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

----- X  
In the Matter of

MANHEIM AUTO STORAGE EXPANSION  
(2025-07)

2000 Dealer Drive  
Section 89; Block 1; Lot 83  
IB Zone

----- X

SITE PLAN/CLEARING & GRADING

Date: February 20, 2025  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: TYLER WEBB  
JESSE NELSON

----- X

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

2 CHAIRMAN EWASUTYN: Good evening,  
3 ladies and gentlemen. The Town of  
4 Newburgh Planning Board would like to  
5 welcome you to their meeting of the  
6 20th of February 2025. This evening  
7 we have eight agenda items and three  
8 public hearings.

9 At this time I'll call the meeting  
10 to order with a roll call vote.

11 MR. DOMINICK: Present.

12 MS. DeLUCA: Present.

13 CHAIRMAN EWASUTYN: Present.

14 MR. BROWNE: Present.

15 MS. CARVER: Present.

16 MR. WARD: Present.

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

19 MS. CONERO: Michelle Conero,  
20 Stenographer.

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

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

25 MR. WERSTED: Ken Wersted,

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Creighton Manning Engineering, Traffic  
Consultant.

CHAIRMAN EWASUTYN: At this time  
I'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the  
Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your  
phones or put them on silent.

CHAIRMAN EWASUTYN: The first item  
on this evening's agenda is Manheim Auto  
Storage Expansion. It's project number  
25-07. It's before us this evening for  
an initial appearance for a site plan and  
clearing and grading. It's located at  
200 Dealer Drive in an IB Zone. It's  
being represented by Kimley-Horn  
Engineering & Landscape Architects.

MR. WEBB: Good evening, Chair  
Ewasutyn and Members of the Board. Tyler  
Webb, I'm a civil engineer with Kimley-Horn.  
I'm pleased to present to you for the first  
time the Manheim Auto Storage Expansion  
project. I have with me tonight Jesse

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Nelson with Manheim.

We'll go over the site plan itself. It's in the IB Zoning District. There's no proposed zone change.

It's about a 14-acre expansion of the auto storage parking area. The total site itself is about 159 acres. We're proposing to remove about 13.5 acres of forested area and add approximately 9.6 acres of impervious area, which would have a net result of 58 percent impervious area, which is below the 80 percent max of the IB Zoning District.

We're also proposing approximately 1,350 additional auto parking spaces.

Included in the application package was guidance from the Army Corp of Engineers for the advisory jurisdictional determination which shows the three mapped features, a middle wetland, a boundary wetland and a stream. We are not encroaching into any of those features.

2 With that, I'll open it up to  
3 any questions or comments that you  
4 may have.

5 CHAIRMAN EWASUTYN: Dave Dominick.

6 MR. DOMINICK: Thank you, Tyler,  
7 for that presentation. When I went and  
8 did a site visit, I noticed that you had  
9 like a four-building structure just to  
10 where this new development is going to  
11 be. Is that structure going to stay and  
12 what is that for?

13 MR. WEBB: Jesse, do you know what  
14 that is?

15 MR. NELSON: So that is a temporary  
16 structure that we don't have use for  
17 anymore. It's just kind of idle right  
18 now.

19 MR. DOMINICK: Will that remain  
20 there or do you plan to take that down?

21 MR. NELSON: That we'll remove at  
22 some point. We need to figure out where  
23 it will go.

24 MR. DOMINICK: It's not tied into  
25 this?

2 MR. NELSON: No, sir.

3 MR. DOMINICK: Thank you.

4 MS. DeLUCA: I have no questions.

5 Thank you.

6 CHAIRMAN EWASUTYN: No questions.

7 MR. BROWNE: Not at this point.

8 It's going to be an automotive  
9 storage area, pretty much?

10 MR. WEBB: Correct. Yes.

11 MR. BROWNE: There was a little bit  
12 of conversation about the fire code as  
13 far as the cars and so on. Has that been  
14 looked at to see if -- there has to be a  
15 minimum distance between the vehicles.

16 MR. WEBB: The way we have the  
17 layout of the proposed stalls, it will  
18 allow fire access. There are turning  
19 templates included in the package that  
20 you have.

21 MR. BROWNE: Thank you.

22 MR. HINES: I don't think the  
23 intent of the comment was access. It has  
24 to do with the spacing between the vehicles  
25 that are stored in the rows.

2 MR. WEBB: The code would be at  
3 least a 20-foot aisle per New York State  
4 Fire Code.

5 MR. HINES: That's for the fire  
6 trucks to pass through there. The  
7 comment is, is there a code, and I think  
8 there is, for the number of vehicles that  
9 can be staged together as close as you're  
10 proposing. You're proposing parking  
11 spaces that are less than our standard.  
12 Your parking is 8 by 18. Ours is 9 by  
13 18.

14 MR. WEBB: Correct.

15 MR. HINES: So it's something you'll  
16 have to work with the Code Department to  
17 make sure --

18 MR. WEBB: Okay.

19 MR. CAMPBELL: I need to research  
20 that one.

21 MR. WEBB: Understood. Just to  
22 note that the width of these stalls --  
23 it's going to be for auto storage. There  
24 won't be public maneuvering around the  
25 property. There's no chance of collisions

2 for public use.

3 MS. CARVER: No questions.

4 MR. WARD: When you're coming in  
5 with the car trailers, the tractor  
6 trailers carrying the cars, where are  
7 they being unloaded at the new site?

8 MR. NELSON: The loading and  
9 unloading would remain where it is now,  
10 on the outside of the fence.

11 MR. WARD: You drive them in?

12 MR. NELSON: Yes. It would have no  
13 impact on heavy-duty travel.

14 MR. WARD: Thank you.

15 CHAIRMAN EWASUTYN: Jim Campbell,  
16 Code Compliance.

17 MR. CAMPBELL: Just something to  
18 put in the back of your head as far as  
19 accessories. Accessory structures  
20 do require permits, temporary or not.

21 MR. NELSON: In terms of what he  
22 was showing me? Okay.

23 MR. CAMPBELL: Yes.

24 MR. NELSON: Copy that.

25 MR. CAMPBELL: When you're thinking



2 about moving it and stuff like that --

3 MR. NELSON: Move it out. Okay.

4 MR. CAMPBELL: The only other thing  
5 is, on the EAF it had work hours. For  
6 site prep activities, it should only be  
7 7:30 a.m. to 6:00 p.m. within 1,500 feet  
8 of residences. Even though they're  
9 across the highway, you're within 1,500  
10 feet. The hours should be modified.

11 MR. WEBB: Understood.

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

14 MR. HINES: Sure. In light of the  
15 new DEC wetland regulations, we're  
16 suggesting that this be submitted to DEC.  
17 I know you have a 100-foot buffer shown  
18 around what you identify as Army Corp.  
19 In January of this year the DEC wetland  
20 regulations changed, so there may be a  
21 need -- if they take jurisdiction on  
22 those, they'll need to validate your  
23 delineation.

