

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X  
In the Matter of

GARDNER RIDGE  
(2002-29)

Gardnertown Road  
Section 75; Block 1; Lot 4.12  
R-3 Zone

----- X

ARCHITECTURAL REVIEW

Date: November 21, 2024  
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  
LISA CARVER  
STEPHANIE DeLUCA  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER BERG

----- X

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

1       G a r d n e r   R i d g e

2                   CHAIRMAN EWASUTYN: Good evening,  
3       ladies and gentlemen. The Town of  
4       Newburgh Planning Board would like to  
5       welcome you to the meeting of the  
6       21st of November 2024. This evening  
7       we have ten agenda items.

8                   We'll start by calling the meeting  
9       to order with a roll call vote.

10                  MR. DOMINICK: Present.

11                  MS. DeLUCA: Present.

12                  MR. MENNERICH: Present.

13                  CHAIRMAN EWASUTYN: Present.

14                  MS. CARVER: Present.

15                  MR. WARD: Present.

16                  MR. CORDISCO: Dominic Cordisco,  
17       Planning Board Attorney.

18                  MS. CONERO: Michelle Conero,  
19       Stenographer.

20                  MR. HINES: Pat Hines with MHE  
21       Engineers.

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

24                  CHAIRMAN EWASUTYN: At this time  
25       I'll turn the meeting over to Lisa

1 Gardner Ridge

2 Carver.

3 MS. CARVER: Please stand for the  
4 Pledge of Allegiance.

5 (Pledge of Allegiance.)

6 MS. CARVER: Please silence your  
7 phones or turn them off.

8 CHAIRMAN EWASUTYN: The first item  
9 of business this evening is Gardner  
10 Ridge. It's project number 02-029. It's  
11 here for ARB approval. It's located on  
12 Gardnertown Road near Gidney Avenue.  
13 It's in an R-3 Zone. The architect I  
14 believe is Christopher Berg.

15 MR. BERG: That's it. Hi, everyone.  
16 Good evening. You all have copies of  
17 this.

18 We were here last month. We took  
19 your comments back to the drawing board.  
20 I think we addressed some of the  
21 technical issues. There were some  
22 concerns about snow and ice buildup on  
23 the two-family -- the two-story dwelling  
24 units. What we did was we extended some  
25 of the roof overhangs on the balconies to

1       Gardner Ridge

2           cover the front of the garage areas a  
3           little bit more. We will have gutters on  
4           the upper and lower portions that will  
5           deal with water runoff. They can easily  
6           be -- ice melt will help with that. In  
7           certain exposures it might be a little  
8           riskier for ice buildup in the gutters.  
9           We don't foresee that happening given the  
10          exposure.

11                 On the larger building, the senior  
12                 over 55 building, the concern was it was  
13                 very -- it was too plain looking. We  
14                 tried to bring a little more detail to  
15                 the massing. We're limited by the height  
16                 restriction. We did try to address that  
17                 with different vertical components and  
18                 gables as well as a stronger base -- a  
19                 base course, excuse me, that runs along  
20                 the first floor. On the upper floors  
21                 there's a little bit more detail to the  
22                 window units.

23                         If anyone has any questions.

24                         CHAIRMAN EWASUTYN: Does anyone  
25                         have any questions?

1       G a r d n e r   R i d g e

2                   MR. DOMINICK: Nice job.

3                   MS. DeLUCA: Much improved.

4                   CHAIRMAN EWASUTYN: Would someone  
5       want to make a motion for ARB approval?

6                   MR. DOMINICK: So moved.

7                   MR. WARD: Second.

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

12                  MR. DOMINICK: Aye.

13                  MS. DeLUCA: Aye.

14                  MR. MENNERICH: Aye.

15                  CHAIRMAN EWASUTYN: Aye.

16                  MS. CARVER: Aye.

17                  MR. WARD: Aye.

18                  CHAIRMAN EWASUTYN: Dominic  
19      Cordisco, Planning Board Attorney, you'll  
20      prepare a resolution?

21                  MR. CORDISCO: Yes, I will.

22                  MR. BERG: Great. Thank you very  
23      much. I appreciate it. Have a good  
24      evening.

25                  (Time noted: 7:04 p.m.)

1       G a r d n e r   R i d g e

2

3

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

4

5

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

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

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

15              IN WITNESS WHEREOF, I have hereunto set  
16 my hand this 2nd day of December 2024.

17

18

19

20

21

\_\_\_\_\_  
MICHELLE CONERO

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X  
In the Matter of

SUNBELT RENTALS - MOFFAT PROPERTIES  
(2022-14)

224 & 226 Route 17K  
Section 32; Block 29; Lots 64 & 65  
IB Zone

----- X

SIGNAGE

Date: November 21, 2024  
Time: 7:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MARIA ROTUNDO

----- X

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

1 Sunbelt Rentals - Moffat Properties

2 CHAIRMAN EWASUTYN: Our second item  
3 this evening is Sunbelt Rentals - Moffat  
4 Properties, project number 22-14. It's  
5 here for signage approval. The subject  
6 property is located at 224 and 226 New  
7 York Route 17K. It's in an IB Zone.  
8 It's being represented by Maria Rotundo  
9 from Little Brite Signs.

10 MS. ROTUNDO: Good evening. I was  
11 before your Board on July 18th and I was  
12 referred to the ZBA for them to consider  
13 a variance because my signage didn't meet  
14 the zoning requirements. They granted  
15 all the variances for me. Now I am back.

16 Were you able to read my -- I can  
17 tell you the square footage and what was  
18 approved.

19 CHAIRMAN EWASUTYN: For the record,  
20 please.

21 MS. ROTUNDO: Okay. So sign A, we  
22 proposed a 67.94 square foot sign. Sign  
23 B, we proposed 75.83 square feet. The  
24 total was 143.77. They granted that  
25 variance for what we proposed.

1 Sunbelt Rentals - Moffat Properties

2 We also needed a setback that we  
3 weren't complying with, and that was for  
4 sign C. We were supposed to have 15. We  
5 asked for 5 and we were granted the 5.

6 We got all three of our variances.

7 CHAIRMAN EWASUTYN: Jim Campbell,  
8 Code Compliance.

9 MR. CAMPBELL: With the variances,  
10 the signs are compliant. You just need  
11 the ARB component.

12 CHAIRMAN EWASUTYN: Sorry for  
13 interrupting. Do you have anything that  
14 you want to show? Anything in particular?

15 MS. ROTUNDO: No.

16 CHAIRMAN EWASUTYN: You did make a  
17 submittal.

18 MS. ROTUNDO: Do you have the  
19 renderings? Do you want me to show them?

20 Here's sign A, which this is the  
21 front elevation. I know it was a while  
22 back. Sign B, the side elevation.

23 CHAIRMAN EWASUTYN: Okay.

24 MS. ROTUNDO: The monument sign,  
25 which is a setback that we needed and we

1 Sunbelt Rentals - Moffat Properties

2 were granted. It's basically yellow,  
3 green and white.

4 CHAIRMAN EWASUTYN: Thank you,  
5 Maria.

6 Comments from Board Members?

7 MR. DOMINICK: Nothing.

8 MS. DeLUCA: Nothing.

9 CHAIRMAN EWASUTYN: Would someone  
10 move for a motion to grant signage  
11 approval for Sunbelt Rentals - Moffat  
12 Properties.

13 MR. WARD: So moved.

14 MS. CARVER: Second.

15 CHAIRMAN EWASUTYN: I have a motion  
16 by John Ward and a second by Lisa Carver.  
17 Can I have a roll call vote starting with  
18 Dave Dominick.

19 MR. DOMINICK: Aye.

20 MS. DeLUCA: Aye.

21 MR. MENNERICH: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MS. CARVER: Aye.

24 MR. WARD: Aye.

25 CHAIRMAN EWASUTYN: Dominic Cordisco,

1 Sunbelt Rentals - Moffat Properties

2 you'll prepare a resolution?

3 MR. CORDISCO: Yes, I will.

4 CHAIRMAN EWASUTYN: Thank you.

5 MS. ROTUNDO: Thank you.

6 (Time noted: 7:08 p.m.)

7

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

9

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

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

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

19 IN WITNESS WHEREOF, I have hereunto set  
20 my hand this 2nd day of December 2024.

21

22

23

24

25

---

MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X  
In the Matter of

DAMATO - CASILLA  
(2024-33)

29 Albany Post Road  
Section 43; Block 5; Lot 4.01  
R-3 Zone

----- X

LOT LINE CHANGE

Date: November 21, 2024  
Time: 7:09 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: VIRGINIA BRODSKY DAMATO

----- X

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

1       D a m a t o   -   C a s i l l a

2                   CHAIRMAN EWASUTYN:   The third item  
3       of business this evening is Damato -  
4       Casilla.   It's here for a lot line  
5       change.   It's project number 24-33.   It's  
6       located on Albany Post Road.   It's in an  
7       R-3 zone.

8                   MS. BRODSKY DAMATO:   Good evening.  
9       How are you?

10                  CHAIRMAN EWASUTYN:   Good.   For the  
11       record, can we have your name?

12                  MS. BRODSKY DAMATO:   Virginia  
13       Brodsky Damato.

14                  Do you want me to describe --

15                  CHAIRMAN EWASUTYN:   Please.

16                  MS. BRODSKY DAMATO:   I own a piece  
17       of property on Albany Post Road.   It's  
18       about two-thirds of an acre.   My neighbor  
19       to the left who purchased her house five  
20       or six years ago put in some amenities, a  
21       pool and a deck.   She's currently  
22       encroaching on our property.   She has  
23       requested that I give her a portion of my  
24       property to alleviate the encroachment.  
25       The encroachment is about there.   I own

1       D a m a t o   -   C a s i l l a

2               all of this.

3               I have agreed to sell her about 77  
4       feet. I'm requesting a lot line change  
5       from here to here, leaving me with this.

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

8               MR. HINES: We have some comments  
9       on the plan. There's no location map on  
10      the plan. That should be added.

11              MS. BRODSKY DAMATO: Okay.

12              MR. HINES: The bulk table  
13      identifies the project in the R-3 Zone  
14      without public water and sewer when in  
15      fact these lots do have public water.

16              MS. BRODSKY DAMATO: Yes.

17              MR. HINES: That changes the bulk  
18      requirements here significantly.

19              MS. BRODSKY DAMATO: Right.

20              MR. HINES: Without water and  
21      sewer, it's roughly 40,000 square feet.  
22      It caught my eye there was a hydrant in  
23      the area. I checked the tax records and  
24      these lots are in the water district.  
25      That bulk table needs to be updated with

1       D a m a t o   -   C a s i l l a

2               the proper setbacks for an R-3 district  
3               with water.

4               MS. BRODSKY DAMATO:   Lanc & Tully  
5               prepared it.   You're saying they prepared  
6               it incorrectly?

7               MR. HINES:   Because they gave the  
8               bulk table requirements without water and  
9               sewer when in fact these lots do have  
10              public water.   That will need to be  
11              changed.

12              There shows a lot line running to  
13              the center line, the existing tax lot 43,  
14              to the center line of Albany Post Road.  
15              I'll defer to Dominic on that, but I  
16              believe that's a road by use and that lot  
17              line should be pulled back to show the  
18              road by use and where the actual -- it  
19              looks like the covered porch may be into  
20              what would normally be a 50-foot  
21              right-of-way.

22              MS. BRODSKY DAMATO:   The covered  
23              porch on my neighbor's property?

24              MR. HINES:   Correct.   That lot line  
25              shows out to the center line.   I'll let

1       D a m a t o   -   C a s i l l a

2               Dominic speak to that.

3               MS. BRODSKY DAMATO: I believe this  
4 house was built in the 1800s.

5               MR. HINES: Correct. Understood.

6               The EAF wasn't filled out on the  
7 DEC website, but this is a Type 2 action  
8 so that isn't an issue.

9               The Planning Board has a policy to  
10 send out initial notices to adjoiners.  
11 After tonight's meeting I will work with  
12 you or your representative to arrange to  
13 have those adjoiners' notices sent out.

14              MS. BRODSKY DAMATO: Okay.

15              MR. HINES: The basic comment is  
16 that the bulk table requirements need to  
17 be updated to show the requirements for a  
18 lot with water.

19              MS. BRODSKY DAMATO: Okay.

20              CHAIRMAN EWASUTYN: Dominic Cordisco,  
21 Planning Board Attorney.

22              MR. CORDISCO: Yes. As Pat mentioned,  
23 Lanc & Tully should reflect the lot line  
24 as being at the edge of the road rather  
25 than out --

1       D a m a t o   -   C a s i l l a

2                   MS. BRODSKY DAMATO:   So we're  
3       talking about her lot line?

4                   MR. HINES:   Yes.   Existing lot 43.

5                   MS. BRODSKY DAMATO:   Okay.   You're  
6       going to give me notes and I'm going to  
7       tell Lanc & Tully --

8                   MR. HINES:   Lanc & Tully have my  
9       comments.   We sent them based on the  
10      title block.

