there are one or two items
8 out there that need to be brought forward
9 and consolidated. We are in a position
10 for you to prepare a referral letter to
11 the Zoning Board of Appeals for the three
12 variances that may be needed, keeping in
13 mind that there may or may not be a need
14 for a variance for parking. In what
15 direction do we go?

16 MR. CORDISCO: It would seem
17 prudent to wait, to be honest. Otherwise
18 the referral to the ZBA would not include
19 all the necessary variances. The Zoning
20 Board of Appeals wouldn't accept additional
21 variances that weren't reviewed first by
22 this Board.

23 Given the clean-up items that need
24 to be addressed on the plans, my
25 suggestion would be for another

2 submission to be made.

3 CHAIRMAN EWASUTYN: So then the
4 only action before us tonight is for Pat
5 Hines to prepare the adjoiners' notice.

6 It's a Type 2 action so we're not
7 involved in lead agency.

8 MR. HINES: There would be no lead
9 agency. We typically send notification
10 to the DOT on projects that are Type 2.
11 We don't often hear back from them. It's
12 a check that box kind of thing if they
13 ever do have concerns.

14 CHAIRMAN EWASUTYN: You'll work
15 with Pat Hines as far as the adjoiners'
16 notice.

17 MR. BURNS: Yes.

18 CHAIRMAN EWASUTYN: Any other
19 questions or comments from Board Members?

20 MR. DOMINICK: No.

21 MR. MENNERICH: No.

22 MR. BROWNE: No.

23 MS. CARVER: No.

24 MR. WARD: No.

25 CHAIRMAN EWASUTYN: Thank you.

2 MR. BURNS: Have a good evening.

3 Thank you.

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

5

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

7

8 I, MICHELLE CONERO, a Notary Public
9 for and within the State of New York, do
10 hereby certify:

11 That hereinbefore set forth is a true
12 record of the proceedings.

13 I further certify that I am not
14 related to any of the parties to this
15 proceeding by blood or by marriage and that
16 I am in no way interested in the outcome of
17 this matter.

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 3rd day of July 2025.

20

21

22

23

24

25

Michelle Conero

MICHELLE CONERO

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

FIRST PRESTIGE PROPERTIES, INC.
(2025-19)

5306 Route 9W
Section 23; Block 2; Lot 1
04 B/L HI Overlay Zone

- - - - - X
AMENDED SITE PLAN - EV CHARGING STATIONS

Date: June 25, 2025
Time: 8:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MARK RUESCHER

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

2 CHAIRMAN EWASUTYN: The seventh
3 item of business this evening is First
4 Prestige Properties, Inc. It's an
5 initial appearance for an amended site
6 plan for EV charging stations. It's
7 located on Route 9W. It's in an 04 B/L
8 HI Overlay District. It's being
9 represented by Woodhollow Contracting.

10 MR. RUESCHER: Good evening,
11 everyone. My name is Mark. I'm the
12 director of construction and development.
13 Pardon my appearance. I'm filling in for
14 my boss, the electrical engineer. I came
15 from the job.

16 Basically we're trying to provide
17 for a need to charge electric vehicles in
18 the area. We are trying to do them at
19 gas stations, basically because the gas
20 stations serve the same use, right. You
21 pull in with your petroleum-based car,
22 you fill up your car and go on your way.
23 The same thing with electric cars. They
24 need somewhere to fill up their tank, for
25 lack of a better way to say that.

2 Prestige Petroleum is a pretty big
3 company in the area. They own many gas
4 stations, Valeros and such. We're
5 currently building one right now in the
6 Town of Montgomery, in Rock Tavern, close
7 to 84 to service those cars.

8 We work very closely with the
9 Central Hudson utility. We are a
10 contractor by them. We do infrastructure
11 work with them. The incentives from
12 Central Hudson are helping EV drivers
13 right now, trying to help accommodate the
14 cost of chargers and the cost of these
15 upgrades. We're working with the
16 utility, hand in hand with the client,
17 trying to provide a turnkey solution for
18 people to have charging solutions for
19 their cars.

20 I don't have a copy of the plan. I
21 was under the impression that you did.
22 Sorry.

23 Basically there are vacuums
24 currently -- we're doing 5306 right now,
25 right? I'm here for two.

2 CHAIRMAN EWASUTYN: I've gone back
3 and forth.

4 MR. HINES: You're doing 5306.

5 MR. RUESCHER: Thanks. In New York
6 City they don't let me bring in paper.
7 It's the complete opposite.

8 So this is a Valero gas station at
9 5306 Route 9W. Currently right now in
10 the back of the property there are two
11 vacuum station stalls. At this point
12 there are not many people that are using
13 vacuum stalls at gas stations. For the
14 applicant, it's actually costing him more
15 money to maintain the vacuums than money
16 he's generating from those vacuums. With
17 that being said, we are planning to
18 remove the vacuums. That was one of the
19 questions from MHE on the paperwork. We
20 are not planning to relocate them on the
21 property. They're going to be eliminated.
22 We were trying to use those spots. Since
23 we considered that an accessory structure,
24 and with most other jurisdictions that
25 we're working in right now, EV chargers

2 are considered an accessory structure,
3 not a building structure because
4 they're a necessity. We were actually
5 going to use these stalls in order to
6 accommodate the new EV chargers.

7 We don't think it's going to
8 really affect too much of the traffic
9 at this station as it is. It has a
10 lot of alternate parking already in
11 the front.

12 McCall Street happens to be a
13 very busy street already because
14 there's a bus depot on the other side
15 of this parking lot, on this side.
16 The traffic pattern will kind of stay
17 the same. It will be entering off
18 Route 9W, coming out of McCall and
19 coming back to the main road.

20 What's nice about these chargers
21 that we're proposing here is they are
22 DC fast chargers. That being said,
23 if somebody pulls in -- they're going
24 to be 240 KW. If somebody pulls in
25 with a half of tank in their car,

2 half battery, within twenty minutes
3 the car is fully charged. At that
4 point they can pull out. It's kind
5 of a pattern like a gas station.
6 Obviously it's probably three or four
7 times the length, however it's a very
8 good substitute to level 2 charging
9 which would take possibly six to
10 eight hours to charge your car, like
11 the ones you see in people's homes.

12 We're going to bring in a new
13 service for this. The service is
14 actually proposed to go over here,
15 which isn't on the page, I don't know
16 why. We are already currently working
17 with Central Hudson, with the planner.
18 It's been in planning for the last
19 three months. They told us we won't
20 get any feedback from them for at
21 least another two months based on
22 what they are going to give us power
23 wise. The power is available, it's
24 just where it's coming from. As of
25 right now we are intending on using a

2 utility pole that is here. We have a
3 new primary and would be bringing
4 it into a new vault that would be
5 below ground. It would be an
6 underground service. It will be an
7 800 amp service. Right now we are
8 proposing to keep all that equipment
9 in this area.

10 I know I got from the notes that
11 there is a 40-foot setback. You're
12 considering McCall Street a front
13 property. Is that correct, sir?

14 MR. HINES: Yes.

15 MR. RUESCHER: Is there a
16 possibility that these could be
17 considered accessory structures or this
18 will also require that 40-foot setback?