24 MR. WEBB: They probably will take  
25 jurisdiction. Our hope was that the

2 advisory jurisdictional determination  
3 from the Army Corp where they went out  
4 and verified the boundary would be good  
5 enough for this Board and the Town rather  
6 than having to seek a determination from  
7 New York State DEC.

8 MR. HINES: I believe you're going  
9 to have to go to DEC to have that  
10 validated.

11 CHAIRMAN EWASUTYN: You did write  
12 about that in your submission.

13 MR. HINES: We received your  
14 stormwater pollution prevention plan  
15 which is under review.

16 Your Army Corp letter, it's not a  
17 definitive determination. It's advisory  
18 in nature only. I did note that you put  
19 the 100-foot buffer on there, so that  
20 will cover you with the Army Corp. We do  
21 need to hear from the DEC.

22 The EAF identifies threatened or  
23 endangered species, the Indiana Bat, the  
24 Upland Sandpiper. Typically the Northern  
25 Long-Eared Bat is a species of concern in

2 this area as well. Those will need to be  
3 addressed.

4 You are at 14.2 acres to be  
5 physically disturbed. It's greater than  
6 10 acres. DEC has certain requirements  
7 when you're removing more than 10 acres  
8 of potential habitat. We will be  
9 circulating this, as lead agency, to DEC.  
10 We'll wait to hear back from them.

11 You have submitted a no adverse  
12 impact letter from SHPO.

13 The Town has a Tree Preservation  
14 Ordinance, Chapter 172. We need that to  
15 be documented on the plans. There are  
16 tree surveys required. You're over 10  
17 acres of disturbance, so you can use  
18 sample plots to extrapolate the number of  
19 trees. If you take a look at that  
20 regulation, it walks you through how to  
21 do that.

22 We just note that the majority of  
23 the project is along the western property  
24 line and most likely adequately screened  
25 from 84. There are trees between your

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property line and 84 as well.

We have an initial notice requirement that I'll work with your office on. Within ten days of this meeting you'll have to submit a notice to all properties within 500 feet. I will prepare that notice and get you the mailing list. There's a process to go through for mailings. If your contact information is on the application, I'll get it to you, or whoever is there. We'll work with you on that.

A stormwater maintenance agreement will be required. That's a requirement enacted after your entire site was built back when it was. If there isn't one now, it will be for the whole site, otherwise it will have to be updated for the stormwater improvements you have now.

We're looking for more information on the pavement detail.

There is a landscaping requirement

2 in parking lots. Section 185-15, I  
3 think it's 13-D(9), that says 5  
4 percent of the interior parking areas  
5 have to be landscaped. Obviously  
6 this is for inventory parking. I  
7 believe you're going to need a  
8 variance for that because of the  
9 amount of parking and the lack of the  
10 5 percent. I'll defer to Dominic on  
11 that.

12 We're suggesting the Planning  
13 Board declare its intent for lead  
14 agency. Actually, we may hold off on  
15 that with the variance. I'll defer  
16 to Dominic.

17 A County Planning submission  
18 will be required in the future.

19 CHAIRMAN EWASUTYN: Pat, do you  
20 want to mention at some point in time  
21 they'll have to go before the Town Board  
22 for the 5-acre variance?

23 MR. HINES: Your SWPPP identifies  
24 the need for a 5-acre waiver for  
25 disturbance. That's a Town Board action.

2 We will coordinate that with you at the  
3 appropriate time to get you on the Town  
4 Board agenda so they can consider that.

5 CHAIRMAN EWASUTYN: Ken Wersted  
6 with Creighton Manning.

7 MR. WERSTED: I think my only  
8 comment was asked and addressed already.  
9 That was the tractor trailer access. Is  
10 there any proposed access into this new  
11 expansion area with car carriers?

12 MR. NELSON: Not at all.

13 CHAIRMAN EWASUTYN: Dominic Cordisco  
14 with Drake Loeb.

15 MR. CORDISCO: As Pat mentioned,  
16 there's a section of the Code, it's  
17 185-13, regarding landscaping within  
18 parking areas. That section requires  
19 that for parking areas that have more  
20 than 20 spaces, which this clearly does,  
21 it's required to have 5 percent of the  
22 area dedicated to landscaping internally  
23 to the parking area. Given the intended  
24 use of this, it does not seem to make  
25 sense to require you to landscape these

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areas since it's long-term storage of vehicles. As a result, this is not something that the Planning Board can waive, but a variance would be required from the Zoning Board of Appeals.

Because that's the case, I'm recommending to the Board that they make that referral tonight. The way that works is the Board makes the referral and they authorize me to prepare a letter that lets the Zoning Board know that this project is coming. The applicant has to make the actual application to the Zoning Board of Appeals with justification to support the request for the variance and then appear before the Zoning Board of Appeals.

The other aspect of this, and Pat touched on this as well, is that this project does require a coordinated review under SEQRA. It's our recommendation that we hold off on declaring the Planning Board's intent for lead agency because that will allow the applicant to actually appear before the ZBA and potentially

2 receive variances, if that's the ZBA's  
3 decision, prior to or without having to  
4 wait, if you will, for this Board to  
5 complete its entire review of the project.

6 CHAIRMAN EWASUTYN: Would someone  
7 make for a motion to refer Manheim Auto  
8 Storage Expansion, project number 25-07,  
9 to the Zoning Board of Appeals for a  
10 variance as it relates to Code 185-13 for  
11 landscaping in parking lots.

12 MR. DOMINICK: So moved.

13 MR. WARD: Second.

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

18 MR. DOMINICK: Aye.

19 MS. DeLUCA: Aye.

20 CHAIRMAN EWASUTYN: Aye.

21 MR. BROWNE: Aye.

22 MS. CARVER: Aye.

23 MR. WARD: Aye.

24 CHAIRMAN EWASUTYN: At this time  
25 the Planning Board will authorize Dominic



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Cordisco, Planning Board Attorney, to prepare a referral letter to the Zoning Board of Appeals.

Pat Hines will speak about the adjoiners' notice.

MR. HINES: As I mentioned, I'll work with the applicant. I'll prepare the notice, get the mailing list and send you the procedure after that. I'll coordinate with you.

MR. WEBB: Understood.

As it relates to the Tree Protection Ordinance, that was adopted in 2022. For those purposes, this project will be looked at from a predevelopment condition as it is currently laid out. Correct?

MR. HINES: In its existing condition. We don't revert back.

MR. WEBB: Understood. Does our proposed tree removal area count as in lieu of a tree survey, just to save on resources and cost for the applicant?