11                  MS. BRODSKY DAMATO:   I understood  
12      that.   Right.

13                  MR. HINES:   They got them at the  
14      last meeting.   They should be aware.

15                  MS. BRODSKY DAMATO:   I'll talk to  
16      them then.

17                  CHAIRMAN EWASUTYN:   So you'll work  
18      with Pat Hines as far as the adjoiners'  
19      notice --

20                  MS. BRODSKY DAMATO:   Mm'hm'.

21                  CHAIRMAN EWASUTYN:   -- and the  
22      procedure as far as submitting them.  
23      Pat Hines will work with you on that.

24                  MS. BRODSKY DAMATO:   Sure.   Okay.  
25      Do I just contact you after the meeting?

1       D a m a t o   -   C a s i l l a

2                   MR. HINES:  Yes.  I can give you a  
3       copy of the comments as well.

4                   MS. BRODSKY DAMATO:  Great.

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

6

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

8

9

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

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

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

19                  IN WITNESS WHEREOF, I have hereunto set  
20       my hand this 2nd day of December 2024.

21

22

23

24

25

---

MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X  
In the Matter of

GAS LAND PETROLEUM, INC. - ROUTE 9W  
(2019-16)

5200 Route 9W  
Section 43; Block 5; Lot 1  
B & R-3 Zones

----- X

SITE PLAN

Date: November 21, 2024  
Time: 7:13 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: JOSEPH McKEOWN  
and CHRISTOPHER LAPINE

----- X

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

1       G a s   L a n d   P e t r o l e u m ,   I n c .

2                   CHAIRMAN EWASUTYN:  Our fourth item  
3       of business is Gas Land Petroleum, Inc.  
4       It's located on Route 9W.  It's project  
5       number 19-16.  It's in a B and R-3 Light  
6       Overlay District.  It's being represented  
7       by LaBella Associates.  I believe it's  
8       Chris Lapine.

9                   MR. McKEOWN:  Good evening,  
10      Chairman, Board.  My name is Joe McKeown  
11      from LaBella Associates.

12                  MR. LAPINE:  Chris Lapine with  
13      LaBella Associates as well.

14                  MR. McKEOWN:  We represent Gas Land  
15      for this project.  As you know, it is  
16      located at 5200 Route 9W.

17                  We have appeared before you many  
18      times before.  The last time was two  
19      months ago.  At that time we received  
20      several comments which we have worked on  
21      addressing since resubmitting to you  
22      guys.

23                  I guess I can go through the  
24      changes that we made.  The big one was  
25      the tree preservation plan which at the

1       G a s   L a n d   P e t r o l e u m ,   I n c .

2           time of the original submission was not  
3           required. We have since performed a  
4           survey, submitted it, and we meet the  
5           requirements for our site. Our site is  
6           in the R-3 and the B District, but we  
7           meet the requirements for both of them,  
8           both areas. Most of the trees are in the  
9           back of the site. Also, there are a lot  
10          of Norway Maples on the site which is  
11          considered an invasive species. We  
12          allocated it correctly.

13                 MR. LAPINE: The trees that we were  
14                 talking about at the last meeting to  
15                 really focus on are those that are within  
16                 the septic area in the back.

17                 MR. McKEOWN: There were a few  
18                 other comments that were made during the  
19                 meeting. We added an extra hydrant.  
20                 That was requested by the Board.

21                 We added some bollards by the  
22                 picnic area up here to protect the people  
23                 sitting.

24                 You asked about correspondence with  
25                 Central Hudson. That was our biggest

1 Gas Land Petroleum, Inc.

2 item during the past two months. We've  
3 been back and forth with Central Hudson.  
4 We were onsite two weeks ago to determine  
5 the exact location of the gas main in the  
6 front of the site. In doing so, we found  
7 that it doesn't exactly match where we  
8 had it previously on our survey. It's  
9 not in this submission, but we have  
10 updated it on our plans. That means that  
11 the gas line is slightly closer to --  
12 it's slightly closer towards 9W than  
13 anticipated. Originally we had the  
14 street trees between the gas line and the  
15 sidewalk. However, the gas line now  
16 intrudes on those street trees. We had  
17 to revise -- it's not shown on this plan,  
18 but we revised the trees to be on the  
19 east side of the gas line. They're still  
20 on the frontage of 9W, but just slightly  
21 pushed back from the road. We think that  
22 it still -- they still do their job as  
23 street trees.

24 MR. LAPINE: They're still going to  
25 be staggered between the row of trees

1       G a s   L a n d   P e t r o l e u m ,   I n c .

2           that we have adjacent to our internal  
3           drive aisle. The trees are basically, in  
4           essence, getting shifted five feet to the  
5           east because the mark out was off by four  
6           feet in the field originally.

7           MR. McKEOWN: If there are no  
8           questions, I'm just going to go to the  
9           next set of comments.

10           There was a comment about the SWPPP  
11           Type II storm which I did switch and I  
12           forgot to switch out the appendix. The  
13           numbers in the narrative do match the  
14           Type III storm. I did not switch out the  
15           appendix. That was my fault.

16           There was one comment from  
17           Creighton Manning about the truck turning  
18           plan. We showed that in reality, any  
19           truck turning in and parking at this spot  
20           will not impede trucks -- the trucks in  
21           these three spots will not impede going  
22           into that fourth spot here. In reality,  
23           when they come in, they'll have a little  
24           bit of an angle to them. They're all  
25           able to come in and park and fuel.

1       G a s   L a n d   P e t r o l e u m ,   I n c .

2                   I believe that was all the comments  
3       we had after the last meeting.

4                   CHAIRMAN EWASUTYN: I'll turn it  
5       over to Jim Campbell, Code Compliance.  
6       Jim.

7                   MR. CAMPBELL: In Pat's comments he  
8       mentioned about sprinklers. The  
9       convenience store definitely needs to be  
10      sprinklered.

11                   The repair shop, it depends on the  
12      cost of alterations and the addition if  
13      that needs to be sprinklered or not.

14                   Also, we just need more details on  
15      the sign, the freestanding sign location,  
16      the sizes, et cetera, to make sure that  
17      conforms.

18                   MR. LAPINE: Do you need more --

19                   MR. McKEOWN: On the site plan we  
20      called out the main sign we have in the  
21      front. There's a detail in the site  
22      details. Do you need more than that?

23                   MR. CAMPBELL: Do we have sizes and  
24      everything?

25                   MR. LAPINE: Yes.

1       G a s   L a n d   P e t r o l e u m ,   I n c .

2                   MR. CAMPBELL: Does that give the  
3 distance from the street and everything?

4                   MR. McKEOWN: Yes. It's 29 feet  
5 from the right-of-way -- or 22.9.

6                   MR. CAMPBELL: I can take another  
7 look at it.

8                   MR. LAPINE: In the back of the  
9 plan set there's a specific detail.

10                   MR. CAMPBELL: Do you have any  
11 building signs?

12                   MR. LAPINE: There's no sign  
13 allowed on the canopy.

14                   MR. CAMPBELL: Not the canopy. On  
15 the building or the repair shop.

16                   MR. LAPINE: I think they are going  
17 to utilize the existing sign on the  
18 repair shop.

19                   MR. CAMPBELL: We would still  
20 need --

21                   MR. LAPINE: They didn't intend on  
22 replacing that sign.

23                   MR. CAMPBELL: It would still need,  
24 I believe, ARB. We still need to see if  
25 it complies.

1       G a s   L a n d   P e t r o l e u m ,   I n c .

2                   MR. LAPINE:   Okay.   Here's what the  
3                   intentions were that we previously  
4                   submitted for the architecture of the  
5                   convenience store.   This is something you  
6                   reviewed before.   We've received some  
7                   input from that and modified our plans  
8                   previously.   We just wanted to kind of  
9                   refresh your mind as to what we were  
10                  contemplating here with the Colorado  
11                  stone on the front, Hardie board siding  
12                  and decorative brackets along the sides  
13                  and along the front of the building.  
14                  Also, we would have Hardie board shingles  
15                  along the front.   These would be bronze  
16                  along the frontage as well.

17                  We did make some changes to the  
18                  existing barn.   If you recall, at one  
19                  point it was red.   We figured we would  
20                  match the siding to be a little more in  
21                  cohesion with the existing convenience  
22                  store.   That was the only modification we  
23                  made to this.   We still have the stone  
24                  facade that we're going to be putting on  
25                  the existing concrete foundations.

1 Gas Land Petroleum, Inc.

2 CHAIRMAN EWASUTYN: Comments from  
3 Board Members as to what we've been  
4 listening to.

5 MR. DOMINICK: Nothing further.

6 MS. DeLUCA: Nothing.

7 MR. MENNERICH: I'm okay with it.

8 MS. CARVER: I think it looks good.

9 MR. WARD: You did a nice job.  
10 You've come a long way.

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

13 MR. HINES: The applicant has  
14 submitted a tree preservation plan. The  
15 trees have been cataloged on the site. I  
16 did have a discussion with Karen Arent  
17 regarding the Norway and Maples. She did  
18 feel those are invasive species in this  
19 circumstance, so the plan complies with  
20 the Town's ordinance.

21 A stormwater maintenance agreement  
22 will be required.

23 We noted the additional hydrant has  
24 been added to the site.

25 Approval from the Health Department

1       G a s   L a n d   P e t r o l e u m ,   I n c .

2           will be needed for the water main  
3           extension with hydrants. Now two  
4           hydrants, previously one.

5                    We talked about the sprinkler  
6           system. The valving for the water system  
7           to the buildings that are sprinklered has  
8           to be such that the potable water is  
9           turned off if the fire suppression is  
10          turned off. I can provide you with the  
11          typical detail that we have. That will  
12          be added to the plans now that we know at  
13          least one of the buildings will be  
14          sprinklered.

15                   We know you're working with DOT on  
16          the highway. That's come a long way.  
17          It's been awhile coming. I think Ken had  
18          a couple of comments that you can work  
19          with him on.

20                   MR. LAPINE: They had some  
21          exchanges late this evening. I think  
22          they addressed his last comment based  
23          upon input from the DOT.

24                   MR. HINES: We'll wait to hear from  
25          Ken on that.

1 Gas Land Petroleum, Inc.

2 Continued coordination with Central  
3 Hudson, which you just addressed.

4 The septic system is designed for  
5 the 4,000 gallons a day. I didn't know  
6 if there was food service.

7 MR. LAPINE: There is food prep.  
8 We had that outlined in our report. We  
9 used some flow generation rates from  
10 another county because Orange County in  
11 the Town of Newburgh didn't have specific  
12 to the particular convenience store use.  
13 That was in the report.

14 MR. HINES: I'll look for that  
15 further. I just saw the 400 gallons a  
16 day for the convenience store.

17 MR. LAPINE: We used 320 and we  
18 ended up adding another 80 to that.

19 MR. HINES: The water saving  
20 fixtures balanced out. Okay.

21 We did submit this to Orange County  
22 Planning back in 2022. In March of 2022  
23 we received a local determination with  
24 advisory comments.

25 We have the comment regarding the

1 Gas Land Petroleum, Inc.

2 modeling that you just addressed as well.  
3 We'll look forward to getting that.

4 That's all we have.

5 CHAIRMAN EWASUTYN: Just a minor  
6 question. The street trees that you're  
7 putting in along 9W, the root system of  
8 those trees won't, in time, come into  
9 contact with the gas line?

10 MR. LAPINE: We've placed them  
11 outside of their easement area. They  
12 don't actually have a defined easement  
13 area. They just have the right to put a  
14 gas line on the property. Typically they  
15 get a ten-foot wide easement. We placed  
16 them so that we're ten feet away from  
17 their gas line, the first row of trees.

18 CHAIRMAN EWASUTYN: Okay.

19 Dominic, where are we in this  
20 process?

21 MR. CORDISCO: As Pat mentioned, it  
22 has been referred to County Planning.

23 As my notes reflect, there has not  
24 been a public hearing on this project  
25 yet.

1       G a s   L a n d   P e t r o l e u m ,   I n c .

2                   MR. LAPINE:   It was waived.

3                   CHAIRMAN EWASUTYN:   I thought so.

4                   MR. CORDISCO:   It was waived.   My  
5       apologies.   It's going back some time, so  
6       my notes are a little incomplete.

7                   I think at this point the question  
8       is whether or not the Board is in a  
9       position to make a SEQRA determination at  
10      this time or if items remain outstanding  
11      to the point where the Board requires  
12      them to resubmit.

13                  CHAIRMAN EWASUTYN:   Pat Hines with  
14      MH&E.

15                  MR. HINES:   They've addressed our  
16      previous comments.   With the comment that  
17      the modeling for the Type III storm event  
18      will be provided, we take no exception to  
19      the Board issuing a negative declaration.