19 MR. HINES: I think Mr. Campbell is
20 going to address that.

21 MR. RUESCHER: Phenomenal.

22 We started to adopt this kind of
23 what we call barrier free parking for EV
24 charging. I don't want to confuse it
25 with ADA because it doesn't meet every

2 ADA requirement. ADA can't exceed two
3 percent in any direction. It's not
4 serving as necessarily a handicap spot.
5 It is giving somebody the accessibility
6 to get to the charger if they need that
7 ability.

8 We actually had the law rewritten
9 in New Jersey saying that we can actually
10 use this for somebody who is handicap.
11 We leave a five-foot hashing in front of
12 the charger so anybody can access that.
13 That's what that is showing and
14 depicting. This is still the handicap
15 spot that already exists on the property.

16 We're planning on putting
17 vegetation around the equipment so it's
18 not such an eyesore obviously here. It
19 does take up a little bit of room. The
20 vault is 8 by 8 in the ground and then
21 you have your equipment slab. We have
22 bollards to protect it.

23 Signing for all the spots.

24 Curb stops for protection.

25 We can keep going. I'll stop

2 there.

3 CHAIRMAN EWASUTYN: You're very
4 good at what you do.

5 MR. RUESCHER: I'm the guy that
6 builds it. I'm usually not the guy that
7 does this. I'm trying.

8 MR. DOMINICK: You found your new
9 calling.

10 MR. RUESCHER: I went to school for
11 landscape architecture. I could probably
12 figure it out.

13 CHAIRMAN EWASUTYN: Dave Dominick.

14 MR. DOMINICK: Nothing on this
15 project.

16 A couple questions on the other
17 one.

18 There's actually nothing in that
19 part of the Town, so this would be pretty
20 much a first in that area.

21 MR. MENNERICH: Did Central Hudson
22 give a reason why it takes so many
23 months?

24 MR. RUESCHER: Certain projects are
25 actually quick. It's actually kind of

2 funny with Central Hudson. The one we're
3 doing right now in Rock Tavern, I got an
4 answer in six weeks. If there's a new
5 three-phase primary where they are
6 replacing poles, it's very quick. It's
7 within weeks. These poles happen to be
8 older, so first they have to send the
9 engineers out to check the integrity of
10 the pole, then what power is being used.
11 It also goes based on how much power is
12 being used in that area on that grid.
13 This is a more industrial site where
14 we're working. I'm going to use that
15 word. There's a bus depot across the
16 street, United Rentals is across the
17 street on the other side and they're
18 using a lot of power. All three of these
19 poles have transformers already. It's a
20 matter of them telling us, listen, you
21 can pull from here, you can do this.
22 It's working with their engineers, as
23 well as engineers like the gentleman over
24 there, to make it all work. They only
25 have two engineers, Central Hudson.

2 That's another problem. It's a very big
3 utility to only have two engineers.

4 CHAIRMAN EWASUTYN: No comment.

5 MR. BROWNE: I don't have any
6 comments at this point. I just feel
7 fortunate that we have a couple of
8 retired Central Hudson people on the
9 Board right now.

10 MR. RUESCHER: I have to say,
11 honestly, we work very closely with a lot
12 of utilities. Their responsiveness,
13 politeness and helpfulness, they're
14 probably one of the best in the area.
15 That I will say. If you want a nightmare,
16 come work with me with Con Ed in
17 Manhattan. It two years for somebody
18 to respond to an e-mail.

19 MS. CARVER: I have no questions
20 on this one. I have a question on
21 the other one.

22 MR. RUESCHER: I'm afraid to do the
23 next one.

24 MR. WARD: I did mention to the
25 Board about the Valero over in Montgomery

2 where you're doing the work right now.

3 MR. RUESCHER: We just started the
4 project seven days ago. They'll actually
5 be completed in two more weeks.

6 CHAIRMAN EWASUTYN: The question
7 that was deferred was deferred to Jim
8 Campbell, Code Compliance.

9 MR. RUESCHER: Yes.

10 MR. CAMPBELL: As far as the
11 charging units, we consider them
12 accessory structures.

13 The transformer which Mr. Hines
14 brought up, we do not consider that to be
15 a structure, so that would not need a
16 variance.

17 Our concern was that the
18 transformer is in the middle of the
19 parking lot and how traffic is going to
20 flow in and out. If that can be shown
21 with dimensions for the driveways and
22 such.

23 That's all I've got.

24 MR. HINES: I think he said it was
25 going to be buried.

2 MR. RUESCHER: Can I answer that
3 question, or try to? So on this plan
4 there's a curb around this entire thing.
5 Right now it's just blacktop flat to the
6 street. There's actually a current light
7 there on a pole that's blocked by two
8 mafia blocks. I don't know what you guys
9 call them. Barrier blocks. Mafia blocks
10 is probably not the best word. We're
11 actually going to protect this entire
12 area with an eight-inch curb. This is a
13 truck lane. These are diesel stations.
14 The trucks come through here, all right,
15 and then turn back out on McCall Street.
16 We're actually going to be putting a stop
17 sign here as well, a yield sign, just to
18 have people slow down. It's facing the
19 inside. We're going to have bollards
20 around this entire thing which we're
21 using six-inch schedule 80 bollards
22 because of the truck traffic. However,
23 we also want to try to make it nice.
24 We're going to plant around it. We're
25 not allowed to plant in front of the

2 doors where the Central Hudson transformer
3 is. You have to have 10 feet clearance
4 by the door.

5 MR. CAMPBELL: Still the same as
6 far as showing the traffic flow, because
7 it's not a drivable surface, --

8 MR. RUESCHER: Correct. Understood.

9 MR. CAMPBELL: -- to make sure we
10 have enough room.

11 CHAIRMAN EWASUTYN: Pat Hines with
12 MH&E.

13 MR. HINES: The site has a couple
14 of preexisting nonconformities that will
15 have to be addressed. The rear yard, 30
16 feet is required where 4.8 exists. I'm
17 reading these from your bulk table. Side
18 yard, 15 feet is required where 6.9
19 exists. The front yard setback in the
20 bulk table is identified as 40. You have
21 to show that as 60 per the code section I
22 referenced. It does comply, it just has
23 to have the correct bulk table.

24 These are located to the rear of
25 the facility. Are there any way-finding

2 signs proposed to direct the people? You
3 won't see them driving on 9W, obviously.
4 I didn't know if there was going to be --

5 MR. RUESCHER: What's really
6 interesting about the electrical
7 vehicles, these are going to be ran a
8 couple different ways. This goes back to
9 you asked the other gentleman how this
10 actually works. These chargers are going
11 to be on an app. Whoever drives an
12 electric vehicle, as you start to go low,
13 it tells you this is your nearest
14 station. What happens, these are all
15 tele-chargers. They are actually going
16 to communicate through Charge Hub, Charge
17 Share and all these other apps. They're
18 going to be visible to drivers. It will
19 tell them when it's being used, it will
20 tell them when it's vacant.