MR. HINES: No. We need that calculation because there are certain

2 trees that are identified to be protected.  
3 There are three classifications,  
4 protected, specimen and significant.  
5 Each of those have to be documented based  
6 on the entire forested area on the site  
7 versus what you're removing.

8 MR. WEBB: Does the entire property  
9 need to be surveyed or just within the  
10 project area or --

11 MR. HINES: If you read the ordinance,  
12 over 10 acres of disturbance allows for  
13 sample plots, half-acre plots. With 10  
14 acres, you'll need 4 half-acre plots.  
15 Those will be used to extrapolate the  
16 number of trees to be removed and do  
17 the calculation.

18 MR. WEBB: Understood.

19 MR. HINES: You give us a draft of  
20 your sample plots and we will approve  
21 them as to location and then you go out  
22 and calculate those trees. I can work  
23 with you or whoever is going to do that.  
24 If they want to contact me, we can work  
25 that out.

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MR. WEBB: Understood.

CHAIRMAN EWASUTYN: Thank you.

MR. WEBB: Thank you.

MR. NELSON: Thank you.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 26th day of February 2025.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

CBD 420 LLC RETAIL CANNABIS DISPENSARY  
(2024-32)

142 Route 17K  
Section 95; Block 1; Lot 63.1  
IB Zone

----- X

PUBLIC HEARING  
SITE PLAN/SPECIAL USE PERMIT

Date: February 20, 2025  
Time: 7:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOSEPH SAFFIOTI

----- X

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

2 CHAIRMAN EWASUTYN: Item number 2  
3 this evening is CBD 420 LLC Retail  
4 Cannabis Dispensary, project number  
5 24-32. It's here this evening for a  
6 public hearing on a site plan and special  
7 use permit. It's located in the IB Zone.  
8 It's being represented by Joseph Saffioti.

9 I'm going to ask Cliff to read the  
10 notice of hearing.

11 MR. BROWNE: "Please take notice  
12 that the Planning Board of the Town of  
13 Newburgh, Orange County, New York will  
14 hold a public hearing pursuant to Section  
15 274-A of the New York State Town Law and  
16 Chapter 185-48.9 of the Town of Newburgh  
17 Code on the application of CBD 420 Retail  
18 Cannabis Dispensary, project number  
19 2024-32. The project proposes approval  
20 of a retail cannabis dispensary as a  
21 special use under Town Code Chapter  
22 185-48.9. The project is a proposed  
23 change of use of a 5,141 square foot  
24 portion of an existing structure  
25 currently housing a cabinetry business.

2 The project is located in the Town's IB  
3 Zoning District. The remaining warehouse  
4 use will continue on the site. Access to  
5 the site is from New York State Route 17K.  
6 The project is known on the Town Tax Maps  
7 as Section 95; Block 1; Lot 63.1. The  
8 project's address is 142 Route 17K.

9 A public hearing will be held on the  
10 20th day of February 2025 at the Town  
11 Hall Meeting Room, 1496 Route 300,  
12 Newburgh, New York at 7 p.m. or as soon  
13 thereafter, at which time all interested  
14 persons will be given an opportunity to  
15 be heard. By order of the Town of  
16 Newburgh Planning Board. John P. Ewasutyn,  
17 Chairman. Dated 20January 2025."

18 CHAIRMAN EWASUTYN: For the record,  
19 when the applicant has completed his  
20 presentation, anyone in the audience that  
21 has any questions or comments, please  
22 raise your hand, give your first name  
23 and, if you would, address the Board,  
24 address the applicant.

25 MR. SAFFIOTI: Good evening,

2 Mr. Chairman and Board Members. At  
3 our prior appearance, as we've  
4 explained to the Board, this is a  
5 repurposing of an existing retail  
6 site. It was formerly Nature's Pantry.

7 The Board had referred this  
8 matter to the Zoning Board of Appeals  
9 for variances that were required  
10 which have been received.

11 Basically this is a reuse of the  
12 existing site.

13 The existing sign will be reused.

14 I believe we've met all the Board's  
15 prior comments. We're here to address  
16 any comments from the public.

17 CHAIRMAN EWASUTYN: Thank you.

18 Questions from the public?

19 (No response.)

20 CHAIRMAN EWASUTYN: Let the record  
21 show that there was no public input this  
22 evening.

23 At this time I'll turn it over to  
24 Dave Dominick for any questions.

25 MR. DOMINICK: No, thank you.

2            Thank you for your presentation. You've  
3            done everything we've asked throughout  
4            this process. We appreciate it.

5            MS. DeLUCA: No questions.

6            CHAIRMAN EWASUTYN: No comment.

7            MR. BROWNE: Nothing additional.

8            MS. CARVER: No questions.

9            MR. WARD: No comment.

10           CHAIRMAN EWASUTYN: At this point  
11           we'll turn to Jim Campbell, Code Compliance.

12           MR. CAMPBELL: I have no comments.

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

15           MR. HINES: We have no additional  
16           comments. The project received all the  
17           variances that were required.

18           CHAIRMAN EWASUTYN: At this point  
19           then, if there are no further comments  
20           from the public, I ask that we close the  
21           public hearing on CBD 420 LLC Retail  
22           Cannabis Dispensary, project number  
23           24-32, as it appears this evening for a  
24           site plan approval and special use  
25           permit. Would someone move for that



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motion?

MS. CARVER: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Stephanie DeLuca. I have a second by Cliff Browne. May I have a roll call vote starting with Dave Dominick.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: At this time I'll turn the meeting over to Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: I believe that this is a Type 2 action under SEQRA. Given that it is the reuse of an existing space, no further action is required as far as SEQRA is concerned.

The Board, given the fact that you've held your public hearing and met all of your other procedural requirements,

2 would be in a position to consider  
3 granting both site plan and special  
4 use permit approval to the project.

5 There are conditions that we've  
6 been including as far as cannabis  
7 retail dispensaries. Obviously they  
8 have to have a license and they have  
9 to maintain their license. If that  
10 license is terminated or ceases to be  
11 in effect for any reason, the special  
12 use permit as well would cease to be  
13 in effect and they would have to  
14 return to the Board. They have to  
15 comply with the requirements of the  
16 variance decision that they received  
17 from the Zoning Board of Appeals.  
18 The approval would only allow the  
19 improvements that are shown on the  
20 plan, so that no other exterior  
21 modifications can be made. There is  
22 also a limitation on use. The use  
23 that is associated with cannabis  
24 retail dispensary, as that's  
25 currently understood, and what the

2 license is for would be the limit of  
3 what use could occur within this  
4 facility. In other words, to put it  
5 another way, if additional substances  
6 are made legal in the future, that  
7 would also require a return to the  
8 Board for consideration of expansion  
9 of that use. As well as expiration.  
10 The special use permit will expire  
11 upon change in property ownership or  
12 property transfer, unless the Planning  
13 Board is notified in writing prior to  
14 the property transfer.