20                  CHAIRMAN EWASUTYN:   Can I have a  
21      motion to declare a negative declaration  
22      on Gas Land Petroleum's site plan located  
23      on Route 9W, project number 19-16.

24                  MR. DOMINICK:   So moved.

25                  MS. DeLUCA:   Second.

1 Gas Land Petroleum, Inc.

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

6 MR. DOMINICK: Aye.

7 MS. DeLUCA: Aye.

8 MR. MENNERICH: Aye.

9 CHAIRMAN EWASUTYN: Aye.

10 MS. CARVER: Aye.

11 MR. WARD: Aye.

12 CHAIRMAN EWASUTYN: Pat, can you  
13 provide, and Jim Campbell, conditions of  
14 approval for Gas Land Petroleum?

15 MR. HINES: Yes. A stormwater  
16 facilities maintenance agreement will be  
17 required to be filed.

18 Orange County Health Department  
19 approval for the water main extension  
20 with hydrants.

21 The detail for the fire suppression  
22 sprinkler system per the Town code.

23 DOT approval for the highway  
24 improvements and utilities, including the  
25 drainage.

1       G a s   L a n d   P e t r o l e u m ,   I n c .

2                   Continued coordination with Central  
3       Hudson and a final signoff from them.

4                   Submission of the stormwater  
5       pollution prevention plan as revised per  
6       our conversation tonight.

7                   Securities for landscaping and  
8       stormwater.

9                   I think that's all we would have.

10                  CHAIRMAN EWASUTYN:   Jim Campbell,  
11       do you have anything to add?

12                  MR. CAMPBELL:   Just on the signs.  
13       I brought up it's referring to sheet  
14       C-550.   I do not have that sheet.

15                  MR. McKEOWN:   It might be C-500.  
16       We switched the sheet numbers.   That  
17       should be the site details.

18                  CHAIRMAN EWASUTYN:   Dominic  
19       Cordisco, Planning Board Attorney, do you  
20       have enough information from Pat Hines to  
21       prepare a resolution for final approval  
22       subject to these conditions?

23                  MR. CORDISCO:   I do.

24                  CHAIRMAN EWASUTYN:   Having heard  
25       from Pat Hines with MH&E, Jim Campbell of

1       G a s   L a n d   P e t r o l e u m ,   I n c .

2           Code Compliance and an acknowledgement  
3           from Planning Board Attorney Dominic  
4           Cordisco, would someone make a motion for  
5           the conditional site plan approval for  
6           Gas Land Petroleum.

7           MR. WARD:    So moved.

8           MS. CARVER:   Second.

9           CHAIRMAN EWASUTYN:  I have a motion  
10          from --

11          MR. MENNERICH:  John, will that  
12          include the ARB?

13          CHAIRMAN EWASUTYN:  Good question.

14          MR. MENNERICH:  We commented on it.

15          CHAIRMAN EWASUTYN:  We haven't  
16          officially approved ARB.

17          MR. CORDISCO:  You have not  
18          previously.

19          CHAIRMAN EWASUTYN:  We had a  
20          motion.  We had discussion.  Now we'll  
21          also add, I believe, the ARB approval for  
22          the site plan for Gas Land petroleum.

23          John Ward, would you reconfirm that  
24          motion?

25          MR. WARD:    So moved.

1       G a s   L a n d   P e t r o l e u m ,   I n c .

2                   CHAIRMAN EWASUTYN:   Lisa Carver?

3                   MS. CARVER:    Second.

4                   CHAIRMAN EWASUTYN:   Thank you.   Can  
5                   I have a roll call vote starting with  
6                   Dave Dominick.

7                   MR. DOMINICK:    Aye.

8                   MS. DeLUCA:     Aye.

9                   MR. MENNERICH:   Aye.

10                  CHAIRMAN EWASUTYN:   Aye.

11                  MS. CARVER:     Aye.

12                  MR. WARD:       Aye.

13                  CHAIRMAN EWASUTYN:   The separation  
14                  distance from the gas station on Carter  
15                  Avenue, the Stewart's gas station and the  
16                  new one before us that we just approved,  
17                  did they receive a variance?   Do they  
18                  need a variance?

19                  MR. HINES:     They needed a variance  
20                  and it was received years ago.   It was  
21                  years ago when they first started.

22                  MS. DeLUCA:     Thank you.

23                  MR. WARD:     That was one of the  
24                  first things.

25                  (Time noted:   7:30 p.m.)

1 Gas Land Petroleum, Inc.

2

3

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

4

5

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set  
16 my hand this 2nd day of December 2024.

17

18

19

20

21

---

MICHELLE CONERO

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X  
In the Matter of

NPA SITE PLAN  
(2017-03)

NYS Route 747 Boulevard  
Section 89; Block 1; Lots 80.1 & 80.2  
IB Zone

----- X

SITE PLAN

Date: November 21, 2024  
Time: 7:30 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: WILLIAM SPARKMAN  
and JAMES LEE

----- X

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

1 N P A S i t e P l a n

2 CHAIRMAN EWASUTYN: The fifth item  
3 of business this evening is NPA Site  
4 Plan, project number 17-03. It's a site  
5 plan. It's located on New York State  
6 Route 747 Boulevard. It's in an IB Zone.  
7 I believe it's being represented by Bill  
8 Sparkman of Langan Engineers.

9 MR. SPARKMAN: Yes. Thank you,  
10 everyone. Good evening. My name is Bill  
11 Sparkman.

12 Just for the Board's information,  
13 from this point forward we will be the  
14 owner's agent going through the Planning  
15 Board process as the engineer of record.

16 The purpose of this submission  
17 before you right now is kind of to  
18 reassess and kind of take a deeper dive  
19 from our position as a sub-consultant  
20 last time to more fully kind of resubmit  
21 to you folks with some comments  
22 addressing the Town's consultants.

23 I think some of the changes that  
24 you'll see in the plans kind of reflect a  
25 little bit of further thought and

1 N P A S i t e P l a n

2 consideration of those comments that we  
3 did receive.

4 I think the most significant change  
5 you'll see is, per the Town's consultant's  
6 comments we reassessed the entrance to  
7 the site. 747 comes north and south and  
8 the on ramps for 84 are down here, south.  
9 It makes it kind of a little tight to get  
10 to the upper part of the site here on the  
11 corner. What we did is we reassessed.  
12 Based on the owner's desire to have  
13 larger trucks come into the site to use  
14 the station, we've provided a turning  
15 assessment plan for you folks and for the  
16 Town's consultants to review just to show  
17 how those maneuvers would work, how the  
18 trucks would enter and exit the site and  
19 how they would circulate around the site  
20 once they're in it. We made some tweaks  
21 to accommodate both of those maneuvers  
22 and show how the entrance could work in  
23 that configuration. I think that's  
24 probably the most major of the changes.

25 While doing that, we moved some

1 N P A S i t e P l a n

2 items around on the site just to make the  
3 circulation a little bit more feasible.  
4 We reconfigured some of the canopies very  
5 slightly, but to stay within the  
6 allowable setbacks. We had variances  
7 received from the Zoning Board.

8 Really just some other tightening  
9 up, addressing some of the comments  
10 received and just kind of reengaged to  
11 get a concise package out.

12 I think our desire at this point is  
13 to have the project be circulated out  
14 under SEQRA and to get the other agencies  
15 involved and get some feedback from them.

16 CHAIRMAN EWASUTYN: Pat, following  
17 up on that comment, I know we had  
18 mentioned during our work session that  
19 until we receive a traffic report, we're  
20 not in a position to circulate to the  
21 Orange County Planning Department.

22 MR. CORDISCO: That was a prior  
23 comment. The Board could, at this point,  
24 circulate for lead agency.

25 MR. HINES: We never did lead

1 N P A S i t e P l a n

2 agency on this.

3 MR. SPARKMAN: I don't believe so.

4 CHAIRMAN EWASUTYN: Would someone  
5 make a motion to declare our intent for  
6 lead agency for NPA Site Plan, project  
7 number 17-03.

8 MS. CARVER: So moved.

9 MR. MENNERICH: Second.

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

14 MR. DOMINICK: Aye.

15 MS. DeLUCA: Aye.

16 MR. MENNERICH: Aye.

17 CHAIRMAN EWASUTYN: Aye.

18 MS. CARVER: Aye.

19 MR. WARD: Aye.

20 MR. HINES: We had a work session  
21 with Mr. Sparkman on this project, my  
22 office and Ken Wersted's office as well.  
23 The plans have been developed based on  
24 that work session. I think it went very  
25 well.

1 N P A S i t e P l a n

2 Health Department for the septic  
3 system is required. They probably won't  
4 issue that approval until County Planning  
5 issues their comments now under their  
6 policy.

7 The access drive has been modified.  
8 DOT will need to weigh in on that.  
9 Certainly they'll wait for lead agency.

10 A stormwater facilities maintenance  
11 agreement will be required.

12 You identified in your comment  
13 letter that a traffic study would be  
14 forthcoming.

15 MR. SPARKMAN: That has just been  
16 completed. Is it appropriate to work  
17 with you folks outside of the Planning  
18 Board's schedule and just submit that  
19 report to you for your review? Would it  
20 need to come back into the meeting or can  
21 we kind of discuss the findings of that  
22 study kind of outside the timeframe of  
23 the meeting schedule?

24 CHAIRMAN EWASUTYN: Let me  
25 understand. The traffic study goes to

1 N P A S i t e P l a n

2 Ken Wersted?

3 MR. HINES: Correct.

4 MR. SPARKMAN: It can be sent  
5 directly to him for review?

6 CHAIRMAN EWASUTYN: If the Board  
7 approves that. The Board should have a  
8 copy of that for their file in case  
9 they're FOIL'ed on it.

10 MR. SPARKMAN: Of course.

11 CHAIRMAN EWASUTYN: Would the Board  
12 approve Bill Sparkman circulating the  
13 traffic report to Ken Wersted of  
14 Creighton Manning Engineers to begin that  
15 study?

16 MR. DOMINICK: Yes.

17 MS. DeLUCA: Yes.

18 MR. MENNERICH: Yes.

19 CHAIRMAN EWASUTYN: Yes.

20 MS. CARVER: Yes.

21 MR. WARD: Yes.

22 CHAIRMAN EWASUTYN: The Board  
23 approved that.

24 MR. SPARKMAN: Perfect.

25 MR. HINES: I don't know if you

1 N P A S i t e P l a n

2 want to consider, upon receipt of that we  
3 can send it along to County Planning.

4 CHAIRMAN EWASUTYN: I'm not  
5 following you.

6 MR. HINES: County Planning is  
7 going to want the complete application,  
8 the stormwater, the traffic. We don't  
9 have the traffic yet. If Mr. Sparkman  
10 can get that in, we can make that package  
11 complete for submission to the County.

12 CHAIRMAN EWASUTYN: Okay. Then  
13 you'll need a copy of that also?

14 MR. HINES: Yes. To submit to the  
15 County.

16 CHAIRMAN EWASUTYN: A copy for  
17 Creighton Manning, a copy to the Planning  
18 Board and a copy to your office would be  
19 part of the submission to the Orange  
20 County Planning Department.

21 MR. SPARKMAN: Pat, do those need  
22 to be hard copy or is it going to be  
23 electronically filed?

24 MR. HINES: Send them both. I  
25 believe it's all electronic now.

1 N P A S i t e P l a n

2 CHAIRMAN EWASUTYN: We'll take an  
3 electronic copy for the record.

4 Jim Campbell, do you have any  
5 comments at this point?

6 MR. CAMPBELL: Yes. The parking  
7 lot striping detail needs to match the  
8 Town detail. Some call it a Hollywood  
9 box.

10 The freestanding sign shown, just  
11 so you know, it has to be a minimum of  
12 fifteen feet from the front and side  
13 yards.

14 MR. SPARKMAN: Okay.

15 MR. CAMPBELL: The height of the  
16 sign, minimum fifteen. If the sign is  
17 higher, then it's got to be further --

18 MR. SPARKMAN: From the side yard  
19 or from the property lines?

20 MR. CAMPBELL: Side and front.

21 MR. SPARKMAN: From the front and  
22 side property lines?

23 MR. CAMPBELL: Yes.

24 MR. SPARKMAN: It can be in the  
25 setbacks. Correct?

1 N P A S i t e P l a n

2 MR. CAMPBELL: It can be in the  
3 setbacks, but it's got its own setback.

4 MR. SPARKMAN: Fifteen feet. Okay.

5 MR. CAMPBELL: Fifteen feet  
6 minimum. If the sign is eighteen, then  
7 it has to be eighteen feet.

8 MR. SPARKMAN: I think the zoning  
9 requirement -- the zoning regulation for  
10 this is the maximum height. It's up to  
11 thirty-five. Would that be thirty-five  
12 feet back from the --

13 MR. HINES: Yeah.

14 MR. SPARKMAN: Understood.

15 MR. CAMPBELL: All the other  
16 signage on the site as far as the  
17 building sign and any other signage  
18 proposed.