21 In order to get the Central Hudson
22 rebates and all the New York State
23 incentives right now for green energy,
24 all these have to take three forms of
25 payment. You have to be able to take it

2 by credit card, through the app, Apple
3 Pay or some kind of kiosk. That's the
4 only way it works to get the incentives.
5 All these will take those. You'll be
6 able to pay by credit card, through an
7 app or through like Apple Pay.

8 MR. HINES: We have a process with
9 adjoiners' notices. I can coordinate
10 with Steve, the PE.

11 MR. RUESCHER: Yes.

12 MR. HINES: I'll coordinate that
13 with him.

14 The project is located on a State
15 highway so a County Planning referral
16 will be required, however we will not do
17 that until you're back from the ZBA.

18 I think that hits the rest of my
19 comments. We talked about the majority
20 of those.

21 The transformers were located in
22 what would be a front yard, but we just
23 heard from Mr. Campbell that they are not
24 concerned about that.

25 Just a couple of preexisting

2 nonconformities that need to be
3 addressed, the adjoiners's notice, County
4 Planning.

5 It's a Type 2 action, so we'll
6 submit a letter to DOT advising them of
7 the activity.

8 MR. RUESCHER: The other dimension
9 that you gave of 6.9 feet, are those
10 going to require a variance because
11 they're preexisting conditions?

12 MR. HINES: They do in this Town.

13 CHAIRMAN EWASUTYN: Dominic Cordisco,
14 Planning Board Attorney, will speak now
15 as to the next step with the ZBA.

16 Dominic.

17 MR. CORDISCO: The Board at this
18 point could authorize me to send a
19 letter, that would be a referral letter
20 to the ZBA, which would then authorize
21 essentially the applicant to make the ZBA
22 application as well. It requires a
23 letter from this Board first before
24 they'll accept that application from the
25 applicant.

2 In this case the variances -- as
3 Pat had mentioned, it's a preexisting
4 nonconforming rear yard, 30 feet is
5 required where 4.8 feet exists, as well
6 as the side yard, 15 feet is required and
7 6.9 feet exists. There will be a
8 referral for those.

9 MR. HINES: My comment number 6,
10 too. The side yard is actually a front
11 yard. They have it as a side yard in
12 their bulk table. It's a front yard on
13 McCall Place because it's a corner lot.
14 40 feet would be required there.

15 MR. CORDISCO: Got it.

16 CHAIRMAN EWASUTYN: Would someone
17 make a motion for Dominic Cordisco,
18 Planning Board Attorney, to prepare a
19 letter to the Zoning Board of Appeals for
20 the necessary variances for First
21 Prestige Properties, 25-19.

22 MR. WARD: So moved.

23 MS. CARVER: Second.

24 CHAIRMAN EWASUTYN: I have a motion
25 by John Ward. I have a second by Lisa

2 Carver. Can I have a roll call vote
3 starting with Dave Dominick.

4 MR. DOMINICK: Aye.

5 MR. MENNERICH: Aye.

6 CHAIRMAN EWASUTYN: Aye.

7 MR. BROWNE: Aye.

8 MS. CARVER: Aye.

9 MR. WARD: Aye.

10 CHAIRMAN EWASUTYN: Pat will work
11 with the engineer associated with the
12 project as far as the adjoiners' notice.

13 MR. RUESCHER: Thank you.

14

15 (Time noted: 8:42 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of July 2025.



MICHELLE CONERO

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

SOUTH PLANK HOLDINGS, LLC
(2025-20)

209 South Plank Road
Section 60; Block 3; Lot 2
B Zone

- - - - - X

AMENDED SITE PLAN - EV CHARGING STATIONS

Date: June 25, 2025
Time: 8:43 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MARK RUESCHER

- - - - - X

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

2 CHAIRMAN EWASUTYN: Item 8 is
3 South Plank Holdings, LLC, project number
4 25-20. It's an initial appearance for an
5 amended site plan - EV charging stations.
6 It's located on 209 South Plank Road in a
7 B Zone. It's again being represented by
8 Woodhollow Contracting.

9 MR. RUESCHER: Hi, everybody. It's
10 me again.

11 So this applicant actually happens
12 to be the same applicant. He owns both
13 gas stations in the area.

14 This is a little bit of a tricky
15 gas station based on where it's located.
16 It doesn't have the most parking.

17 We did get confirmation from
18 Central Hudson already on this one that
19 we are allowed to pull power from here.
20 There's enough amperage in the area.
21 Right now we propose to put a transformer
22 here with bollard protection. This
23 currently is a lawn or a grass area.
24 Right next to that we have these
25 available parking spots that are already

2 here that we want to use for the EV
3 charging.

4 Typically on our EV chargers we put
5 EV charging parking only on the signs.
6 We wanted to see if we could get
7 discretion on using signs that just say
8 parking. We don't want to say only
9 because we don't want these spots to not
10 be able to be used for the store that's
11 there already based on the parking
12 limitation that we have onsite.

13 There are programs in other areas
14 with other chargers that we've installed
15 that if you park there and you're not
16 charging, you actually get charged. It's
17 an idle fee. In the city that's what
18 happens. There's nowhere to park so they
19 just park and they leave. We are not
20 going to do that here, obviously.

21 We're doing the same exact
22 infrastructure here, another 800 amp
23 service, the same exact chargers. They
24 are New York State compliant. They're
25 Central Hudson compliant to get the

2 incentives and all the tax credits and
3 everything that goes with that stuff.

4 We're not disrupting the traffic
5 flow. We aren't really disturbing
6 anything that's already existing.

7 There is also a vacuum here as
8 well. We are removing that and it will
9 not be going back.

10 I know this one you have more
11 questions on. I guess let's start with
12 those.

13 CHAIRMAN EWASUTYN: Let's start out
14 with Jim Campbell. Do you have comments
15 on this one?

16 MR. CAMPBELL: The only comment I
17 had was that the electrical transformer
18 is not a structure.

19 CHAIRMAN EWASUTYN: Before we turn
20 to Pat Hines, we'll start with Planning
21 Board Members. Dave Dominick.

22 MR. DOMINICK: Mark, you said you
23 had a landscape engineering and landscape
24 degree. What do you plan to do around
25 the transformer for this project?

2 MR. RUESCHER: We're planning to
3 plant some small screening so it's not so
4 obstructive. However, I don't want to
5 plant anything really -- the doors are
6 going to be actually facing the street.
7 Central Hudson has a code that you have
8 to be accessible to the doors within ten
9 feet of a curb line. God forbid the
10 power goes out, they use the hotstick to
11 turn it back on, so nothing can be in
12 front of it for ten feet. That's just
13 their rule, the utility's rule. If
14 there's not going to be anything in the
15 front of it, I think by doing that we
16 won't really block the site. That's what
17 I'm kind of hoping for there. Definitely
18 some kind of evergreen that won't get too
19 overpowering, but something we can
20 maintain on the site.

21 MR. DOMINICK: I'm glad you have
22 something planned.

23 My concern is the maintenance, the
24 future maintenance of it. Right now it
25 looks like that area particularly, even

2 that grass hasn't been mowed in a month.
3 It looks as though the shrubs between the
4 two exits signs, the north and south, are
5 overgrown, dried mulch, dying. Maybe
6 exchange that with hardscape as well, as
7 we told the other applicant just now.
8 There's a lot of just typical upkeep
9 maintenance that's not done on that site.