15 CHAIRMAN EWASUTYN: Questions or  
16 comments from Planning Board Members?

17 MR. DOMINICK: No.

18 MS. DeLUCA: No.

19 MR. BROWNE: No.

20 MS. CARVER: No.

21 MR. WARD: No.

22 CHAIRMAN EWASUTYN: Having heard  
23 the conditions of approval for CBD 420  
24 LLC Retail Cannabis Dispensary for a site  
25 plan and special use permit presented by

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Planning Board Attorney Dominic Cordisco,  
would someone move for that motion?

MS. CARVER: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion  
by Lisa Carver. I have a second by Dave  
Dominick. Can I have a roll call vote  
starting with Dave Dominick.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MR. SAFFIOTI: Thank you very much.

(Time noted: 7:17 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 26th day of February 2025.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

VERIZON WIRELESS - CRONOMER HILL  
(2024-22)

248 North Plank Road  
Section 34; Block 2; Lot 45  
B Zone

----- X

PUBLIC HEARING  
SITE PLAN/SPECIAL USE PERMIT

Date: February 20, 2025  
Time: 7:18 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: SCOTT OLSON  
NATHAN KEENAN

----- X

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

2 CHAIRMAN EWASUTYN: The Planning  
3 Board's third item of business this  
4 evening is Verizon Wireless - Cronomer  
5 Hill, project number 24-22. It's a  
6 public hearing on a site plan and  
7 special use permit. It's located on  
8 248 North Plank Road in a B Zone.  
9 It's being represented by --

10 MR. OLSON: Scott Olson.

11 CHAIRMAN EWASUTYN: -- Scott Olson  
12 and Tectonic Engineers.

13 MR. KEENAN: Nathan Keenan.

14 CHAIRMAN EWASUTYN: Cliff Browne,  
15 would you read the notice of hearing.

16 MR. BROWNE: "Please take notice  
17 that the Planning Board of the Town of  
18 Newburgh, Orange County, New York will  
19 hold a public hearing pursuant to Section  
20 274-A of the New York State Town Law and  
21 Chapter 168 Telecommunications Facilities  
22 - Wireless of the Town of Newburgh Code  
23 on the application of Verizon Wireless -  
24 Cronomer Hill, project number 2024-22.  
25 The project proposes the installation of

2 a wireless communications facility,  
3 associated antenna arrays, equipment  
4 platform and appurtenances. The project  
5 proposes a new 120 plus or minus monopole  
6 cell tower with a 4-foot extension for  
7 lightening protection, total tower height  
8 124 plus or minus feet. The project will  
9 access from New York State 32 at an  
10 existing gravel access drive. The  
11 project is located at 248 North Plank  
12 Road. The project is known on the Town  
13 of Newburgh Tax Maps as Section 34;  
14 Block 2, Lot 21. The project is located  
15 in the Town's B Zoning District. The  
16 project is subject to Chapter 186 of  
17 the Town Code. A public hearing will  
18 be held on the 20th day of February  
19 2025 at the Town Hall Meeting Room,  
20 1496 Route 300, Newburgh, New York at  
21 7 p.m. or as soon thereafter, at which  
22 time all interested persons will be  
23 given an opportunity to be heard. By  
24 order of the Town of Newburgh Planning  
25 Board. John P. Ewasutyn, Chairman."



2 CHAIRMAN EWASUTYN: Thank you.

3 MR. OLSON: Good evening. My name  
4 is Scott Olson, I'm an attorney at Young,  
5 Sommer.

6 Just to quickly recap, I don't want  
7 to be too repetitive, we are talking  
8 about a 120-foot monopole. There will be  
9 a 4-foot lightening rod at the top that  
10 will be connected to our grounding ring  
11 underground, just to protect against  
12 electrical currents from lightening,  
13 et cetera.

14 We do have an RF justification  
15 that the Board was provided with. I  
16 think your consultant, Mr. Fishman,  
17 has reviewed it and more or less  
18 agreed that there is a need for this.

19 As part of this justification,  
20 we did a minimum height justification  
21 to show that we're at the minimum  
22 height necessary for our purposes.  
23 We showed a height a little higher  
24 than our tower. While it does a  
25 little better for us, it's not that

2 significant to justify going 10 feet  
3 higher. We're at the 120-foot level.

4 As you know, we did a balloon  
5 test back in December. We floated  
6 the balloon at the tower height, took  
7 pictures and provided you with a  
8 visual impact analysis that shows  
9 simulations of what the tower would  
10 look like from certain locations. I  
11 think we did about 36 or 37 locations  
12 that were pre-approved by the Board.  
13 The tower was only partially visible  
14 from about 5 of those locations or  
15 so. We showed you what it would look  
16 like. For the most part, it's pretty  
17 well concealed because of the topography  
18 and vegetation.

19 On the visual analysis we provided  
20 documentation that SHPPO has concurred  
21 and signed off that this will not be an  
22 impact on any historical properties.

23 With that, I'm happy to entertain  
24 any questions.

25 CHAIRMAN EWASUTYN: Questions or

2 comments from the Board -- excuse me,  
3 from the audience?

4 (No response.)

5 CHAIRMAN EWASUTYN: Let the record  
6 show that we have no questions or comments  
7 from the audience.

8 At this time we'll turn to Dave  
9 Dominick, Planning Board Member.

10 MR. DOMINICK: Nothing further.

11 MS. DeLUCA: Nothing either. I'm  
12 excited that it's going to be in that  
13 location because it is needed.

14 MR. OLSON: It's needed here, too.  
15 I don't have service. Sorry. That's the  
16 next project.

17 CHAIRMAN EWASUTYN: No comment.

18 MR. BROWNE: Nothing additional.

19 MS. CARVER: Thank you for the  
20 information.

21 MR. WARD: No additional. Thank  
22 you.

23 CHAIRMAN EWASUTYN: Jim Campbell,  
24 Code Compliance.

25 MR. CAMPBELL: I have no comments.

2 CHAIRMAN EWASUTYN: Pat Hines.

3 MR. HINES: We coordinated with  
4 Mr. Fishman, the Town's Tower Consultant.  
5 All of our comments, as well as his,  
6 have been addressed.

7 We did mention the Cronomer Valley  
8 Fire Department site which was analyzed  
9 and proven not to be affected for the  
10 area to be covered. It is just noticeable  
11 in the visual simulations. That one was  
12 more visible from prominent points.  
13 That's been addressed.