19 I believe we discussed that canopy  
20 signage is not allowed and would require  
21 variances.

22 MR. SPARKMAN: Correct.

23 MR. CAMPBELL: Any of the  
24 building-mounted signs, any other signs  
25 would need to be addressed.

1 N P A S i t e P l a n

2 MR. SPARKMAN: Correct.

3 CHAIRMAN EWASUTYN: Thank you.

4 Pat Hines with MH&E.

5 MR. HINES: We touched on a lot of  
6 my comments.

7 At the meeting the Planning Board  
8 identified a concern. You said in your  
9 submission there was a letter from DEP,  
10 New York City DEP. We didn't have that  
11 in our submission.

12 MR. SPARKMAN: Send you an  
13 electronic copy?

14 MR. HINES: Yes.

15 Can you fill the Board in on that's  
16 going on? There was a concern with the  
17 gas station and the DEP.

18 MR. SPARKMAN: To summarize the  
19 letter, from my recollection they had an  
20 issue with where the fuel storage tanks  
21 were. Those have been kind of put as far  
22 away as possible.

23 There were also concerns about  
24 where the well was drilled for the  
25 domestic water supply, the manner in

1 N P A S i t e P l a n

2 which it was drilled. They had some  
3 stipulations on what needed to be done  
4 for that. That's contained in that  
5 letter. I can circulate that to you  
6 folks.

7 MR. HINES: You have the rest of my  
8 comments.

9 MR. SPARKMAN: Yes.

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

12 MR. DOMINICK: Bill, with your  
13 proximity to Interstate 84, can you add  
14 some EV charging on your site?

15 MR. LEE: Chargers?

16 MR. DOMINICK: Your name, sir?

17 MR. LEE: James Lee, representative  
18 of the owner.

19 At this time we don't have plans to  
20 install chargers. If that's a  
21 requirement, we could look into it.

22 MR. DOMINICK: It's not a  
23 requirement, just a request because of  
24 your proximity.

25 MR. LEE: We'll take a look into

1 N P A S i t e P l a n

2 that. As of right now we didn't have any  
3 plans to install the chargers.

4 MR. DOMINICK: Thank you.

5 CHAIRMAN EWASUTYN: Stephanie DeLuca.

6 MS. DeLUCA: I was curious about  
7 what the DEP had said in terms of your  
8 location, where the -- I was just curious  
9 as far as what is the depth of the pipes  
10 and the distance from the aqueduct. If  
11 you could provide that.

12 MR. SPARKMAN: I mean, I think  
13 their concern was -- I think at one point  
14 the -- I believe the fuel storage is  
15 right on the corner here. I believe they  
16 were in a different location. The DEP  
17 requested they be placed as far away as  
18 possible. There was no restriction  
19 against them. They didn't say you can't  
20 have them. They requested that we move  
21 them. Just to kind of address the  
22 concern that you just brought up, they  
23 asked that they be placed as far down  
24 gradient from the aqueduct as possible.

25 CHAIRMAN EWASUTYN: I believe the

1 N P A S i t e P l a n

2 Planning Board would like for you to send  
3 a copy of your landscape plan to Karen  
4 Arent, our Landscape Architect, to review  
5 it and have a conversation on it. It's a  
6 very visual location.

7 MR. SPARKMAN: I should have  
8 mentioned, one of the major additions to  
9 the submission, as the Chairman brought  
10 up, was the site lighting plan and the  
11 landscaping plan. We do expect that  
12 those would be circulated to the  
13 consultants for comment.

14 CHAIRMAN EWASUTYN: Lisa Carver.

15 MS. CARVER: Nothing further.

16 CHAIRMAN EWASUTYN: John Ward.

17 MR. WARD: I'm curious what the  
18 traffic study says with your entrance.  
19 747, there is heavy-duty traffic there  
20 with 84 and Amazon.

21 MR. SPARKMAN: As I said, we'll  
22 definitely circulate that out for you  
23 folks to review. Just to paraphrase it,  
24 747 and the on ramps and off ramps I  
25 believe our engineers assessed at a level

1 N P A S i t e P l a n

2 -- C level of service now, which is in  
3 the middle of A to F. I think the peak  
4 hours that they calculated using the  
5 modeling, which would be explained in  
6 more depth in the report, I think was in  
7 the 70s, I think peak hour additional  
8 trips produced from this site. Based on  
9 that assessment and the current volume on  
10 the road right now, there was no increase  
11 or impact to 747. 84 is a major  
12 thoroughfare. That's from my recollection.  
13 I just read it. I'll be sure to circulate  
14 that to you.

15 MR. WARD: Thank you very much.

16 CHAIRMAN EWASUTYN: The action  
17 before us this evening?

18 MR. CORDISCO: It would be to  
19 circulate for lead agency, which you  
20 already took, and also I believe you  
21 agreed to conditionally refer this to the  
22 County Planning Department upon receipt  
23 of the traffic study.

24 MR. SPARKMAN: Yes. Perfect.

25 CHAIRMAN EWASUTYN: Thank you.

1 N P A S i t e P l a n

2 MR. SPARKMAN: Thank you, everybody.

3 I appreciate it.

4 (Time noted: 7:40 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 for  
9 and within the State of New York, do hereby  
10 certify:

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

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

17 IN WITNESS WHEREOF, I have hereunto set  
18 my hand this 2nd day of December 2024.

19

20

21

22

23

24

25

---

MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X  
In the Matter of

NEWBURGH SHOPPES PHASE III  
(2023-16)

1217 & 1219 Route 300  
Section 96; Block 1; Lots 6.2 & 11.1  
IB Zone

----- X

SITE PLAN/SUBDIVISION

Date: November 21, 2024  
Time: 7:40 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: KELLY LIBOLT  
and JERAME SECARAS

----- X

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

1       Newburgh Shoppes Phase III

2                   CHAIRMAN EWASUTYN:  Item number 6,  
3       Newburgh Shoppes Phase III, project  
4       number 23-16.  It's a site plan and  
5       subdivision application.  It's located on  
6       Route 300 in an IB Zone.  It's being  
7       represented by Kelly Libolt.

8                   MS. LIBOLT:  Thank you, Mr. Chairman.  
9       I'm Kelly Libolt with KARC Planning.  I'm  
10      going to defer to Jerame Secaras of  
11      Langan Engineering to summarize the  
12      changes that we made to the site since  
13      the last time we were before you.

14                  MR. SECARAS:  Jerame Secaras.  
15      That's J-E-R-A-M-E  S-E-C-A-R-A-S.

16                  Since last month we basically spent  
17      the time to respond to the various  
18      comments from your consultants, Pat in  
19      particular.  Most of them did not involve  
20      any changes to the design.  There's not  
21      much to summarize there.  It was mostly  
22      just addressing the comments and  
23      providing additional calculations to  
24      support the design that we have.

25                  At this point I believe we've

1       Newburgh Shoppes Phase III

2           addressed all of the comments. The only  
3           things that are outstanding, to my  
4           knowledge, is we know we still have to  
5           get New York State DEC approval for the  
6           stream crossings, which is in process.

7           We know that it's a subdivision and  
8           we will need access maintenance and  
9           stormwater facilities maintenance  
10          agreements. Those are drafted and have  
11          also been sent in, but that's in process.  
12          It has to be finalized.

13          We know we have to get Health  
14          Department approval for the water main  
15          extension with the hydrant.

16          We have a letter from the city  
17          which was sent in for the sewer  
18          allocation. We have not heard back yet.  
19          That is the other outstanding item.

20          We were hoping to get site plan  
21          approval today contingent on those items.

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

24                 MR. HINES: As Mr. Secaras  
25                 mentioned, DEC approval for the stream

1       Newburgh Shoppes Phase III

2               crossings is required.

3               A submission was made back to the  
4       Orange Lake Fire District to address  
5       their concerns.

6               The project is a subdivision, so  
7       the access and maintenance through the  
8       shopping center use on the other lot is  
9       required.

10              Details for the Tree Preservation  
11      Ordinance have been added to the plans  
12      and compliance calculations provided.

13              A stormwater facilities maintenance  
14      agreement will be required.

15              As was mentioned, Health Department  
16      approval for water main with hydrant.

17              They did confirm that the lighting  
18      is dark sky compliant.

19              They provided additional  
20      information and calculations regarding  
21      the stormwater management facilities.

22              The City of Newburgh flow  
23      authorization letter is outstanding.  
24      Unfortunately that is an issue. The  
25      Board can't issue approvals until it is

1       Newburgh Shoppes Phase III

2           received. It's part of the  
3           inter-municipal agreement with the city  
4           and the Town that no approvals will issue  
5           until that's received.

6           MR. SECARAS: Out of curiosity,  
7           this project was originally approved with  
8           71,000 feet grocery, the allocation for  
9           that. What we're proposing is basically  
10          two bathrooms and a self-storage unit. I  
11          can't see how they couldn't approve it.  
12          I'm wondering if that could be a  
13          condition or something.

14          MR. HINES: I tried to locate that  
15          letter from the city. I know the phase I  
16          and II flow was issued. I didn't have  
17          the phase III.

18          MR. SECARAS: The original one had  
19          all of them together as one. We backed  
20          out of that to show we were still less  
21          than. I can dig that up.

22          MS. LIBOLT: We may have that.

23          MR. HINES: If you have that, that  
24          would be great.

25          CHAIRMAN EWASUTYN: Dominic Cordisco,

1           Newburgh Shoppes Phase III

2           Planning Board Attorney.

3           MR. CORDISCO: Pat summarized it  
4           very well. The inter-municipal agreement  
5           is very clear that the Town is prohibited  
6           from granting approvals without  
7           confirmation that the City of Newburgh is  
8           going to accept the sewer flow from this  
9           particular project. If there is  
10          documentation that's been previously done  
11          or within those limits --

12          MR. HINES: So there is a flow  
13          acceptance letter dated 2008 for the  
14          original project identifying 13,889  
15          gallons per day.

16          As Mr. Secaras said, this self-  
17          storage facility will use a lot less than  
18          the previous shopping center with food  
19          service. I believe that this 2008 letter  
20          from the city would cover the flow from  
21          this site.

22          You did send a revised one to the  
23          city? It's kind of the recordkeeping,  
24          too. We would like to have the city  
25          acknowledge the reduced flows as they use

1       Newburgh Shoppes Phase III

2               these letters as kind of a check box for  
3               that.

4               MS. LIBOLT: I can reach out to the  
5               City of Newburgh.

6               MR. HINES: This letter went to my  
7               office it says, not to the city. I'll  
8               follow up with the city to confirm the  
9               reduced flow.

10              MS. LIBOLT: Okay.

11              MR. HINES: I don't know if I saw  
12              this one.

13              CHAIRMAN EWASUTYN: Generally as a  
14              rule of thumb, Pat Hines circulates to  
15              the City of Newburgh. Later on, I'm sure  
16              we'll see you again, we'll stay in line  
17              with that procedure. The applicant  
18              doesn't move forward with it, our office  
19              does.

20              MS. LIBOLT: I think we sent it to  
21              Pat for circulation to the city. We do  
22              have an original letter from the city  
23              authorizing the flow for this property.

24              MR. HINES: The total flow.

25              MS. LIBOLT: We're hoping that that

1       Newburgh Shoppes Phase III

2               covers the condition you need for the  
3               inter-municipal agreement.

4               MR. HINES: The self-storage  
5               facility, as in their letter, only  
6               generates 75 gallons per day versus the  
7               7,000 that the supermarket previously had  
8               approved.

9               CHAIRMAN EWASUTYN: Jim Campbell,  
10              Code Compliance.

11              MR. CAMPBELL: I did receive word  
12              from one of the chiefs tonight that you  
13              have addressed their comments.

14              I do have an issue with the  
15              building signage. Chapter 185-14(J)(1),  
16              section (c) and (f). (c) is attached  
17              wall signs no higher than the first  
18              floor. These are on the third floor.  
19              (f) is not on the rear of the building.

20              Did you have any freestanding signs  
21              or any other signage?

22              MS. LIBOLT: I think there's a  
23              small sign on the driveway.

24              Is it still on the driveway side  
25              on the other side of the bridge?

1           Newburgh Shoppes Phase III

2                   MR. SECARAS: I don't think so.

3                   MR. CAMPBELL: I looked and I  
4           didn't see one.

5                   MS. LIBOLT: We can make that  
6           change to the signage.

7                   MR. CAMPBELL: That would be either  
8           to make it comply or you'll require a  
9           variance.