10 MR. RUESCHER: What's starting to
11 happen with Prestige is they are taking
12 over the sites. I don't know if you've
13 seen, they took over in Rock Tavern,
14 revamped it, landscaped it. He's
15 maintaining it very well. He just took
16 over the 5306 site as well. The one
17 brother is actually charged with actually
18 doing all that. He's slowly investing
19 the money to have that infrastructure in
20 place to do that.

21 I do agree with you, this site is
22 probably the ugliest right now out of all
23 three we are working on, but I have a
24 feeling that the applicant, once he does
25 this, obviously if this looks bad, an EV

2 car is not pulling in here. That's not
3 to say to be demeaning. It is what it
4 is. He's going to have to upkeep this.
5 Central Hudson will ticket him if there's
6 any type of vegetation that's not being
7 maintained around the transformer because
8 it's a fire hazard. You can't have volts
9 around the transformer for that same
10 reason, for ark flashes and things like
11 that. There's going to have to be a
12 gravel bed with a weed barrier. Things
13 are going to have to be put in place in
14 order to maintain the property, in the
15 area that we're working in at least.

16 MR. DOMINICK: What about a
17 hardscape fence instead of vegetation?
18 You've already proved that vegetation is
19 not maintainable at this property.

20 MR. RUESCHER: That's not a bad
21 idea. Yeah, we wouldn't be object to do
22 that, as long as we don't think it's --
23 as long as it's not going to disturb
24 visibility safety wise of driving, line
25 of sight.

2 MR. DOMINICK: Right. That's
3 pretty tight near the road.

4 MR. RUESCHER: We can also shift it
5 back. We can shift it back and get it
6 away from the opening so that it's a
7 little bit more open when you're turning
8 in and out.

9 MR. DOMINICK: Maybe we could take
10 care of some hardscape in that cut right
11 at the curb, the entrance on each side
12 that we talked about.

13 MR. RUESCHER: There's a pothole
14 the size of your table there at the
15 moment.

16 MR. DOMINICK: I hit it.

17 MR. RUESCHER: On all the sites we
18 are addressing the paving because we have
19 to reseal and stripe for NYSERDA grants.
20 You have to submit closeout documents and
21 closeout photos in order for that person
22 to receive that incentive. All the
23 paving in our area will be fixed.

24 MR. DOMINICK: What does it cost
25 per kilowatt for someone to charge?

2 MR. RUESCHER: That's completely up
3 to the applicant or the person owning the
4 station -- whoever is owning and
5 operating the station I should say.
6 Right now we've seen anywhere from, let's
7 say, \$0.40 all the way up to \$0.60 to
8 \$0.70. In New York City I've seen over
9 \$1. It all really depends. It depends on
10 the charge, obviously. The charge from
11 Central Hudson, the delivery fee, the
12 demand rate and whatever they want to
13 make on top. The future is going to be
14 battery storage to offset the demand
15 rate, but I don't want to go there yet.

16 MR. DOMINICK: Thank you.

17 MR. RUESCHER: My pleasure.

18 CHAIRMAN EWASUTYN: Ken Mennerich.

19 MR. MENNERICH: No questions.

20 CHAIRMAN EWASUTYN: No comment.

21 MR. BROWNE: I'm just a little
22 curious. You're projecting twenty
23 minutes or so for a decent charge. Are
24 you doing anything in the store to
25 accommodate people for fifteen, twenty

2 minutes to spend in the store?

3 MR. RUESCHER: That's the one thing
4 cool, most of the gas stations have a
5 convenience store where you could get a
6 cup of coffee or a danish or whatever you
7 want to get. That's one way to do it.
8 Other than that, there's not really
9 anything else.

10 MR. BROWNE: There's no plan to do
11 anything additional?

12 MR. RUESCHER: No. At the moment,
13 no.

14 CHAIRMAN EWASUTYN: Lisa Carver.

15 MS. CARVER: You're pulling the
16 primary from across the street and you're
17 running it underground?

18 MR. RUESCHER: Correct.

19 MS. CARVER: You're installing it?

20 MR. RUESCHER: Yes.

21 MS. CARVER: That's customer owned.
22 So you're cutting --

23 MR. RUESCHER: You have to go to
24 the highway and then we have to go to the
25 Town. We have to get all the approvals

2 to do directional boring underground.

3 MS. CARVER: You've got to get the
4 approvals from New York State DOT to do
5 that and then you're going to encase it?

6 MR. RUESCHER: It actually looks
7 like a huge drill. That is actually
8 driving each DPE pipe in the ground, and
9 then the sleeve and wire get run through
10 that.

11 MS. CARVER: I was just curious.

12 MR. RUESCHER: They won't bring in
13 800 amp service overhead.

14 MR. WARD: You already covered the
15 visibility with the building.

16 MR. RUESCHER: I think it will make
17 it safer. I'm all about safety. I don't
18 want anybody to get hurt.

19 MR. WARD: It's a busy road right
20 there.

21 CHAIRMAN EWASUTYN: Pat Hines with
22 MH&E.

23 MR. HINES: This one too will need
24 the adjoiners' notice to be circulated.

25 It also has a preexisting

2 nonconforming front yard setback. 10
3 feet is provided. It has to do with the
4 canopy. Your bulk table identifies the
5 40-foot setback, however on State
6 highways, per Code Section 185-18-C(4)(b),
7 State highways require a 60 foot front
8 yard. You'll need a variance for that.

9 We discussed the air pump.

10 We discussed the transformer.

11 It is a Type 2 action.

12 It is on a State highway and
13 will eventually have to be sent to
14 County Planning, which I don't believe
15 we discussed the other one with that.
16 That one will also have to go to
17 County Planning at some point.
18 Typically that's after you come back
19 from the ZBA because they have to
20 circulate to County Planning as well.

21 At this time adjoiners' notices
22 would be the only action the Board
23 could take, as well as the potential
24 referral to the ZBA.

25 CHAIRMAN EWASUTYN: Would the Board

2 move for a motion to have Dominic
3 Cordisco prepare a referral letter to the
4 Zoning Board of Appeals for -- just a
5 front yard setback, Pat?

6 MR. HINES: Yes.

7 CHAIRMAN EWASUTYN: Can I have a
8 motion for that?

9 MR. MENNERICH: So moved.

10 MR. WARD: Second.

11 CHAIRMAN EWASUTYN: I have a motion
12 by Ken Mennerich. I have a second by
13 John Ward. Can I have a roll call vote
14 starting with Dave Dominick.

15 MR. DOMINICK: Aye.

16 MR. MENNERICH: Aye.

17 CHAIRMAN EWASUTYN: Aye.

18 MR. BROWNE: Aye.

19 MS. CARVER: Aye.

20 MR. WARD: Aye.

21 CHAIRMAN EWASUTYN: Again you'll
22 work with Pat Hines or Pat Hines will
23 work with your office for the adjoiners'
24 notice.

25 MR. RUESCHER: Great. Thank you so

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South Plank Holdings, LLC

much for your time.

(Time noted: 8:55 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of July 2025.