14 We have no additional outstanding  
15 comments.

16 There is a requirement for security  
17 to be posted in compliance with other  
18 sections of the Wireless Code.

19 CHAIRMAN EWASUTYN: Would someone  
20 move for a motion to close the public  
21 hearing on Verizon Wireless - Cronomer  
22 Hill site plan and special use permit,  
23 project number 24-22.

24 MS. DeLUCA: So moved.

25 MS. CARVER: Second.

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

6 MR. DOMINICK: Aye.

7 MS. DeLUCA: Aye.

8 CHAIRMAN EWASUTYN: Aye.

9 MR. BROWNE: Aye.

10 MS. CARVER: Aye.

11 MR. WARD: Aye.

12 CHAIRMAN EWASUTYN: At this point  
13 in the meeting we'll turn to Planning  
14 Board Attorney Dominic Cordisco to give  
15 us conditions of approval.

16 MR. CORDISCO: Thank you, Mr. Chairman.

17 Before we do that, I would suggest  
18 that the Board consider adopting a negative  
19 declaration under SEQRA.

20 CHAIRMAN EWASUTYN: Would someone  
21 move for that motion?

22 MR. WARD: So moved.

23 MS. DeLUCA: Second.

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

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

4 MR. DOMINICK: Aye.

5 MS. DeLUCA: Aye.

6 CHAIRMAN EWASUTYN: Aye.

7 MR. BROWNE: Aye.

8 MS. CARVER: Aye.

9 MR. WARD: Aye.

10 MR. CORDISCO: The approval would  
11 be for the site plan and special use  
12 permit for the telecommunications  
13 facility. It's similar to the approval  
14 that you actually did a couple years ago  
15 in connection with Fostertown Road, for  
16 that facility.

17 The conditions include ongoing  
18 compliance with the requirements of the  
19 Telecommunications Facilities Chapter 168  
20 as it currently exists or may be amended  
21 in the future, including the annual  
22 certifications, the maintenance of  
23 liability insurance and the removal of  
24 the wireless facility if that's required  
25 in the future. The site plan is only

2 allowing construction of what is shown on  
3 the plans that have been submitted to the  
4 Town. Additional equipment or additional  
5 disturbances are not allowed without  
6 returning to the Board seeking an amended  
7 approval. The approval is for this  
8 particular applicant with these antennas.  
9 If additional antennas are proposed in  
10 the future, then, once again, an amended  
11 approval would be required. All fees  
12 have to be paid. As Pat had mentioned,  
13 security provided as well. That pretty  
14 much covers it.

15 CHAIRMAN EWASUTYN: Any questions  
16 or comments from Planning Board Members?

17 MR. DOMINICK: No.

18 MS. DeLUCA: No.

19 MR. BROWNE: No.

20 MS. CARVER: No.

21 MR. WARD: No.

22 CHAIRMAN EWASUTYN: Having heard  
23 the conditions of approval presented by  
24 Planning Board Attorney Dominic Cordisco,  
25 would someone move for a motion to

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approve the Verizon Wireless - Cronomer Hill site plan and special use permit?

MR. DOMINICK: So moved.

MS. CARVER: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Lisa Carver. May I please have a roll call vote starting with Dave Dominick.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

MR. OLSON: Thank you. It's always a pleasure.

(Time noted: 7:27 p.m.)



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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 26th day of February 2025.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

KUSH FACTORY RETAIL CANNABIS DISPENSARY  
(2024-34)

1255 New York State Route 300  
Section 95; Block 1; Lot 72  
IB Zone

----- X

PUBLIC HEARING  
SITE PLAN/SPECIAL USE PERMIT

Date: February 20, 2025  
Time: 7:28 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MELZINA CANNIGAN IZZARD

----- X

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

1  
2           CHAIRMAN EWASUTYN: Our fourth item  
3 of business this evening is Kush Factory  
4 Retail Cannabis Dispensary, project  
5 number 24-34. It's a public hearing on a  
6 site plan and special use permit. It's  
7 located at 1255 New York 300. It's known  
8 as the Lowe's Plaza. It's in an IB Zone.  
9 It's being represented by Anderson  
10 Architects.

11                   For the record, your name?

12           MS. CANNIGAN IZZARD: Melzina  
13 Cannigan Izzard.

14           MR. BROWNE: "Please take notice  
15 that the Planning Board of the Town of  
16 Newburgh, Orange County, New York will  
17 hold a public hearing pursuant to Section  
18 274-A of the New York State Town Law and  
19 Chapter 185-48.9 of the Town of Newburgh  
20 Code on the application of Kush Factory  
21 Retail Cannabis Dispensary, project  
22 number 2024-34. The project proposes a  
23 retail cannabis dispensary as a special  
24 use under Town Code Chapter 185-48.9.  
25 The project is proposed to be located

1           within the existing shopping center at  
2           the intersection of New York State Route  
3           17K and Route 300. The project will  
4           occupy a portion of the former Pier 1  
5           Import structure within the shopping  
6           center. The project proposes a 3,305  
7           square foot retail cannabis dispensary  
8           with the balance of the structure to  
9           remain vacant. Any further use of the  
10          structure will require additional  
11          Planning Board approval. Access to the  
12          site is from two state highways, New York  
13          State Route 17K and New York State Route  
14          300. The project is known on Newburgh  
15          Tax Maps as Section 95; Block 1; Lot 72.  
16          The site is served by existing municipal  
17          sewer services. A public hearing will be  
18          held on the 20th day of February 2025 at  
19          the Town Hall Meeting Hall, 1496 Route  
20          300, Newburgh, New York at 7 p.m. or as  
21          soon thereafter, at which time all  
22          interested persons will be given an  
23          opportunity to be heard. By order of the  
24          Town of Newburgh Planning Board. John P.  
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Ewasutyn, Chairman."

CHAIRMAN EWASUTYN: Melzina.

MS. CANNIGAN IZZARD: Good evening.  
I think we've been to these meetings a few times. Nothing has changed. I think we tried to fill all of your requirements as best as possible.

This is a retail dispensary in an existing building. There will not be, you know, kind of any glamorous changes that would require a plethora than what the standard would be for building out a retail space.

We plan on employing local people and making sure that we keep our security in check as far as physical security being on the site, as far as security cameras, and all the other standard things that we're going to need to make sure the building stays safe and the people can get in safely.

That's pretty much it.

CHAIRMAN EWASUTYN: Thank you.

Any questions or comments from the

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public?

(No response.)

CHAIRMAN EWASUTYN: Let the record show there are no questions or comments from the public.

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

MR. CAMPBELL: I have no comment.

CHAIRMAN EWASUTYN: Before we turn it over to Pat Hines with MH&E, I'll refer to Dave Dominick.

MR. DOMINICK: The only thing I can say is throughout this process you've been professional and knowledgeable. Great presentation and best of luck in your business.

MS. CANNIGAN IZZARD: Thank you so much. I appreciate that.