10                  MS. LIBOLT: Okay.

11                  CHAIRMAN EWASUTYN: Comments from  
12           Board Members. Dave Dominick.

13                  MR. DOMINICK: Nothing further.

14                  MS. DeLUCA: Nothing.

15                  MR. MENNERICH: Nothing further.

16                  MS. CARVER: No.

17                  CHAIRMAN EWASUTYN: We did act and  
18           approve ARB on this?

19                  MR. CORDISCO: I don't see that.

20                  MR. HINES: I don't recall.

21                  CHAIRMAN EWASUTYN: Do you have  
22           anything to show us?

23                  MS. LIBOLT: We had gone over the  
24           architecturals the prior two meetings, so  
25           I didn't bring them tonight. We had gone

1       Newburgh Shoppes Phase III

2               over each of the elevations. We can  
3               certainly come back if you'd like us to.  
4               That can be a condition of site plan  
5               approval. We can come back and do that  
6               at another meeting.

7               CHAIRMAN EWASUTYN: Recommendations  
8               and advice, Dominic Cordisco.

9               MR. CORDISCO: If the Board would  
10              prefer, unless you feel comfortable with  
11              what was previously presented.

12             CHAIRMAN EWASUTYN: How would the  
13             Board like to move. Dave Dominick?

14             MR. DOMINICK: I think what we've  
15             seen in the past would suffice.

16             MS. DeLUCA: Agreed.

17             MR. MENNERICH: Agreed.

18             MS. CARVER: That's fine.

19             MR. WARD: Yes.

20             CHAIRMAN EWASUTYN: Based upon  
21             previous submissions for Newburgh Shoppes  
22             Phase III, examples of the ARB for the  
23             project, the Planning Board is satisfied.  
24             Part of the motion tonight will reconfirm  
25             that.

1           Newburgh Shoppes Phase III

2                     The actions we're going to discuss  
3           now would be site plan approval,  
4           subdivision approval and ARB approval  
5           subject to conditions.

6                     Pat Hines, Dominic Cordisco, Jim  
7           Campbell.

8                     MR. HINES: I can hit some of the  
9           conditions if you want.

10                    CHAIRMAN EWASUTYN: Please. Thank  
11           you.

12                    MR. HINES: The DEC stream crossing  
13           permit for both of the access drives, the  
14           access and maintenance agreements for the  
15           self-storage facility through the  
16           shopping center use, tree preservation  
17           security, a stormwater facilities  
18           maintenance agreement, Health Department  
19           approval for water main with hydrants, a  
20           DEC stormwater SPDES permit, security for  
21           landscaping, stormwater and tree  
22           preservation. That's what we have.

23                    MR. SECARAS: If I may, the SPDES  
24           permit I believe we never closed out for  
25           phase II.

1           Newburgh Shoppes Phase III

2                   MR. HINES:  If you can send me  
3                   confirmation on that number then.

4                   CHAIRMAN EWASUTYN:  Jim Campbell,  
5                   Code Compliance, do you have anything to  
6                   add?

7                   MR. CAMPBELL:  Just the issues with  
8                   the signs that I brought up.

9                   CHAIRMAN EWASUTYN:  Dominic Cordisco,  
10                  Planning Board Attorney.

11                  MR. CORDISCO:  I've got the items  
12                  from Pat and would be prepared to  
13                  incorporate those as part of the  
14                  conditions of approval.

15                  This will be a combined approval  
16                  resolution that would include subdivision,  
17                  site plan and ARB.

18                  CHAIRMAN EWASUTYN:  Having heard  
19                  from Pat Hines with MH&E, Jim Campbell  
20                  with Code Compliance and Planning Board  
21                  Attorney Dominic Cordisco, would someone  
22                  make for a motion for site plan,  
23                  subdivision and ARB approval for Newburgh  
24                  Shoppes Phase III.

25                  MR. DOMINICK:  So moved.

1           Newburgh Shoppes Phase III

2                       MS. DeLUCA:    Second.

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

7                       MR. DOMINICK:  Aye.

8                       MS. DeLUCA:  Aye.

9                       MR. MENNERICH:  Aye.

10                      CHAIRMAN EWASUTYN:  Aye.

11                      MS. CARVER:  Aye.

12                      MR. WARD:  Aye.

13                      MS. LIBOLT:  Thank you very much.  
14           Have a nice holiday.

15

16                      (Time noted:  7:50 p.m.)

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Newburgh Shoppes Phase III

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 2nd day of December 2024.

\_\_\_\_\_  
MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X  
In the Matter of

AVION VENTURES - WAREHOUSE  
(2024-16)

Pomarico Drive  
Section 86; Block 1; Lot 37.222  
IB Zone

----- X

SITE PLAN

Date: November 21, 2024  
Time: 7:50 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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

1       A v i o n   V e n t u r e s   -   W a r e h o u s e

2                   CHAIRMAN EWASUTYN:   The seventh  
3                   item of business this evening is Avion  
4                   Ventures - Warehouse, project number  
5                   24-16.   It's a site plan located on  
6                   Pomarico Drive in an IB Zone.   It's being  
7                   represented by Justin Dates of Colliers  
8                   Engineering.

9                   MR. DATES:   Good evening, Mr.  
10                  Chairman and Board.   Justin Dates,  
11                  Colliers Engineering & Design.   I'm here  
12                  on behalf of the applicant, Avion  
13                  Ventures, for a proposed warehouse  
14                  facility on Pomarico Drive.

15                  We were last before the Board back  
16                  in July of this year.   We presented a  
17                  sketch plan.   It was for a proposed  
18                  warehouse facility.   It was 62,500 square  
19                  feet in size.

20                  We met all the bulk requirements  
21                  for the IB Zoning District except for we  
22                  were requesting a variance for the  
23                  height.   The building height in the zone  
24                  is a maximum of 40 feet and we were  
25                  looking for 55 feet at that time.   The

1       Avion Ventures - Warehouse

2           Planning Board provided us a referral  
3           over to the ZBA to pursue that variance.  
4           In July we made a presentation to the ZBA  
5           for that variance and it did get denied.

6           We have removed that height  
7           variance request. We are now compliant  
8           with all the bulk regulations for the IB  
9           District for this revised project.

10           A couple of other things happened  
11           in between that timeframe as well. We've  
12           been working with the Coldenham Fire  
13           District Chief Matthew Hunt who has been  
14           very responsive to and communicating with  
15           us as we work through the project. The  
16           main take away from the communications  
17           with the fire district is they are  
18           looking for full circulation around the  
19           building. We do have, on this revised  
20           plan, fire emergency access around the  
21           south and the eastern sides of the  
22           building as well as all the way around  
23           for access to loading and parking. That  
24           is something that came through those  
25           communications.

1       Avion Ventures - Warehouse

2               The DEC has been out to the site to  
3       review the wetland boundary. They do  
4       confirm it is part of the NB-21 New York  
5       State DEC freshwater wetland, so we are  
6       pursuing that validation map with the  
7       DEC. We have included the 100-foot  
8       adjacent area on our plan since that will  
9       be required as a buffer from the New York  
10      State DEC wetland. With those items in  
11      mind, we provided this revised sketch  
12      site plan.

13              To accommodate some of these  
14      things, the facility has been reduced  
15      from that 62,500 to 56,000 square feet.

16              As I mentioned, we have emergency  
17      access around the building now.

18              We did move the proposed parking  
19      area which went from 39 spaces to 34  
20      spaces. We did put that on the western  
21      side of the building. We had it on the  
22      southern side which was adjacent to our  
23      neighbor here. Modifying the footprint  
24      of the building, getting a little further  
25      away from that neighbor might be good

1       A v i o n   V e n t u r e s   -   W a r e h o u s e

2           practice, so we looked to do that with  
3           this revision.

4           The number of loading docks went  
5           from eight to six just based on the  
6           reduced size of the facility.

7           Stormwater, we did show some  
8           initial locations for that. Portions do  
9           encroach into that adjacent area, so we  
10          would be seeking a permit from the DEC  
11          for stormwater improvements in the  
12          adjacent area. We had gotten that on  
13          another project this year with the DEC.  
14          We think that we can also secure that  
15          with them on this particular project.  
16          We'll pursue it.

17          We're here tonight to hopefully  
18          have the Board declare intent for lead  
19          agency, circulate and continue to work  
20          through the process.

21                 CHAIRMAN EWASUTYN: Thank you.

22                 Questions from Board Members. Dave  
23                 Dominick.

24                 MR. DOMINICK: A couple. Justin,  
25                 do you have a tenant yet?

1       A v i o n   V e n t u r e s   -   W a r e h o u s e

2                   MR. DATES: No. It would be built  
3                   on spec right now.

4                   MR. DOMINICK: You have no idea  
5                   what's going to be stored, any type of  
6                   material, hazards?

7                   MR. DATES: It's a warehouse  
8                   distribution facility, so there are  
9                   parameters within the building code of  
10                  what can be in that type of building.  
11                  The applicant doesn't have a tenant right  
12                  now.

13                  MR. DOMINICK: Okay. Is there any  
14                  agreement for an easement for Pomarico  
15                  Drive improvements planned? Can you talk  
16                  about that?

17                  MR. DATES: Absolutely. So  
18                  Pomarico Drive is a private drive, a  
19                  private road. We are conducting or will  
20                  be conducting a full survey of the  
21                  right-of-way limits, all the existing  
22                  improvements as it stands today for  
23                  Pomarico. We do anticipate widening as  
24                  well as getting services, sanitary sewer,  
25                  water, electric, down to this facility.

1       A v i o n   V e n t u r e s   -   W a r e h o u s e

2               We will be pulling them down Pomarico  
3               Drive. The sewer is out at 17K. We'll  
4               have to connect to that. Water is right  
5               near the lot, so we're hoping just a  
6               short connection to that. Then the  
7               utilities.

8                       The project attorney did share  
9               title information, since we were last  
10              before the Board, with Mr. Cordisco about  
11              it being a right-of-way and access. I  
12              don't want to put words in his mouth. He  
13              responded in favor that this particular  
14              parcel does have the rights to access  
15              through Pomarico Drive and the  
16              right-of-way.

17                      MR. DOMINICK: Thank you.

18                      MS. DeLUCA: You've answered my  
19              questions. Thank you.

20                      CHAIRMAN EWASUTYN: Ken Mennerich.

21                      MR. MENNERICH: No questions.

22                      CHAIRMAN EWASUTYN: No comment at  
23              this point.

24                      MS. CARVER: Do you know if there  
25              are restrictions on the right-of-way? Is

1       Avion Ventures - Warehouse

2             it just for access or is it like a  
3             limited amount of --

4             MR. DATES: It's my understanding  
5             there are no restrictions on the  
6             utilities and there is complete access to  
7             this particular parcel.

8             MS. CARVER: So no limit on the  
9             number of vehicles or type of vehicles?

10            MR. DATES: It's my understanding  
11            none of those restrictions were built in.

12            MS. CARVER: Thank you.

13            CHAIRMAN EWASUTYN: John Ward.

14            MR. WARD: I think you need a major  
15            traffic study, too, for 17K there. When  
16            you come out to 17K, there's no rhyme or  
17            reason for where you're going. There are  
18            no curbs. There's nothing.

19            Last time you were here you were  
20            telling me how many feet and all this.  
21            You go there, you can't see anything to  
22            get that mark. There's open space going  
23            into the diner.

24            It's a bad location for traffic.

25            MR. DATES: We will be doing a

1       Avion Ventures - Warehouse

2           traffic study and will provide that to  
3           the Board for review. In my response  
4           letter I noted what we felt right now  
5           would be required from DOT for  
6           improvements, a left-turn lane eastbound  
7           on 17K, timing improvements and  
8           coordination on some of the lights there  
9           along 17K.

10           To your point, it's kind of a wide  
11           open curb cut along that section there.  
12           I would anticipate DOT is probably going  
13           to have to or would require some type of  
14           diets on the access points and how that  
15           all works out. Point heard and we will  
16           definitely be coordinating with them on  
17           that.

18           MR. WARD: Thank you.

19           CHAIRMAN EWASUTYN: Jim Campbell,  
20           Code Compliance.

21           MR. CAMPBELL: I did send a copy of  
22           this to Chief Hunt, if he had any  
23           additional comments.

24           The hours in the EAF just need to  
25           be changed to conform to the Town's

1       Avion Ventures - Warehouse

2               working hours and construction hours.

3               MR. DATES: The construction hours.

4               Got you. Okay.

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

7               MR. HINES: The project has changed  
8               in scope. A new adjoiners' notice needs  
9               to be sent out. There's a section of the  
10              code that if it changes a certain amount,  
11              it needs to be re-noticed. We will work  
12              with the applicant's representative to  
13              send out new adjoiners' notices.

14              The wetland validation survey needs  
15              to be provided, as they mentioned.

16              Stormwater permits for the buffer.  
17              Oftentimes DEC, they write you a letter  
18              saying it's against their permit issuing  
19              standards. You're going to be up against  
20              that. If you can convince them, that's  
21              fine. You'll have to work that out with  
22              DEC.