MICHELLE CONERO

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

- - - - - X
In the Matter of

HAPPY TREE RETAIL CANNABIS DISPENSARY
(2025-05)

99 Route 17K
Section 95; Block 1; Lot 33
B Zone

- - - - - X

AMENDED SITE PLAN - SPECIAL USE PERMIT

Date: June 25, 2025
Time: 8:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JONATHAN MOSS

- - - - - X

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

2 CHAIRMAN EWASUTYN: The ninth item
3 of business this evening is Happy Tree
4 Retail Cannabis Dispensary, project
5 number 25-05. It's an amended site plan
6 for a special use permit. It's located
7 on Route 17K in an IB Zone. It's being
8 represented by Jonathan Moss.

9 MR. MOSS: I'm just getting these
10 comments right now.

11 We had another sheet that showed
12 the signage proposal. I don't have it on
13 here. We had it at the first meeting
14 where we showed signs.

15 You have a -- let's see. You want
16 a dimensional requirement for linear
17 footage. That's the frontage you're
18 looking for?

19 MR. CAMPBELL: Yes.

20 MR. MOSS: We can provide that.
21 It's not on this drawing, but we can
22 provide the linear footage. Is that
23 conditional on approval or do we do that
24 as -- we're trying to do our best to move
25 this. I'm sorry. I just got this. Were

these e-mailed to me and I just missed them?

CHAIRMAN EWASUTYN: Excuse me?

MR. MOSS: I got the code comments now, but I think --

CHAIRMAN EWASUTYN: Jim, do you e-mail your comments --

MR. CAMPBELL: No.

CHAIRMAN EWASUTYN: -- the way we do with the consultants' comments?

MR. MOSS: I would have had this information for you.

MR. CAMPBELL: I can go over it if you want.

MR. MOSS: Sure. That would be great.

MR. CAMPBELL: My three comments were that the Town of Newburgh ZBA granted the variances for lot area, front yard, side yard, combined yards, lot surface coverage and front yard landscaping. That was approved by the Zoning Board.

At the February 20th meeting I

asked for the dimension that you're reading now so I could determine what the allowable signage is to be.

My third comment with regard to -- which is something that came to our attention is, has the signage been approved by New York State? It still has to conform to our code. Was it approved by New York State? Another applicant had their signage denied because it contained a logo, which this does too. You have three signs. Their signage was denied because they had three and you're only allowed to have two. That's why I'm asking. If we do eventually approve and then you have to change it because the State changes, then you're coming back here. We're trying to avoid that.

MR. MOSS: I didn't realize the State -- I didn't know we had to submit to the State for the signage.

MR. HINES: We didn't either. Our final applicant tonight is coming back for that.

1 MR. MOSS: I'm sorry to hear
2
3 somebody else is coming back.

4 MR. CAMPBELL: I'm trying to avoid
5 that.

6 MR. MOSS: Okay. So the linear
7 footage, I assume that this really would
8 be contingent with the State anyway.

9 MR. CAMPBELL: The lineal footage,
10 like I said, you have to comply with the
11 State requirements which we don't
12 necessarily control, but we do control
13 the Town requirements. Basically you're
14 allowed 1.25 square feet per lineal foot.

15 MR. MOSS: We have two frontages
16 and that's why we have the signs.

17 MR. CAMPBELL: You have one
18 frontage. You have one frontage as far
19 as calculations. You can have more than
20 one sign.

21 MR. MOSS: We're just doing --

22 MR. CAMPBELL: The frontage that
23 faces the roadway.

24 MR. MOSS: When we have three
25 signs, we're including the one that's

1 facing here.

2 MR. CAMPBELL: It will include all
3 signage based on that 1.25 of the front.

4 MR. MOSS: Okay. Just so I'm clear
5 on this, if I have a calculation and show
6 it to you, we still need to come back
7 because we need a State review prior to
8 approval?
9

10 MR. HINES: You have a couple more
11 steps in the process anyway.

12 MR. MOSS: Is it possible you could
13 tell us what the steps in the process are
14 just so we understand what we have to do
15 to get you guys happy?

16 CHAIRMAN EWASUTYN: Pat, do you
17 want to talk about the next step before
18 us.

19 Because you're on a State road, we
20 have to refer you to the Orange County
21 Planning Department. Plans will be sent
22 to the County. The County has thirty
23 days to make a comment. There's kind of
24 that lag period of thirty days. When the
25 thirty days is, over you'll come back

1 before the Board, we'll be discussing the
2 I's and the T's that need to be crossed.
3 We'll be setting it up for a public
4 hearing.

5 Do you want to keep talking, Pat.

6 MR. HINES: You hit it right on the
7 head there.

8 It is a Type 2 action. We
9 typically send those to DOT as a courtesy
10 copy.

11 A County Planning referral is
12 required due to the fact that it's on a
13 State highway and it is a special use
14 permit.

15 I know you went through the Zoning
16 Board of Appeals, but now you're back
17 before us.

18 It's a special use permit. A
19 public hearing is required for special
20 use permits.

21 With the Board's approval, we will
22 circulate to the Orange County Planning
23 Department now that you're done with the
24 ZBA. That's one of my comments to
25

1 discuss.

2
3 Once you're back from County
4 Planning, there would be a public hearing
5 scheduled.

6 MR. MOSS: We have to wait thirty
7 days before we can come back to Planning?
8 Is that how it works?

9 MR. HINES: I will most likely get
10 this out to the County by Friday and that
11 will start their review clock. Sometimes
12 they come back faster, sometimes they use
13 the thirty days.

14 MR. MOSS: There's the thirty days
15 for that, and then we come back to a
16 meeting and you guys make a move for a
17 public hearing. That will be the meeting
18 after that?

19 MR. HINES: That's typically thirty
20 days from then. We put the public
21 hearings out to not the very next meeting
22 but the --

23 MR. MOSS: So we're looking at two
24 more months?

25 MR. HINES: Minimal.

1 MR. MOSS: All right. I will get
2 the calculations and -- the application
3 to the State is not part of the Orange
4 County application you mentioned?

5 MR. HINES: I will circulate that.

6 MR. MOSS: You'll circulate to the
7 State as well. Okay.

8 I'm just wondering, do you have any
9 idea how long it takes for them to get
10 comments?

11 MR. HINES: They have thirty days.
12 Sometimes they use it all and sometimes
13 they'll answer in two weeks.

14 MR. MOSS: You'll circulate to the
15 State and County. I will get the
16 frontage, though, because you need that.

17 MR. HINES: You'll address that
18 with Mr. Campbell.

19 MR. MOSS: Okay.

20 MR. HINES: One of my questions is
21 -- I believe you have your variances. I
22 didn't see that approval from them.

23 MR. MOSS: We do. It says in the
24 first thing under the zoning comments.
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MR. HINES: Jim had it.

MR. MOSS: If it matters, I have
part of the meeting minutes from Zoning.

Is there anything else we need to
know? It sounds like we just need to get
you the frontage and calculations in
order to show the signage on our side,
and then the rest of it is not in our
hands.

MR. HINES: As long as the Board
doesn't have any other comments.

MR. MOSS: I'd like to address
anything else you guys would like to see
or have us do.