CHAIRMAN EWASUTYN: Stephanie DeLuca.

MS. DeLUCA: I just have one minor question. You mentioned all of your employees that are working there will be local. Are they also going to be -- I don't know. Do they have to fulfill

1  
2 certain qualifications to be employed  
3 there as far as their knowledge, et cetera?

4 MS. CANNIGAN IZZARD: They need to  
5 be friendly. We're going to teach them  
6 everything else they need to know. I  
7 think the beauty of this, this is what  
8 you would consider for local areas.  
9 Like, this is kind of having no  
10 experience, being able to make a decent  
11 living, being social media fabulous.  
12 There's a lot of content involved in  
13 this. I think a lot of people are going  
14 to get a hand up for employment.

15 MS. DeLUCA: Are there courses or  
16 anything else that they have to go  
17 through?

18 MS. CANNIGAN IZZARD: I went to  
19 college. There's not a standard required  
20 certificate they need to receive. I went  
21 to college for it. I'm a good trainer.  
22 Most likely they will go through some  
23 basic training course. They need to know  
24 the individual product safety. There are  
25 laws and regulations that we all need to

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follow. That will be updated yearly.

MS. DeLUCA: Thank you.

CHAIRMAN EWASUTYN: No comment.

MR. BROWNE: I have nothing more.

Thank you.

MS. CARVER: Thank you for your information.

MR. WARD: You did a beautiful job with everything. Thank you.

MS. CANNIGAN IZZARD: Thank you.

CHAIRMAN EWASUTYN: Any second thoughts, questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: Would someone move then to close the public hearing on Kush Factory Retail Cannabis Dispensary, project number 24-34? It's here before us this evening for a site plan and special use permit. Would someone move for that motion?

MS. CARVER: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion



1  
2 by Lisa Carver. I have a second by Cliff  
3 Browne. Can I have a roll call vote  
4 starting with Dave Dominick.

5 MR. DOMINICK: Aye.

6 MS. DeLUCA: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MR. BROWNE: Aye.

9 MS. CARVER: Aye.

10 MR. WARD: Aye.

11 CHAIRMAN EWASUTYN: At this time  
12 I'll turn the meeting over to Pat Hines  
13 with MH&E.

14 MR. HINES: We have no additional  
15 comments, other than we suggest in the  
16 resolution to identify that the 9,000  
17 square foot building existing, they are  
18 only using approximately 3,000 of it.  
19 Any change in use of the balance 6,000  
20 would have to come back to the Board.

21 CHAIRMAN EWASUTYN: Thank you.

22 Dominic Cordisco with Drake Loeb,  
23 Planning Board Attorney.

24 MR. CORDISCO: This is a Type 2  
25 action under SEQRA, so there's no further

1  
2 action that needs to be taken by the  
3 Board in connection with the environmental  
4 review.

5 Very similar conditions that I  
6 enumerated earlier tonight in connection  
7 with the CBD 420 application would apply  
8 to this one.

9 I would note that we have been  
10 including a provision within the  
11 resolutions that states that only that  
12 which is shown on the plan can be  
13 utilized for this particular project. We  
14 will make sure that we also clarify that  
15 it is only the area that's shown on the  
16 plan that's authorized for this  
17 particular use. It's our understanding  
18 that that's the area that you're renting  
19 and you're not renting the balance of the  
20 building. If that was to change in the  
21 future, then an amended approval would be  
22 required.

23 The same conditions in connection  
24 with the license. Obviously the license  
25 from New York State is required. If it's

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ever terminated or expired, than the permit from this Board would also terminate or expire. That has to be kept in effect.

The other conditions I mentioned earlier would apply to this project as well.

CHAIRMAN EWASUTYN: Any questions or comments from Planning Board Members?

MR. DOMINICK: No.

MS. DeLUCA: No.

MR. BROWNE: No.

MS. CARVER: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Would someone make for a motion to grant approval to Kush Factory Retail Cannabis Dispensary for the site plan and special use permit subject to the conditions presented by Planning Board Attorney Dominic Cordisco?

MR. DOMINICK: So moved.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. A second?

MR. WARD: Second.

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CHAIRMAN EWASUTYN: I have a second  
by John Ward. Can I have a roll call  
vote starting with Dave Dominick.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

MS. CANNIGAN IZZARD: Thank you.

(Time noted: 7:35 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
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*Michelle Conero*  
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MICHELLE CONERO

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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 96; Block 1; Lot 37.222  
IB Zone

----- X

SITE PLAN

Date: February 20, 2025  
Time: 7:35 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

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

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

8 MR. DATES: Good evening, Mr. Chairman,  
9 Members of the Board. Justin Dates with  
10 Colliers Engineering & Design. As  
11 mentioned, I'm here representing the  
12 applicant, Avion Ventures.

13 We were last before the Board with  
14 a sketch site plan of this project as  
15 a 56,000 square foot warehouse building  
16 that has access to Route 17K via  
17 Pomarico Drive which is a private road.

18 There are 34 proposed parking spaces.

19 We have 6 proposed loading docks.

20 We're in the IB Zoning District.

21 Warehouse use is a -- requires site plan  
22 approval from the Planning Board.

23 Since that last presentation, we  
24 have developed a full set of site plans  
25 for the project.

2 We did prepare a stormwater  
3 pollution prevention plan which has  
4 been provided with our latest  
5 submission, as well as a traffic  
6 impact study.

7 Just to kind of touch on some of  
8 the proposals associated with this  
9 facility, we are looking to connect  
10 to Town water. There is water on  
11 Pomarico Drive that extends basically  
12 to the southern boundary of our property.  
13 We're looking to extend that into the  
14 project site and hook up for necessary  
15 fire suppression and potable water  
16 service.

17 For sanitary sewer we will have  
18 a pump station adjacent to the  
19 southern face of the building here  
20 which would have a force main to go  
21 out to approximately the intersection  
22 of Pomarico and Route 17K. That's  
23 where the existing Town facilities  
24 are for sanitary sewer hook up.

25 We have designed stormwater



2 mitigation per the regulations that  
3 have just recently been updated for  
4 the DEC permit.

5 From a traffic standpoint, at  
6 the last meeting we presented what we  
7 feel is the mitigation for traffic  
8 access or traffic impacts from the  
9 project. We'd be looking to establish  
10 a left-turn lane at 17K eastbound for  
11 coming into Pomarico Drive. There  
12 would be some signal upgrades for  
13 Lakeside Road and the Pilot intersection  
14 there, as well as signal timing  
15 improvements for the I-84 ramp signals  
16 there.