23              Water and sewer plans will be  
24              needed.

25              A City of Newburgh flow acceptance

1       A v i o n   V e n t u r e s   -   W a r e h o u s e

2           letter will be required.

3           The private road, you discussed any  
4           limitations. We had concerns of what  
5           that was going to be and impacts to any  
6           other properties or access along there.  
7           We'll need a plan showing what's going on  
8           on the private road. Dominic can weigh  
9           in on any legalities on the private road.

10          Mr. Ward mentioned the traffic  
11          study.

12          This Board did not previously  
13          declare its intent for lead agency as the  
14          project was going to the ZBA. No ZBA  
15          approvals are now planned, so you'd be in  
16          a position to circulate for lead agency,  
17          including the DEC and DOT in that  
18          circulation.

19          The project must conform with the  
20          Town's Tree Preservation Ordinance.  
21          Sample plots will be required. We  
22          reviewed the location of those sample  
23          plots with Mr. Dates' office.

24          The EAF identifies potential  
25          habitat for bat species, so tree clearing

1       Avion Ventures - Warehouse

2               restrictions would be in effect.

3               Details for the potable water and  
4               fire protection system as well as hydrant  
5               locations should be provided. Those  
6               should also be reviewed by the  
7               jurisdictional fire department.

8               At this point we would recirculate  
9               the adjoiners' notices and, if the Board  
10              authorizes, a notice of intent for lead  
11              agency.

12             CHAIRMAN EWASUTYN: Dominic Cordisco,  
13             do you have anything to add?

14             MR. CORDISCO: Nothing further  
15             other than Mr. Dates is correct, I did  
16             receive a letter from Attorney Bob Green  
17             in August which demonstrated as part of  
18             their title report and his opinion that  
19             they had deeded right of access to  
20             Pomarico Drive.

21             CHAIRMAN EWASUTYN: Thank you.

22             Would someone move for a motion to  
23             recirculate the adjoiners' notice and to  
24             declare our intent for lead agency.

25             MS. CARVER: So moved.

1       Avion Ventures - Warehouse

2                   MR. MENNERICH:    Second.

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

7                   MR. DOMINICK:  Aye.

8                   MS. DeLUCA:  Aye.

9                   MR. MENNERICH:  Aye.

10                  CHAIRMAN EWASUTYN:  Aye.

11                  MS. CARVER:  Aye.

12                  MR. WARD:  Aye.

13                  CHAIRMAN EWASUTYN:  Motion carried.

14                  MR. DATES:  Great.  Thank you.

15                  One question.  Mr. Hines, the tree  
16       plots you said we sent over, you were  
17       good with those?

18                  MR. HINES:  I want to tweak one,  
19       but I'll talk to you about it.  The first  
20       one needs to slide down a little bit.

21                  MR. DATES:  Okay.  Thank you.

22

23                  (Time noted:  8:02 p.m.)

24

25

1       Avion Ventures - Warehouse

2

3

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

4

5

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

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

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

15           IN WITNESS WHEREOF, I have hereunto set  
16 my hand this 2nd day of December 2024.

17

18

19

20

21

---

MICHELLE CONERO

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

PILOT TRAVEL CENTER - EV CHARGING  
(2024-20)

Route 17K  
Section 89; Block 1; Lot 38.22  
B Zone

----- X

SITE PLAN

Date: November 21, 2024  
Time: 8:03 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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

1       P i l o t   T r a v e l   C e n t e r   -   E V   C h a r g i n g

2                   CHAIRMAN EWASUTYN:   The eighth item  
3                   this evening is the Pilot Travel Center.  
4                   It's for EV charging.   The project number  
5                   is 24-20.   It's a site plan located on  
6                   Route 17K in a B Zone.   Again it's being  
7                   represented by Justin Dates with Colliers  
8                   Engineering.

9                   MR. DATES:   Thank you, Mr.  
10                  Chairman.   Justin Dates, Colliers  
11                  Engineering & Design.   We are  
12                  representing the applicant, Owl Services,  
13                  for proposed EV charging stations at the  
14                  Pilot Travel Center.

15                  Everybody is familiar.   This is the  
16                  Pilot Travel Center.   Lakeside Road is  
17                  across the street.

18                  We were again back before this  
19                  Board, it was June as well, for this  
20                  presentation and proposal.   At that time  
21                  the applicant was looking to put, it was  
22                  four parking spaces, two EV charging  
23                  stations up along or near the frontage of  
24                  the site, closest to 17K.   At that time  
25                  it did also have a canopy proposed.

1       P i l o t   T r a v e l   C e n t e r   -   E V   C h a r g i n g

2                   Through discussion and  
3                   correspondence with the Board's  
4                   consultants, it was identified at that  
5                   time that the canopy would require a  
6                   variance, as well as the signage on the  
7                   canopy would require a variance. The  
8                   Board provided us a referral. The  
9                   applicant took all that under  
10                  consideration and decided that they  
11                  wanted to or would rather move forward  
12                  with a compliant application rather than  
13                  seek and pursue those particular variances.

14                  They are now proposing, it is still  
15                  four EV parking spaces serviced by two  
16                  charging stations. They are level 2  
17                  charging stations.

18                  It's been moved over to the west  
19                  side of the site. There's a bank of six  
20                  existing parking spots. This is actually  
21                  the area where they previously proposed  
22                  to put them. We've moved them down.  
23                  There's a center bay here that has six  
24                  existing spots. We are not impacting any  
25                  of the islands. That was something we

1       P i l o t   T r a v e l   C e n t e r   -   E V   C h a r g i n g

2           were previously doing as well. We were  
3           moving one of the parking islands. We  
4           were able to fit this in between the  
5           existing islands and not impact those for  
6           this proposed application. We can take  
7           the six existing spaces and reduce them  
8           to four. The project at the Pilot site  
9           is still compliant with the parking  
10          requirements that are imposed by the  
11          Town.

12                 You have the switch gear and the  
13                 power cabinets, the transformer also all  
14                 on the western side, just directly  
15                 adjacent to the stalls there.

16                 That is where the proposal stands  
17                 now.

18                 We did remove the canopy as well,  
19                 if I didn't mention that. That was taken  
20                 off.

21                 CHAIRMAN EWASUTYN: Dave Dominick,  
22                 comments.

23                 MR. DOMINICK: Nothing further.

24                 CHAIRMAN EWASUTYN: Stephanie DeLuca.

25                 MS. DeLUCA: Nothing further.

1       P i l o t   T r a v e l   C e n t e r   -   E V   C h a r g i n g

2                   MR. MENNERICH: I like the new  
3                   location much better.

4                   MR. DATES: Thank you.

5                   CHAIRMAN EWASUTYN: Lisa Carver.

6                   MS. CARVER: Nothing.

7                   CHAIRMAN EWASUTYN: John Ward.

8                   MR. WARD: It's a good location.

9                   MR. DATES: Thank you.

10                  CHAIRMAN EWASUTYN: Jim Campbell,  
11                  Code Compliance.

12                  MR. CAMPBELL: Nothing additional.

13                  MR. HINES: The bulk table has been  
14                  added to the plans showing zoning  
15                  compliance for the existing structures.

16                  The previously proposed canopy in  
17                  the front yard has been removed and  
18                  they've relocated it to the side.

19                  Details for the parking lot  
20                  striping have been added to the plans for  
21                  the new EV chargers.

22                  A parking calculation was provided  
23                  regarding the loss of two parking spaces.  
24                  Sixty-eight parking spaces remain where  
25                  sixty-three are required.

1       P i l o t   T r a v e l   C e n t e r   -   E V   C h a r g i n g

2                   This is an amended site plan. It's  
3 going to require referral to County  
4 Planning as the project is located on a  
5 State highway.

6                   We did not do lead agency because  
7 they were going to the ZBA. I'm not sure  
8 if this is not a Type 2 action --

9                   MR. CORDISCO: It's a Type 2  
10 action.

11                   MR. HINES: So County Planning  
12 referral is required.

13                   CHAIRMAN EWASUTYN: Can I have a  
14 motion to circulate Pilot Travel Center  
15 EV charging station, 24-20, to the Orange  
16 County Planning Department.

17                   MR. DOMINICK: So moved.

18                   MS. DeLUCA: Second.

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

23                   MR. DOMINICK: Aye.

24                   MS. DeLUCA: Aye.

25                   MR. MENNERICH: Aye.

1       P i l o t   T r a v e l   C e n t e r   -   E V   C h a r g i n g

2                   CHAIRMAN EWASUTYN:   Aye.

3                   MS. CARVER:   Aye.

4                   MR. WARD:   Aye.

5                   CHAIRMAN EWASUTYN:   Thank you.

6                   MR. DATES:   Thank you.

7

8                   (Time noted:   8:10 p.m.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1       P i l o t   T r a v e l   C e n t e r   -   E V   C h a r g i n g

2

3

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

4

5

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

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

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

15           IN WITNESS WHEREOF, I have hereunto set  
16 my hand this 2nd day of December 2024.

17

18

19

20

21

\_\_\_\_\_  
MICHELLE CONERO

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X  
In the Matter of

CORTLAND COMMONS CANNABIS RETAIL  
(2024-27)

5440 Route 9W  
Section 9; Block 1; Lot 60  
B Zone

----- X

SITE PLAN & SPECIAL USE PERMIT

Date: November 21, 2024  
Time: 8:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: BRANDON PETRELLA

----- X

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

1 Cortland Commons Cannabis Retail

2 CHAIRMAN EWASUTYN: The ninth item  
3 of business this evening is Cortland  
4 Commons for cannabis retail, project  
5 number 24-26. It's here before us this  
6 evening for a site plan and special use  
7 permit. It's located on Route 9W in a B  
8 Zone. It's being represented by Mauri  
9 Architects.

10 MR. PETRELLA: Brandon Petrella  
11 with Mauri Architects.

12 Some quick updates since our last  
13 meeting. There are not very many  
14 changes. As we discovered at the  
15 meeting, the drive-through is not a  
16 permitted use in this zone for this  
17 particular use. The applicant has  
18 abandoned use of the drive-through. We  
19 will not pursue that.

20 As suggested, we would like to use  
21 that area to overcome our three parking  
22 spot deficit. What we're proposing is to  
23 use a portion of that drive-through as  
24 three staff employee parking spaces.

25 Other changes to the application.

1 Cortland Commons Cannabis Retail

2 We've included some of the notations that  
3 were provided by MHE onto the plan set  
4 and we included signage details.

5 The signage details you have in  
6 your package did not comply with zoning  
7 as they showed a cannabis leaf. Tonight  
8 I have some new signage details that do  
9 not have the cannabis leaf that we will  
10 resubmit for the next meeting.

11 Just to note, all of these fall  
12 within the area requirements for signage.

13 CHAIRMAN EWASUTYN: Thank you.  
14 Comments from Board Members. Dave  
15 Dominick.

16 MR. DOMINICK: No. You're  
17 utilizing what you have, not the drive-  
18 through. That's all.

19 CHAIRMAN EWASUTYN: Stephanie DeLuca.

20 MS. DeLUCA: I agree.

21 MR. MENNERICH: No questions.

22 CHAIRMAN EWASUTYN: No questions.

23 MS. CARVER: Nothing further.

24 MR. WARD: Nothing.

25 CHAIRMAN EWASUTYN: Jim Campbell,

1 Cortland Commons Cannabis Retail

2 Code Compliance.

3 MR. CAMPBELL: Nothing additional.

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

6 MR. HINES: Our first comment just  
7 notes the drive-through window will be  
8 utilized for employee parking which is  
9 consistent with the discussion that was  
10 mentioned at the 3 October meeting.

11 The County Planning referral has  
12 been received back dated 5 November. The  
13 referral identifies a local determination  
14 with no advisory comments.

15 The project is a special use in the  
16 zoning district. A public hearing for  
17 the special use is required.

18 It's a Type 2 action under SEQRA.

19 Our last comment has to do with the  
20 signage not being compliant, which was  
21 just addressed.

22 The scheduling of a public hearing  
23 would be appropriate.

24 CHAIRMAN EWASUTYN: Can I have a  
25 motion to schedule Cortland Commons

1 Cortland Commons Cannabis Retail

2 Cannabis Retail, project 24-27, for a  
3 public hearing on January 19, 2025.

4 MR. DOMINICK: That's January 16.

5 CHAIRMAN EWASUTYN: Thank you.

6 MR. HINES: January or December?

7 CHAIRMAN EWASUTYN: I was thinking  
8 January.

9 MR. PETRELLA: Is it possible to do  
10 it sooner?

11 CHAIRMAN EWASUTYN: I'm asking you.  
12 Can you do it sooner?

13 MR. HINES: We have a meeting  
14 December 19th.

15 CHAIRMAN EWASUTYN: Can we  
16 circulate in time for that?

17 MR. HINES: Certainly.

18 CHAIRMAN EWASUTYN: I stand  
19 corrected. Can I have a motion to have a  
20 public hearing for Cortland Commons  
21 Cannabis Retail for the 19th, correct, of  
22 December for both the site plan and  
23 special use permit.