CHAIRMAN EWASUTYN: I think we
covered most of the bases now. Whatever
might be needed additional, I think it's
reasonably safe to say it will be minor
and won't hold the project up.

MR. MOSS: Okay.

MR. CAMPBELL: You might want to
review with the State as far as their
signage regulations.

MR. MOSS: I'll try and review what

1 is actually listed.

2 MR. HINES: That's the Office of
3 Cannabis Management's regulations.

4 MR. MOSS: Okay. Give us two days
5 and we will send you whatever we revise
6 before you send it to the State. Is that
7 possible?
8

9 MR. HINES: We're not going to send
10 it to the State.

11 MR. MOSS: I thought you said you
12 were.

13 MR. HINES: I'm going to send a
14 letter to the State DOT just as a
15 courtesy acknowledgement. Separate from
16 that, I don't know if you want to wait to
17 see the last applicant, but they're back
18 before us --

19 MR. PETRELLA: If I can make a
20 comment. The State doesn't review it
21 until you go to get your certification.
22 It behooves you to have it correct now
23 with the Board, otherwise when you go to
24 certify, you're going to be behind. It's
25 not something they'll review prior to.

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CHAIRMAN EWASUTYN: Thank you.

That's important to know because we're not experienced in some of the language that we're putting out to the public. We need all the backup and advice. Thank you.

MR. PETRELLA: You're very welcome.

MR. MOSS: I appreciate that. We will make sure that we have what they want so when they see it, they're going to be happy.

CHAIRMAN EWASUTYN: John Ward, you had something you wanted to say.

MR. WARD: Do you have your license yet?

MR. MOSS: Yes.

MR. WARD: We'll need that, too.

MR. CORDISCO: Receipt of the license would be part of the application process. It is certainly a condition of the approval, that the license has to be obtained and maintained.

MR. MOSS: We'll get that in to you guys in the next day or two along with

the verified signage. We'll see you as soon as you guys can get us back on the -- it sounds like thirty days maybe.

CHAIRMAN EWASUTYN: Once we receive the reply from the Orange County Planning Department, you'll be e-mailed or copied on that.

MR. MOSS: Okay. That would be great.

CHAIRMAN EWASUTYN: Thank you.

MR. MOSS: Thank you.

(Time noted: 9:05 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of July 2025.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

ELEVATED DREAMS RETAIL CANNABIS DISPENSARY
(2025-13)

190 South Plank Road
Section 64; Block 2; Lot 16
R-1 Zone

- - - - - X

AMENDED SITE PLAN - SPECIAL USE PERMIT

Date: June 25, 2025
Time: 9:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: FLOYD JOHNSON

- - - - - X

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

CHAIRMAN EWASUTYN: The next item of business is Elevated Dreams Retail Cannabis Dispensary. It's an amended site plan and special use permit. It's located on South Plank Road in an R-1. It's being represented by Floyd Johnson.

MR. JOHNSON: Good evening, everybody. There are three items that were updated on the drawing, one being a parking table for each of the stalls. Each of the stalls is basically 895 square feet. The code is one parking space per 150 square feet. Each store is allowed six parking spaces. This gives us a total of sixty parking spaces off the table.

The second item is the sign itself which will go -- it will be mounted into an existing signage mounting case that's on the building already. That's 18 by 125 inches. That gives us 18 square feet. The sign will be brown with white letters mounted into the existing case.

1 The third item was a secure
2
3 dumpster would be onsite. The dumpster
4 has a double lock on it which goes
5 through the two lids and a bar which goes
6 over the top to secure it so nobody can
7 get into the dumpster.

8 Those were the items that were
9 added to the drawing.

10 CHAIRMAN EWASUTYN: Comments from
11 Planning Board Members. Dave Dominick.

12 MR. DOMINICK: Not at this time.

13 MR. MENNERICH: No questions.

14 CHAIRMAN EWASUTYN: Floyd, I have
15 one or two questions for you. There
16 currently exists on the site, in the
17 left-hand corner, two dumpsters and a
18 20-foot plus or minus Conex box. You
19 don't have that shown on your site plan.

20 The other question I have for you
21 is, are you proposing to put in the
22 additional parking stalls that you show,
23 because they're nonexistent now in the
24 rear of the property?

25 My third question is, you have a

noted a four-foot concrete sidewalk on the rear of the building. Are you proposing to put in a concrete sidewalk?

MR. JOHNSON: No.

CHAIRMAN EWASUTYN: Okay. For the record, you show four rectangular shaped boxes that are part of the concrete sidewalk. What are those four symbols for?

MR. JOHNSON: So these --

CHAIRMAN EWASUTYN: In the rear. In the rear. Do you see where you're showing a sidewalk in the rear of the building? Behind building 1 is a proposed sidewalk. In the rear.

MR. JOHNSON: In the rear. You mean -- I don't recall a sidewalk in the rear from the original site plan that we have.

CHAIRMAN EWASUTYN: I bring that up because I'm trying to -- okay. I don't have an answer for it either.

Cliff Browne.

MR. JOHNSON: I don't recall.

2 CHAIRMAN EWASUTYN: Who prepared
3 your plans?

4 MR. JOHNSON: I took it off the
5 original site plan that we got from the
6 office.

7 CHAIRMAN EWASUTYN: Do you
8 understand that what we're going through
9 here is an amended site plan and a
10 special use permit?

11 MR. JOHNSON: Yes.

12 CHAIRMAN EWASUTYN: So the fact
13 that it's an amended site plan, we're
14 looking to approve what is shown. If we
15 approve this, a four-foot sidewalk, then
16 you're going to be expected to build it.
17 Do you follow what I'm saying? There are
18 currently now --

19 MR. JOHNSON: Yes.

20 CHAIRMAN EWASUTYN: -- two
21 dumpsters in this corner, plus I'll say a
22 15-foot Conex box. It's these details
23 that you have to define on your plan
24 because that's what we're looking at.
25 That's what we're here to discuss.

2 MR. JOHNSON: Okay. The proposed
3 dumpster is right here. Everybody else
4 has their own dumpster.

5 CHAIRMAN EWASUTYN: Floyd, Floyd, I
6 don't think everyone in the back has a
7 dumpster. I think what we're looking at
8 in the back is maybe --

9 MR. HINES: Compressors for the
10 HVAC.

11 CHAIRMAN EWASUTYN: Exactly.
12 They're not dumpsters.

13 MR. JOHNSON: I'm not proposing
14 that they have dumpsters for each
15 building. I only went by what I
16 physically saw and the dumpster that
17 we're putting in.

18 Our dumpster is this one on the
19 corner. There were a couple of other
20 dumpsters in the rear.

21 CHAIRMAN EWASUTYN: Shawn, what
22 we're trying to say here is that this is
23 an amended site plan --

24 MR. SHAWN CAMPBELL: Yes.

25 CHAIRMAN EWASUTYN: -- and that as

1 part of the final approval, --

2 MR. SHAWN CAMPBELL: Yes.

3 CHAIRMAN EWASUTYN: -- what we'll
4 eventually be approving is what is
5 currently existing.

6 MR. SHAWN CAMPBELL: Correct.

7 CHAIRMAN EWASUTYN: So currently
8 existing there are two dumpsters and a
9 plus or minus 15-foot Conex box.

10 MR. SHAWN CAMPBELL: Yeah. I saw
11 it.

12 CHAIRMAN EWASUTYN: You saw it.
13 It's not shown here.

14 MR. SHAWN CAMPBELL: We didn't
15 think it needed to be shown there. We
16 just added what we were adding, our
17 dumpster.