17 Within the site plan package that  
18 you have, we provided a full landscape  
19 plan.

20 We do have DEC wetlands on the  
21 site. You see that takes up about  
22 roughly a third of the project site.  
23 We did get a DEC validation on those  
24 wetlands. That map was provided to  
25 the Board for your records. As you

2 know, with DEC wetlands there is a  
3 100-foot adjacent area or buffer  
4 area. Our proposed stormwater  
5 improvements do encroach into that  
6 buffer area. We are pursuing a  
7 permit from DEC. I anticipate having  
8 an application submission out to DEC  
9 on that buffer encroachment by the  
10 end of this month.

11 Lastly, lighting. There's a  
12 lighting plan within the site plan  
13 set there. They're dark-sky compliant  
14 lights. We do have a couple that are  
15 mounted up at 30 feet, really to light  
16 up the truck court, the loading dock  
17 area, as well as that adjacent aisle.  
18 The additional height requires fewer  
19 lights and covers that area quite  
20 well with the distribution we have.  
21 The remaining of the lights are only  
22 20 feet in height, again LED dark-sky  
23 compliant fixtures.

24 At the last meeting the  
25 Planning Board declared their intent

2 to be lead agent. I would hope that  
3 -- it's been 30 days -- over 30 days  
4 since that last meeting. We hope  
5 that the Board can declare lead agent  
6 under SEQRA for the project.

7 Also, I'd like to discuss the  
8 potential referral to Orange County  
9 Planning and a public hearing for the  
10 project.

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

13 MR. DOMINICK: Thank you for that,  
14 Justin. What's nice about this, it's  
15 kind of tucked out of the way a little  
16 bit.

17 The big thing I think will be the  
18 improvements to Pomarico Drive, the  
19 repaving. That road really needs a lot  
20 of attention.

21 MR. DATES: Yes. Can I respond to  
22 that?

23 CHAIRMAN EWASUTYN: Please.

24 MR. DATES: Pomarico Drive, from  
25 where it extends beyond the Peterbilt

2 access, from that point to the end of  
3 Pomarico, essentially which is right on  
4 our southern property boundary, it's been  
5 12 and 14 feet. That's the range of the  
6 width of the pavement. We are taking  
7 that and we are making it a 24-foot wide  
8 pavement section. That will be extending  
9 from -- again, where Peterbilt access  
10 pulls off, from that point to our site  
11 we'll be improving that.

12 Those utilities that I mentioned,  
13 the sewer has to go through that same  
14 section there for the force main.

15 That is what we're looking to do  
16 with Pomarico, to bring it up to speed  
17 for the additional traffic for this  
18 project.

19 MR. DOMINICK: That would be  
20 greatly improved. Right now it's kind  
21 of like a single lane. A car coming  
22 in or out, someone has to pass by  
23 Peterbilt to go through.

24 MR. DATES: Correct.

25 MR. DOMINICK: Thank you.

2 MS. DeLUCA: You just answered my  
3 question. Thank you.

4 CHAIRMAN EWASUTYN: No comment.

5 MR. BROWNE: I have nothing.

6 MS. CARVER: So you won't be  
7 allowed to make a left out of there.  
8 Correct?

9 MR. DATES: Right now the access  
10 from Pomarico to 17K, we're not -- that's  
11 not being restricted. What we're looking  
12 to establish is on 17K eastbound we would  
13 provide a dedicated left-turn lane to get  
14 into Pomarico.

15 MS. CARVER: Thank you. Is there a  
16 tenant yet?

17 MR. DATES: There is no tenant.  
18 This is proposed on spec right now.

19 MS. CARVER: Thank you.

20 CHAIRMAN EWASUTYN: John Ward.

21 MR. WARD: You're saying you're  
22 improving the blacktop up to Peterbilt.  
23 What about from Peterbilt to 17K? I  
24 mean, that's part of the development  
25 right there.

2 MR. DATES: So that, we feel, is in  
3 good condition and of sufficient width.  
4 When you get to Peterbilt, it's about 24  
5 feet wide already. As you go out to the  
6 intersection, the curb width at 17K is  
7 about 30 feet. That's kind of a standard  
8 commercial driveway. We don't think that  
9 there are any further improvements from  
10 that, from Peterbilt out to 17K. DOT  
11 might have -- they might give us  
12 something else on that that we'll have to  
13 address. Right now this is our proposal.

14 MR. WARD: Your traffic study, you  
15 didn't include anything down to Route 300  
16 with Matrix?

17 MR. DATES: The existing facilities?

18 MR. WARD: Yes.

19 MR. DATES: They would have been in  
20 our counts that we provided. Those  
21 active projects, they would be in the  
22 counts that we provided. I think there  
23 were some projects that Mr. Wersted  
24 mentioned that he wants us to be -- that  
25 weren't developed at this point that are

2 still in the approval process that he  
3 wants us to add into the TIS, which we  
4 will look to do. I think Ken has  
5 provided those to us already. We will  
6 work them into the study.

7 MR. WARD: Coming out of the site,  
8 it should definitely be no left turn.  
9 Definitely.

10 MR. DATES: We'll look at that.

11 CHAIRMAN EWASUTYN: Ken Wersted,  
12 Traffic Consultant with Creighton  
13 Manning.

14 MR. WERSTED: Largely our site plan  
15 comments have been addressed.

16 I made a suggestion of a loading  
17 dock directional sign, just to sort any  
18 deliveries to this facility down the  
19 right path.

20 MR. DATES: We'll add that.

21 MR. WERSTED: We had talked about  
22 the other developments. There was a  
23 large amount already included from  
24 Montgomery, but there are several  
25 projects to the east on 17K, going deeper

2 into Newburgh, to include. I did  
3 transfer over those traffic studies and  
4 site plans to your office yesterday via  
5 Dropbox.

6 MR. DATES: Yes. Thank you.

7 MR. WERSTED: You had mentioned a  
8 left-turn lane. I think that's largely a  
9 striking exercise on Route 17K because  
10 there's already a wide median there.  
11 That will just get revised to extend the  
12 left-turn lane. That would help facilitate  
13 eastbound traffic coming into Pomarico.

14 The only other thing we had noted  
15 is that there are some difficult levels  
16 of service to the east -- sorry, to the  
17 west. Racquet Road is unsignalized. You  
18 guys had done the analysis of the Positive  
19 Developers project at 36 Racquet Road.  
20 Any traffic that's proposed to come to  
21 this facility that's using that road will  
22 just find that turn difficult. Coming  
23 out to the intersection of Rock Cut Road  
24 with the traffic light will be easier.

25 We have another applicant before us



2 that is looking to install a right-turn  
3 lane at that location given that the  
4 volume at that movement is pretty  
5 significant in the afternoon.