24 MS. CARVER: So moved.

25 MR. MENNERICH: Second.

1 Cortland Commons Cannabis Retail

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

6 MR. DOMINICK: Aye.

7 MS. DeLUCA: No. I would prefer --  
8 I was hoping we could move it back  
9 because of the holidays. That's just me.

10 MR. MENNERICH: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MS. CARVER: Aye.

13 MR. WARD: Aye.

14 CHAIRMAN EWASUTYN: I have an  
15 approval, a no comment -- no hearing.

16 MR. MENNERICH: Approval.

17 CHAIRMAN EWASUTYN: Approval from  
18 Ken Mennerich. Approval from myself.  
19 Lisa Carver?

20 MS. CARVER: Approval.

21 MR. WARD: Approval.

22 CHAIRMAN EWASUTYN: So the majority  
23 approved a public hearing for Cortland  
24 Commons Cannabis Retail for the -- thank  
25 you, Dave -- 19th of December 2024.

1 Cortland Commons Cannabis Retail

2 You'll work with Pat Hines as far  
3 as the circulation for the public  
4 hearing.

5 MR. PETRELLA: Absolutely.

6 CHAIRMAN EWASUTYN: Thank you.

7 MR. PETRELLA: Thank you.

8

9 (Time noted: 8:17 p.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Cortland Commons Cannabis Retail

2

3

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

4

5

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set  
16 my hand this 2nd day of December 2024.

17

18

19

20

21

---

MICHELLE CONERO

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X  
In the Matter of

KUSH FACTORY CANNABIS RETAIL  
(2024-33)

1255 NYS Route 300  
Section 95; Block 1; Lot 72  
IB Zone

----- X

SITE PLAN & SPECIAL USE PERMIT

Date: November 21, 2024  
Time: 8:18 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JAVIER ROSADO  
and MELZINA CANIGAN IZZARD

----- X

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

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2                   CHAIRMAN EWASUTYN: The last item  
3                   of business this evening, item number 10,  
4                   is Kush Factory Cannabis Retail. It's  
5                   project number 24-33. It's a site plan  
6                   and special use permit. It's located in  
7                   the Lowe's plaza located at 1255 New York  
8                   Route 300 in an IB Zone. It's being  
9                   represented by Anderson Architects.

10                   MR. ROSADO: Good evening, Board  
11                   Members. My name is Javier Rosado, I'm  
12                   an attorney with O'Keefe & McCann. I'm  
13                   here representing Newburgh Kush Factory  
14                   retail dispensary for the special use  
15                   permit.

16                   We did get a number of comments  
17                   from MHE which our engineer is working  
18                   on.

19                   We're seeking today preliminary  
20                   approval for a special use permit.

21                   The plan is to build Newburgh Kush  
22                   Factory retail in the existing Pier 1  
23                   Imports. It's sitting vacant on New York  
24                   300. It's 1255 New York 300, Newburgh,  
25                   New York.

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2                   The plan is to keep the structure  
3       as is. We're not going to do any sort of  
4       real work or renovation. We're basically  
5       just going to be remodeling the interior.

6                   We are also going to be doing  
7       signage which we will be producing  
8       shortly as well.

9                   CHAIRMAN EWASUTYN: Do you have any  
10       idea what the additional space might be  
11       used for in this building, because you're  
12       taking a portion of it?

13                   MS. IZZARD: At this time the  
14       building does have that additional space  
15       and we do not have use for it.

16                   We chose this location basically --

17                   CHAIRMAN EWASUTYN: Do you have any  
18       plans on growing marijuana in that  
19       facility?

20                   MS. IZZARD: No. Not at this  
21       moment. We're currently in lease  
22       negotiations for a piece of land that  
23       would be appropriate to do that outdoors.

24                   MR. ROSADO: So not at this site.  
25       We would not be growing anything at this

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2               site. Absolutely not.

3               MR. DOMINICK: Can we have your  
4               name for the record?

5               MS. IZZARD: I'm sorry. My name is  
6               Melzina Canigan Izzard.

7               MR. DOMINICK: You're not going to  
8               produce anything on this site? Inside  
9               the facility you have eighty to ninety  
10              percent of it unused. Your title is  
11              misleading. Factory to me says  
12              production.

13              MS. IZZARD: That's just the name.  
14              It's a cool name. That was kind of the  
15              idea behind it. We had to have a name.  
16              We had to make our S corp and that was  
17              the name of the company.

18              MR. DOMINICK: So you're not going  
19              to produce anything inside the facility?

20              MS. IZZARD: No.

21              MR. DOMINICK: At all?

22              MS. IZZARD: No. Products will be  
23              finished and sold packaged goods.

24              MR. DOMINICK: What will the empty  
25              space be used for?



1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2           going to be a security guard. I can  
3           represent what that is going to look  
4           like. When you walk into the sales  
5           floor, there's going to be security  
6           that's here. It's going to be equipped  
7           with computers. There's going to be a  
8           security guard station there. They  
9           physically check your ID. They also scan  
10          it into the system to check it's valid  
11          for all fifty states. We will not accept  
12          other forms of identification. You can't  
13          show us a picture or anything. After  
14          such, you're allowed to walk in and  
15          actually come around the sales floor.  
16          There will be displays around. There  
17          will be a circular flow so that people  
18          can come in, come over here and exit or  
19          enter over here to the register area.  
20          When they get to the register area,  
21          before they even order they're going to  
22          have to present their ID again for a  
23          physical and digital check, after which  
24          point they would receive products from a  
25          secured location through the pass-through

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2           window. There will be no live products  
3           on the floor. Once they receive that, it  
4           will be placed inside a sealed bag that  
5           will be child proof and then they exit.

6           MR. DOMINICK: Okay. Thank you. I  
7           appreciate that.

8           For any type of waste that you have  
9           that you dispose of, where is your  
10          dumpster going to be? Will it be  
11          secured, fenced in?

12          MS. IZZARD: We actually have a  
13          dumpster right here, outside the back of  
14          the building. It already is fenced in  
15          and enclosed. As per New York State  
16          regulation for the cannabis use, anything  
17          that you have that is either expired or  
18          rendered no good needs to be not just  
19          thrown away, it actually has to be  
20          destroyed. It has to be ground up in an  
21          unusable state and mixed with something  
22          such as cat litter, coffee grounds.  
23          Something that would render it useless to  
24          anyone.

25          MR. DOMINICK: Thank you. I

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2                appreciate that.

3                    MS. IZZARD: Not a problem.

4                    CHAIRMAN EWASUTYN: Stephanie DeLuca.

5                    MS. DeLUCA: I was just curious on  
6                    two things. One is, again just talking  
7                    me through the process of where you get  
8                    your products from, could you explain  
9                    that process as well?

10                   MS. IZZARD: Absolutely. So for  
11                   our license we're allowed to capture 500  
12                   pounds of product. We would essentially  
13                   work with a cultivator. We would then  
14                   select that product and that product will  
15                   be sent directly to a processor. They  
16                   will turn it into packaged product,  
17                   gummies or anything else that can be  
18                   consumed. Once it is packaged with our  
19                   labels and tested, everything is sent to  
20                   the lab, comes back and then it will be  
21                   brought to our facility. It will be  
22                   stored in this room which is going to be  
23                   full. It's going to be a DEA style cage  
24                   so that it can't -- obviously it won't  
25                   interrupt anything from any of our

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2           products releasing to the public without  
3           any license checks and all of that.

4           MS. DeLUCA: My second question,  
5           and I believe we may have discussed this  
6           during our work session, but I was just  
7           concerned about the other -- I mean, yes,  
8           the building that you chose is a prime  
9           location. Have you considered other  
10          stores around it in terms of family usage  
11          and things like that?

12          MS. IZZARD: Yeah. We looked  
13          around. It was kind of hard sometimes  
14          with the leasing. We have restrictions  
15          based off people's mortgages and other  
16          such things, such as a bank or other  
17          businesses. A plaza with like a  
18          Walgreens might have that in their lease  
19          to restrict. We did a far and wide  
20          search. Obviously we want to be in a  
21          prime location as our consumers, you  
22          know, they go to their grocery store,  
23          hair salon, nail salon. This is a  
24          shopping center and we want to be around  
25          that route. That's how we happened to

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2           find this location.

3           MS. DeLUCA: Because there are  
4           other family run -- not family run but  
5           family businesses where children do  
6           attend different classes and story hours  
7           and things like that. I was concerned  
8           about that location, any conflict.

9           MS. IZZARD: Understood. We will  
10          have window coverings. There will be no  
11          view and access. That will be one thing  
12          that we're doing to mitigate. We  
13          actually like this location because it  
14          was offset off the main road. There are  
15          nice tree coverings along 17. Obviously  
16          there's the building in front of us. The  
17          building is kind of pretty well secured.  
18          We kind of want to create that privacy  
19          for consumers, as well as we don't want  
20          to change the Town. The Town functions  
21          perfectly and smoothly. This doesn't  
22          need to be in anyone's face. We kind of  
23          chose that with that in consideration.

24          MS. DeLUCA: Thank you.

25          MS. IZZARD: Not a problem.

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2                   MR. MENNERICH:  When customers come  
3                   in through the door to get checked in, is  
4                   there a salesperson there in the area  
5                   that helps guide them through what the  
6                   different products are --

7                   MS. IZZARD:  Yes.

8                   MR. MENNERICH:  -- and helps them  
9                   select what they want?

10                  MS. IZZARD:  Absolutely.  It's not  
11                  just about consumption.  This is  
12                  education as well.  It's not just the  
13                  younger crowd.  There are people -- we  
14                  can't give medical advice per se, but  
15                  there are certain things that you can  
16                  consume that can maybe help you with  
17                  sleep or if you're having inflammation,  
18                  it helps you with that.  Our job is not  
19                  just to sell a product, it's to educate  
20                  people.  If you come in and say I'm new,  
21                  we're not going to point you to the  
22                  heaviest thing we have on the shelf.  We  
23                  want to educate people.  We talk about  
24                  driving and smoking and the illegal-ness,  
25                  how it is illegal.  We're trying to

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2               restrict and stop people from taking on a  
3               new venture without that education.

4               We also plan to host monthly  
5               education seminars in this facility where  
6               people, newcomers or people who might not  
7               know much about the product even though  
8               they've been using it, we can educate  
9               them and let them know the dangers and  
10              how to properly enjoy this adult product.

11              MR. MENNERICH: Thank you.

12              CHAIRMAN EWASUTYN: No comment.

13              MS. CARVER: Just to clarify, I  
14              understand it's a prime location and  
15              you're trying to keep it intimate. The  
16              extra space, is that where you're going  
17              to have your seminars, like your  
18              training? I guess you have a lot of  
19              extra space.

20              MS. IZZARD: It is a lot. You  
21              know, it's kind of beautiful because we  
22              were able to work it out in the lease.  
23              We have an eight-year lease here. We're  
24              really committed to the Town and making  
25              sure that we're going to provide for the

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2           Town.

3                   We plan to host meetings in the  
4           break room or just right on the sales  
5           floor. Move the display cabinets out of  
6           the way, sit people down, have an hour  
7           discussion, a projector and bring in some  
8           educators so they're fully aware of the  
9           decisions they are making if they are  
10          trying it out for the first time, or so  
11          they can become better informed if they  
12          already use.

13                   MS. CARVER: Thank you.

14                   MR. WARD: You have your licenses  
15          right now?

16                   MS. IZZARD: Yes. We've had it  
17          since March.

18                   MR. WARD: The middle there, where  
19          you come in, the middle section, do you  
20          have any plans for the future in that  
21          area?

22                   MS. IZZARD: To be honest, we do  
23          not. We haven't thought about any plans.  
24          We are -- soon, hopefully next summer, we  
25          will have this lease stricken with the

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2           landowner to actually grow outdoors and  
3           bring our product in and say that we  
4           proudly hand grow it. We don't have any  
5           use for it because we do have our  
6           storage. It's not product displayed  
7           openly. It has to be locked away. Right  
8           now we do not have a use for it. Maybe  
9           we can find a use for it in the future.  
10          We do not want to waste the building, but  
11          we do have a lease. I don't think it's  
12          best for the Town to have such a grand  
13          space. We don't anticipate that many  
14          consumers.

15                   CHAIRMAN EWASUTYN: What's the  
16                   total square footage?

17                   MS. IZZARD: It's around 9,000  
18                   square feet. We're using 33.

19                   MR. WARD: What I'm saying to you  
20                   is future wise, if you decide to do  
21                   something, you might have to come back to  
22                   us.

23                   MS. IZZARD: Absolutely.

24                   MR. ROSADO: Yes.

25                   MR. CORDISCO: Just to be clear on

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2               that point, your lease does cover the  
3               entire 9,000 square feet?