18 CHAIRMAN EWASUTYN: Help me explain
19 this.

20 MR. SHAWN CAMPBELL: I know what
21 you're saying.

22 CHAIRMAN EWASUTYN: I need help
23 with this.

24 MR. HINES: What we need is --
25

1 what's shown on this plan is what you
2 would have to construct. An example
3 being the four-foot concrete sidewalk to
4 the rear of building 1 isn't in fact
5 there. When you go to the Building
6 Department for your CO, they're going to
7 say where is your four-foot concrete
8 sidewalk. I don't think you want to be
9 building --
10 building --

11 MR. SHAWN CAMPBELL: No.

12 MR. HINES: -- 100 feet of four-
13 foot concrete sidewalk.

14 There are delineated parking spaces
15 shown on this plan that don't exist on
16 the site. You would be expected to put
17 those in if they're shown here.

18 Your dumpster is depicted with
19 symbols that are similar to your
20 dumpster, but they are not dumpsters to
21 the rear of the site. They're something
22 to do with the HVAC.

23 We need the plan updated to show
24 existing conditions and what you're truly
25 proposing so that when you go to get a

CO, someone doesn't come and say you were supposed to do -- what Jim's office will do is take this plan and say where is this, this and this. We need to have the actual conditions and what you intend to do depicted clearly on this plan.

MR. SHAWN CAMPBELL: Okay.

MR. JOHNSON: The plan shows exactly what's there today. I physically went out and measured all this. All these sidewalks, the canopy overhangs, the way the handicap parking symbols are, all that. I went out there and physically measured because the existing blueprint itself looked nothing like that. I had to go out there physically and measure all of this in order to come up with what's exactly there.

CHAIRMAN EWASUTYN: Pat Hines, one more time, please.

MR. HINES: I think Shawn hears me.

MR. SHAWN CAMPBELL: I heard you.

MR. HINES: We need to go out and do that. I'm trying to pull up an aerial

to confirm. Really we need to have what you intend to do on the site. I know that you've identified sixty parking spaces. I don't know that there's sixty on the site. I lost my count. I have a dot on each one of them. We need to confirm that. If those parking spaces aren't delineated but are shown on this plan, it will be expected for you to delineate them. If you don't intend to do that, they should not be depicted on the plan.

I don't believe there's a four-foot concrete sidewalk to the rear of the building.

MR. SHAWN CAMPBELL: There's not. It's a stair that goes down.

MR. JOHNSON: It wraps down and steps down two steps and then the sidewalk. It steps down right here. When you're at this level, you come down the sidewalk and go down.

MR. DOMINICK: We're talking about the back.

MR. MENNERICH: In the back of the building, not the front.

MR. SHAWN CAMPBELL: In the back of the building.

MR. JOHNSON: I'm not familiar with that.

MR. SHAWN CAMPBELL: I drove back there and I was looking myself.

MR. HINES: The reason we bring this up is we're heading toward your required public hearing as a special use and there may be interest from some of the surrounding residents as to what this site looks like in its existing condition and what the proposed conditions are going to be. We need to have that clearly depicted on the plans. There are some residential neighborhoods on Old South Plank Road and typically we do hear from those residents for projects in this area. We want to make sure that when we have a public hearing, we have an accurate depiction of what exists and what is proposed.

2 MR. SHAWN CAMPBELL: Okay.

3 CHAIRMAN EWASUTYN: It's the rear
4 of the building that isn't detailed based
5 upon what is existing. You have to note
6 those with accuracy. If you're not
7 putting in a sidewalk, this has to be
8 revised to not show a sidewalk.

9 Again, I say there are two
10 dumpsters back there and a Conex box.
11 They have to be shown.

12 If you don't intend on putting in
13 the one, two, three, four, five -- six
14 parking stalls, then we'll say this
15 concept plan has to remove those six
16 parking stalls.

17 If you could label what these four
18 squares are back there so we know what
19 they are. I don't believe they're
20 dumpsters.

21 You're close. There's a little
22 more detail that you have to clarify.

23 MR. HINES: The other thing I
24 needed clarification on was that the
25 adjoiners' notices have been sent.

2 MR. JOHNSON: So when I did this --

3 MR. HINES: The adjoiners' notices,
4 were they --

5 MR. SHAWN CAMPBELL: He asked about
6 the notices. The adjoiners' notices.

7 MR. JOHNSON: The what?

8 MR. SHAWN CAMPBELL: The notices.

9 MR. JOHNSON: What notices?

10 MR. HINES: I sent you an
11 adjoiners' notice, a mailing list and
12 instructions on how those were handled.

13 MR. JOHNSON: Yes.

14 MR. HINES: I don't know that
15 that's been done. I don't believe the
16 Chairman has received back --

17 MR. JOHNSON: I got that.

18 MR. DOMINICK: Did you send them
19 out?

20 MR. JOHNSON: No.

21 MR. HINES: That's an important
22 step. That's a procedural step.

23 MR. JOHNSON: I got the instructions
24 but I didn't get the letter. I got
25 the instructions.

MR. HINES: That's not possible because they're all in the same e-mail. There's three -- there was the notice, there was an assessor's request form and there was the instructions on how to proceed. Subsequent to that I received the mailing list from the assessor and sent that on to you as well.

MR. JOHNSON: That I did get.

MR. SHAWN CAMPBELL: Is there any way to cc me on the e-mails?

MR. HINES: I can. My assistant has your contact information, so I can resend that.

MR. SHAWN CAMPBELL: Thank you very much.

CHAIRMAN EWASUTYN: Maybe what we could do is resend the adjoiners' notice so Shawn could help put it all together.

MR. WARD: Floyd, can you hear me? Do you have a license yet? Do you have the license yet for --

MR. JOHNSON: Do I have a what?

MR. HINES: The cannabis license.

MR. SHAWN CAMPBELL: Yes.

MR. JOHNSON: Yes.

MR. WARD: We need a copy for
Dominic. You need a copy to give to him.

MR. JOHNSON: Okay.

MR. JIM CAMPBELL: Shawn, you may
want to look at your sign because of the
symbols before we do an ARB.

MR. SHAWN CAMPBELL: He said I
think as long as it's the strip mall
colors and the size --

MR. CAMPBELL: I'm talking about
the State cannabis requirements, not the
Town.

MR. HINES: You may want to stay
and listen to the next applicant.

MR. SHAWN CAMPBELL: Thank you.

(Time noted: 9:20 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of July 2025.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

CORTLAND COMMONS RETAIL CANNABIS DISPENSARY
(2024-27)

5440 Route 9W
Section 9; Block 1; Lot 60
B Zone

----- X

AMENDED SITE PLAN

Date: June 25, 2025
Time: 9:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: BRENDON PETRELLA

----- X

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

2 CHAIRMAN EWASUTYN: The next item
3 of business this evening is Cortland
4 Commons Retail Cannabis Dispensary. It's
5 an amended site plan for the signage.
6 The property is located on Route 9W in a
7 B Zone. It's being represented by Mauri
8 Architects.