4               MS. IZZARD: We couldn't rent a  
5               portion of it, unfortunately. We did  
6               negotiate a fair deal for the total  
7               building.

8               CHAIRMAN EWASUTYN: Thank you,  
9               Dominic.

10              Jim Campbell, Code Compliance.

11              MR. CAMPBELL: I think you said  
12              that more sign information was  
13              forthcoming?

14              MR. ROSADO: Yes. Our engineer and  
15              architects are producing it. It's going  
16              to be understated.

17              MS. IZZARD: There's a little  
18              drawing. It's not big time or anything.  
19              There is a little drawing of it. It is  
20              block letters, similar to the old Pier 1  
21              Imports. It's going to be an aluminum  
22              sign. There will be no electric added to  
23              that.

24              MR. CAMPBELL: Basically I would  
25              need the dimensions added.

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2                   MS. IZZARD: It's going to be 5 by  
3                   20. That's the signage area that is  
4                   allotted there, the space that we can use  
5                   onto the building. The wording will  
6                   probably be smaller.

7                   MR. CAMPBELL: We have to confirm  
8                   because the sign code has changed since  
9                   Pier 1 was constructed. We've got to  
10                  make sure and confirm that it does meet  
11                  today's standards.

12                  Also, would you have public access  
13                  to the bathrooms?

14                  MS. IZZARD: Absolutely.

15                  MR. ROSADO: Yes.

16                  MS. IZZARD: So there will be an  
17                  easy walkway where the dispensary is  
18                  here, this is open and unsecured and the  
19                  bathroom is right there. There will be a  
20                  sign and they'll walk here, straight to  
21                  the bathroom. There's water fountains  
22                  there as well.

23                  MR. CAMPBELL: Thank you.

24                  CHAIRMAN EWASUTYN: Pat Hines with  
25                  MH&E.

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2                   MR. HINES: We requested a site  
3                   plan with the underlying zoning  
4                   requirements. We did receive that today.  
5                   The Planning Board did not receive that.  
6                   I actually received it yesterday I guess.  
7                   I looked at it today. It shows apparent  
8                   zoning conformance issues, but because  
9                   it's a shopping center, we don't take  
10                  into account those internal lot lines.  
11                  That site functions as a uniform site  
12                  plan shopping center. While your plan  
13                  shows zoning deficiencies, those internal  
14                  lot lines are not counted for it so  
15                  you're fine with that. The Board does  
16                  need to receive that kind of information  
17                  ahead of time. I did take the  
18                  opportunity, as I received it, to look at  
19                  it.

20                  MS. IZZARD: Thank you.

21                  MR. HINES: The project is a  
22                  proposed cannabis dispensary under Town  
23                  Code 185-48.9.

24                  I just identified the square  
25                  footage of the building and what you're

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2           proposing. I noted that there's a large  
3           portion of the building identified not in  
4           scope, which we discussed tonight.

5                   Code Enforcement's comments  
6           regarding the restrooms were just  
7           addressed.

8                   Signage you talked about.

9                   Architectural review of the signage  
10          will be required.

11                   We do have to send out adjoiners'  
12          notices. We have a process that within  
13          ten days of this meeting we have to send  
14          out notices to all properties within 500  
15          feet. I will work with --

16                   MR. ROSADO: You'll probably be  
17          working with my office.

18                   MR. HINES: I'll contact you.

19                   MR. ROSADO: The owner of this  
20          building owns most of the buildings on  
21          the lot, so --

22                   MR. HINES: It's the adjoining  
23          lots, not your lot. It's going to be --  
24          it's probably not a lot of properties.

25                   MR. ROSADO: Yes.

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2                   MR. HINES:  There's a process we  
3                   have to go through.  I do the notices,  
4                   you get them.  We'll get you the  
5                   addresses, you stamp them, stuff them and  
6                   bring them to the personnel office after  
7                   you make an appointment.  I'll go over  
8                   that with you and  --

9                   MR. ROSADO:  Sure.

10                  MR. HINES:  -- we'll get those out.  
11                  The project is a special use under  
12                  the Town Code.

13                  Submission to Orange County  
14                  Planning is required as the project is on  
15                  a State highway.

16                  A public hearing will be required  
17                  after we hear back from County Planning.

18                  We need to do adjoiners' notices.

19                  If the Board feels that they have  
20                  enough information to send to County  
21                  Planning, we can do that.  Once we hear  
22                  back, the Board can address the required  
23                  public hearing.

24                  CHAIRMAN EWASUTYN:  I think before  
25                  we circulate to the Orange County

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2           Planning Department, we should have the  
3           revised map that this office did receive  
4           to be part of that submission.

5           MS. IZZARD: I brought copies.

6           CHAIRMAN EWASUTYN: Excuse me.

7           MS. IZZARD: Sorry.

8           CHAIRMAN EWASUTYN: We don't accept  
9           material the night of the meeting. Let's  
10          back into you and I have spoken. When  
11          the time comes that you're ready to  
12          resubmit, you'll call the office and  
13          you'll make for an appointment. We kind  
14          of nurtured it to this point. There's a  
15          sense of order to this. Okay. Just like  
16          the one that you have to hand out  
17          tonight, I have six other Members here on  
18          the Board that won't have a copy of that.  
19          We work as a group. What we're really  
20          trying to say is let us follow the  
21          procedure that we have and you can join  
22          in on that procedure.

23                 For now we can't circulate to the  
24                 Orange County Planning Department because  
25                 we don't have that information.

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2                   Anything else?

3                   MR. CORDISCO:  No, sir.

4                   CHAIRMAN EWASUTYN:  Would someone  
5                   make a motion to approve the circulation  
6                   of the adjoiners' notices for Kush  
7                   Factory cannabis retail.

8                   MR. MENNERICH:  So moved.

9                   MS. CARVER:  Second.

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

14                  MR. DOMINICK:  Aye.

15                  MS. DeLUCA:  Aye.

16                  MR. MENNERICH:  Aye.

17                  CHAIRMAN EWASUTYN:  Aye.

18                  MS. CARVER:  Aye.

19                  MR. WARD:  Aye.

20                  CHAIRMAN EWASUTYN:  Thank you.

21                  You'll work with Pat Hines on that.

22                  MR. ROSADO:  Thank you for your  
23                  time this evening.

24

25                               (Time noted:  8:32 p.m.)

1       K u s h   F a c t o r y   C a n n a b i s   R e t a i l

2

3

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

4

5

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

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

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

15           IN WITNESS WHEREOF, I have hereunto set  
16 my hand this 2nd day of December 2024.

17

18

19

20

21

\_\_\_\_\_  
MICHELLE CONERO

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X  
In the Matter of

NEWBURGH ELITE STORAGE  
(2024-12)

7 Paffendorf Drive  
Section 34; Block 3; Lot 34  
IB Zone

----- X

BOARD BUSINESS

Date: November 21, 2024  
Time: 8:32 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

1       Newburgh Elite Storage

2                   CHAIRMAN EWASUTYN: We have two  
3 items to discuss right now. We'll  
4 start with Pat Hines. He has  
5 something to present to the Board.

6                   MR. HINES: We received a request  
7 from John Queenan from Lanc & Tully  
8 regarding the Newburgh Elite Storage on  
9 Paffendorf Drive to attend the work  
10 session that is this Tuesday. I did make  
11 a note that the Board typically refers  
12 projects to the work session.

13                   If the Board so desires, we can add  
14 Newburgh Elite Storage to the work  
15 session this coming Tuesday. They want  
16 to discuss issues regarding the project  
17 and go over technical comments.

18                   I do note that we do not have the  
19 SWPPP for that project yet. They might  
20 have other questions or comments that  
21 they want to address at the work session.  
22 There is one scheduled already. There's  
23 one project on it already. We can add  
24 this, if the Board authorizes it.

25                   CHAIRMAN EWASUTYN: Would the Board

1       Newburgh Elite Storage

2               authorize the addition of Newburgh Self-  
3       Storage Elite -- is that what it's  
4       called?

5               MR. HINES: Newburgh Elite Storage.

6               MR. WARD: Yes.

7               MS. CARVER: Yes.

8               CHAIRMAN EWASUTYN: Yes.

9               MR. MENNERICH: Yes.

10              MS. DeLUCA: Yes.

11              MR. DOMINICK: Yes.

12              CHAIRMAN EWASUTYN: Let the record  
13       show that the Board approved that.

14

15              (Time noted: 8:34 p.m.)

16

17

18

19

20

21

22

23

24

25

1       Newburgh Elite Storage

2

3

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

4

5

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

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

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

15              IN WITNESS WHEREOF, I have hereunto set  
16 my hand this 2nd day of December 2024.

17

18

19

20

21

\_\_\_\_\_  
MICHELLE CONERO

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

- - - - - X  
In the Matter of

DONNA & ROSS HUBERT  
29 Wildwood Drive

Installation of an Inground Swimming Pool

- - - - - X

BOARD BUSINESS

Date: November 21, 2024  
Time: 8:34 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

- - - - - X

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

1 Donna & Ross Hubert

2 CHAIRMAN EWASUTYN: Dominic, I  
3 received an e-mail and there's been  
4 conversation back and forth for several  
5 months. Jim Campbell is well versed on  
6 this as far as the project on Drury  
7 Heights.

8 What's the new name of that project  
9 now? We refer to it as Drury Heights.

10 MR. HINES: Aerie Development or  
11 something.

12 CHAIRMAN EWASUTYN: People bought  
13 into the project not realizing that there  
14 are certain amenities that don't follow  
15 suit with the SEQRA process and the  
16 approval.

17 Dominic Cordisco is going to speak  
18 on a family that has a piece of property  
19 and they don't understand why they're not  
20 able to put in a swimming pool.

21 MR. CORDISCO: So the Town received  
22 a letter from Donna and Ross Hubert who  
23 reside at 29 Wildwood Drive in Drury  
24 Heights. They apparently recently  
25 purchased their house and were also going

1       D o n n a   &   R o s s   H u b e r t

2           through the process of working with a  
3           contractor to put in a pool in their  
4           backyard where none exists currently.  
5           They apparently submitted a building  
6           permit application for a pool and  
7           apparently it was denied. I don't know  
8           the rationale for why it was denied.

9           If the Chairman would like me to  
10          respond to Ms. Hubert, I'd be happy to do  
11          so.

12          This project obviously predates me.  
13          I think I was probably still enjoying  
14          myself in college when these homes were  
15          built.

16          In any event, I'd be happy to  
17          respond, having some additional  
18          background.

19          MR. CAMPBELL: I personally am not  
20          sure. Typically I think as a cluster  
21          development, there are limitations. I  
22          believe that was a cluster development.

23          MR. HINES: It was a cluster.

24          MR. CAMPBELL: It's like Meadow  
25          Winds, they had limitations. That's why

1 Donna & Ross Hubert

2 it might have -- I haven't done many  
3 inspections there.

4 MR. CORDISCO: If it's all right  
5 with the Board, I would like to work with  
6 the Building Department to find out what  
7 exactly happened in connection with the  
8 denial that they're upset about. I'd be  
9 able to respond meaningfully at that  
10 point.

11 MR. CAMPBELL: Joe Mattina would be  
12 the one to speak with.

13 MR. CORDISCO: I'd be happy to.

14 CHAIRMAN EWASUTYN: Would the Board  
15 authorize Dominic Cordisco, Planning  
16 Board Attorney, to work with Joe Mattina  
17 as far as why there is a restriction for  
18 this cluster development, the pool being  
19 one?

20 MR. DOMINICK: Yes.

21 MS. DeLUCA: Yes.

22 MR. MENNERICH: Yes.

23 CHAIRMAN EWASUTYN: Yes.

24 MS. CARVER: Yes.

25 MR. WARD: Yes.

1 Donna & Ross Hubert

2 MR. CORDISCO: Thank you.

3 CHAIRMAN EWASUTYN: Would someone  
4 move for a motion to close the Planning  
5 Board meeting of the 21st of November?

6 MS. DeLUCA: So moved.

7 MS. CARVER: Second.

8 CHAIRMAN EWASUTYN: I have a motion  
9 by Stephanie DeLuca. I have a second by  
10 Lisa Carver. Can I please have a roll  
11 call vote.

12 MR. DOMINICK: Aye.

13 MS. DeLUCA: Aye.

14 MR. MENNERICH: Aye.

15 CHAIRMAN EWASUTYN: Aye.

16 MS. CARVER: Aye.

17 MR. WARD: Aye.

18

19 (Time noted: 8:36 p.m.)

20

21

22

23

24

25

1       D o n n a   &   R o s s   H u b e r t

2

3

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

4

5

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

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

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

15              IN WITNESS WHEREOF, I have hereunto set  
16 my hand this 2nd day of December 2024.

17

18

19

20

21

\_\_\_\_\_  
MICHELLE CONERO

22

23

24

25