9 MR. PETRELLA: So we all are kind
10 of familiar with what's happening. Just
11 to kind of bring the Board up to speed of
12 where we're at and so they have a better
13 understanding as well, the State OCM has
14 regulations, and I forget what it got
15 into. I think it's Part 129 of the New
16 York State Code. That's the operation
17 and physical space of a retail
18 dispensary.

19 What we're looking at is the
20 signage section of that. It limits you
21 to two signs -- two buildings signs.
22 Right off the bat we had three.

23 We're going to get rid of the S
24 with the star. It also removed any
25 symbols. They don't want symbols and

anything that attracts youth. They will allow the business logo, so there is some play there. They don't allow symbols.

Just to make sure, because they are not going to see this until it's up on the building when they come to certify, we're going to err on the side of caution. This is going away since we can only have two.

One of the things we never really liked was the square symbol in the gable end. We wanted to change that also. You'll see that change as well.

Finally, as I mentioned, you're not supposed to attract or have reference to any colloquialisms, depictions, words or colors that are directly associated with pop culture cannabis. Purple. There are pop culture references to purple marijuana. It does grow and has a purple hue. It's up for interpretation. You could have your regulator come to certify once you're ready to open and they may walk away from this color purple and not

read it that way. Out of an abundance of caution, we're changing it. We don't want to get shut down on that day. We want to open as soon as possible.

With those comments given, we have, as I mentioned, omitted one sign. We've gotten rid of the color purple. The font style has stayed the same. We don't feel that will be a problem.

The gable signage we made to fit better with the space since we have the opportunity to come back and change it. We feel there's no real association with cannabis. We feel it will fit the building better. It looks a little bit more traditional.

Other than that, I will take any questions that you guys have. I'm trying to keep it brief because I know it's a late night.

CHAIRMAN EWASUTYN: Thank you.

Jim Campbell, are you okay with all this?

MR. CAMPBELL: The size of the

signs complies.

CHAIRMAN EWASUTYN: Okay. Dave Dominick.

MR. DOMINICK: Nothing further.

MR. MENNERICH: It looks better.

MR. BROWNE: Did they give you any kind of list of symbols that they don't like?

UNIDENTIFIED SPEAKER: If you just type in on Google OCM marketing regulations, they'll give you exactly what you are allowed to do on the outdoor sign, too.

MR. BROWNE: I'm thinking it might be a good idea for Code Compliance to get the information so you can kind of look at that rather than say gee, I don't know anything and you get stuck in the same --

MR. CAMPBELL: I check that it complies with the Town Code.

UNIDENTIFIED SPEAKER: I just wanted to be extra cautious. This is what they said word for word. They may never contain images, logos, symbols,

patterns or similar graphics that say marijuana or dispensary or cannabis leaf. Outdoor signs can never contain images, symbols, patterns, logos or elements that are outside of the maximum information which is the space.

MR. PETRELLA: They actually define what maximum information is. I think I wrote that in the letter. That is basically the licensee's name, entity name or doing business as name. They really want to -- as much as they understand that marketing is important, they really want to limit your presence and your marketing on the building. Obviously they don't want garish signs and letting that children -- you know, making it seem appealing to children.

UNIDENTIFIED SPEAKER: A cannabis leaf, smoking or a joint or anything like that. Some people they allow logos for. They had to fight for it. I was like okay, let's just not do that. It's good enough. I don't really care about --

2 CHAIRMAN EWASUTYN: In a way
3 they're like an involved agency.

4 MR. CORDISCO: Correct.

5 CHAIRMAN EWASUTYN: They're a
6 permitting agency. We really can't
7 question the DOT as to --

8 MR. CORDISCO: Absolutely.

9 CHAIRMAN EWASUTYN: Here we go with
10 the State. I think your recommendation
11 is true, but it's not up to Jim Campbell.
12 Jim Campbell is following our code. It's
13 a little bit more involved. We're
14 learning as we go along.

15 UNIDENTIFIED SPEAKER: Recently
16 they just allowed billboards. They
17 weren't allowing billboards before. They
18 just allowed that like two months ago.

19 CHAIRMAN EWASUTYN: Billboards?

20 UNIDENTIFIED SPEAKER: What you're
21 allowed to put on billboards. Stuff like
22 that.

23 CHAIRMAN EWASUTYN: Let's discuss
24 the action before us tonight. I
25 appreciate the education, but you're

2 right, it's getting late in the evening.

3 So the action before us tonight is?

4 MR. CORDISCO: It's an amended ARB
5 approval.

6 CHAIRMAN EWASUTYN: Would someone
7 move for that motion, to grant ARB
8 approval for the two proposed signs that
9 are before us this evening.

10 MR. WARD: So moved.

11 MR. BROWNE: Second.

12 CHAIRMAN EWASUTYN: I have a motion
13 by John Ward. I have a second by Cliff
14 Browne. Any questions or comments?

15 MR. DOMINICK: Just a question. If
16 it's being mandated by the State, who are
17 we at the Town level to say no or yes?
18 It is what it is. Shouldn't it just be
19 automatic approval?

20 MR. WARD: Procedure.

21 CHAIRMAN EWASUTYN: That's a very
22 interesting question. I don't have an
23 answer for it. I don't have an answer.

24 MR. HINES: You're really looking
25 at the colors at this point, I believe,

for ARB. Not the content of the sign or the symbol.

MR. DOMINICK: Okay.

MR. WARD: It looks good on the building.

MR. PETRELLA: Tremendously better. This will look way better. The purple is a little garish.

CHAIRMAN EWASUTYN: I think we have a motion from John Ward and a second by Cliff Browne. We had discussion. Now we'll move for a motion starting with Dave Dominick.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: You'll prepare a resolution for the file on this.

MR. CORDISCO: Yes, sir.

MR. PETRELLA: Thank you, Chair and Members.

2 CHAIRMAN EWASUTYN: Can I please
3 have a motion to close the Planning Board
4 meeting of the 25th of June 2025.

5 MR. DOMINICK: I'll make the
6 motion.

7 MS. CARVER: Second.

8 CHAIRMAN EWASUTYN: I have a motion
9 by Dave Dominick. A second by Lisa
10 Carver. May I have a roll call vote
11 starting with Dave Dominick.

12 MR. DOMINICK: Aye.

13 MR. MENNERICH: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. BROWNE: Aye.

16 MS. CARVER: Aye.

17 MR. WARD: Aye.

18
19 (Time noted: 9:28 p.m.)
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25

2
3 C E R T I F I C A T I O N
4

5
6 I, MICHELLE CONERO, a Notary Public
7 for and within the State of New York, do
8 hereby certify:

9 That hereinbefore set forth is a true
10 record of the proceedings.

11 I further certify that I am not
12 related to any of the parties to this
13 proceeding by blood or by marriage and that
14 I am in no way interested in the outcome of
15 this matter.

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 3rd day of July 2025.
18
19
20

21 *Michelle Conero*

22 _____
23 MICHELLE CONERO
24
25