6 I just wanted to bring that up for  
7 the Board's awareness.

8 MR. DATES: Ken, that's at Racquet  
9 Road, you said? That's the application?

10 MR. WERSTED: No. 36 Racquet Road  
11 was the warehouse development that you  
12 guys had prepared a study for.

13 MR. DATES: Yup.

14 MR. WERSTED: At the intersection  
15 of 17K and Rock Cut Road there's an --

16 MR. DATES: Oh, Rock Cut.

17 MR. WERSTED: -- applicant looking  
18 to put a right turn in there as part of  
19 mitigation.

20 Those are all of my comments.

21 CHAIRMAN EWASUTYN: Jim Campbell,  
22 Code Compliance.

23 MR. CAMPBELL: I corresponded with  
24 the fire department. They had no  
25 additional comments to the ones you've

2 already addressed in your letter dated  
3 9/9/24.

4 MR. DATES: Thank you.

5 MR. CAMPBELL: Just keep in mind,  
6 the parking striping detail, use the  
7 Town's detail.

8 MR. DATES: The boxed out?

9 MR. CAMPBELL: Yes.

10 MR. DATES: Okay.

11 MR. CAMPBELL: Something that  
12 usually gets kicked down the road a bit  
13 is the signage. That's part of ARB.

14 MR. DATES: Understood.

15 MR. CAMPBELL: We need those details.  
16 That's all I've got.

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

19 MR. HINES: Compliance with the  
20 Town's Tree Ordinance should be  
21 documented. I know we finalized those  
22 sample plots. I know you have those.  
23 We're looking for that.

24 I noted that a DEC permit will be  
25 required for the encroachment on the

2 wetland buffer. We're suggesting the  
3 DEC wetland buffer be shown on the  
4 utility plan. It's kind of ghosted  
5 in there. I think it would be  
6 helpful for you and them to show  
7 where the grading is in there.

8 MR. DATES: Sure.

9 MR. HINES: We did circulate the  
10 notice of intent for lead agency on  
11 November 27th. The Planning Board  
12 would be in a position to declare  
13 itself lead agency.

14 There's a septic tank proposed  
15 ahead of the pump station. I don't  
16 know why that is.

17 MR. DATES: We're going to get rid  
18 of that.

19 MR. HINES: Great. I'm not sure if  
20 Dominic has the private road agreements  
21 as they exist right now. We're going to  
22 need those reviewed to make sure there is  
23 access to this site on Pomarico and no  
24 restrictions.

25 We heard about the fire department.

2 The City of Newburgh flow  
3 acceptance letter will be needed. We'll  
4 need that hydraulic loading calculation  
5 from the site. We'll put a cover letter  
6 on that to the City.

7 A stormwater facilities maintenance  
8 agreement.

9 Health Department approval for the  
10 water main and the design for the pump  
11 station should be submitted.

12 We do have the SWPPP as well which  
13 is under review.

14 CHAIRMAN EWASUTYN: So then, Pat  
15 Hines/Dominic Cordisco, the motion before  
16 us this evening is to declare ourselves  
17 lead agency and circulate to the Orange  
18 County Planning Department?

19 MR. CORDISCO: Yes, sir.

20 CHAIRMAN EWASUTYN: Pat, are you in  
21 agreement?

22 MR. HINES: I concur with that.

23 CHAIRMAN EWASUTYN: Having heard  
24 from Pat Hines with MH&E and Dominic  
25 Cordisco, Planning Board Attorney, would

2 someone move for a motion to declare  
3 ourselves lead agency for Avion Ventures  
4 Warehouse and also to circulate to the  
5 Orange County Planning Department?

6 MS. CARVER: So moved.

7 MR. BROWNE: Second.

8 CHAIRMAN EWASUTYN: I have a motion  
9 by Lisa Carver. I have a second by Cliff  
10 Browne. Can I have a roll call vote  
11 starting with Dave Dominick.

12 MR. DOMINICK: Aye.

13 MS. DeLUCA: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. BROWNE: Aye.

16 MS. CARVER: Aye.

17 MR. WARD: Aye.

18 CHAIRMAN EWASUTYN: As far as a  
19 public hearing, I think we'll wait until  
20 we hear back from the County.

21 MR. DATES: Okay. Can I just ask  
22 one other question? From MHE, number 7  
23 about the private road access agreement  
24 should be reviewed by Mr. Cordisco.  
25 Prior to the last appearance, the

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applicant's attorney had provided a summary or a findings that this project can utilize Pomarico Drive for the access and the utilities. I believe Mr. Cordisco reviewed that and was in concurrence with the findings of the applicant's attorney. Is there more that we need to provide?

MR. CORDISCO: No. Just Pat and I hadn't spoken about that.

MR. DATES: Great.

CHAIRMAN EWASUTYN: Thank you.

MR. DATES: Thank you.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 26th day of February 2025.

*Michelle Conero*  
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MICHELLE CONERO

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

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In the Matter of

WABNO HOSPITALITIES, INC.  
(2025-06)

90 & 94 Route 17K  
Section 95; Block 1; Lots 16 & 17  
IB Zone

----- X

FOUR-LOT COMMERCIAL SUBDIVISION

Date: February 20, 2025  
Time: 7:50 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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



2 CHAIRMAN EWASUTYN: The sixth  
3 item of business is WABNO Hospitalities,  
4 Inc. It's an initial appearance for  
5 a four-lot commercial subdivision.  
6 It's in an IB Zone. It's being  
7 represented again by Justin Dates of  
8 Colliers Engineering.

9 MR. DATES: Good evening,  
10 Mr. Chairman and Board. Justin Dates  
11 with Colliers Engineering & Design.  
12 I'm here representing the applicant,  
13 WABNO Hospitalities, Inc., for a  
14 proposed four-lot commercial subdivision.  
15 The owner/applicant is also present  
16 tonight, Mr. Javaid. If any questions  
17 come up, we can direct them to him as  
18 well.

19 The project site is located in  
20 the Town's IB Zoning District. Just  
21 to orient you to the plan, on the  
22 right-hand side or east side is Route  
23 300. You have the Sunoco down at the  
24 corner of 17K here, then 17K again is  
25 on the bottom of the page. The car

2 wash spa is right in the corner here.

3 This is comprised of two tax  
4 lots, 95-1-16 and 95-1-17, which  
5 total 12.4 acres in size and do house  
6 the existing hotel facility, Hudson  
7 Valley Hotel & Conference Center, on  
8 the northwestern side of the site here.

9 It has access and frontage to  
10 17K to the south. There is an easement/  
11 right-of-way for access to the parcel  
12 down to Route 300. This is the light  
13 where we've got Restaurant Depot up  
14 behind here. That traffic light is  
15 at the base of the driveway there.

16 The applicant is looking to  
17 subdivide this into four commercial  
18 lots. Lot 1 would be 5.35 acres in  
19 size, and that has the existing hotel  
20 facility on it. Lot 2 would be the  
21 one to the right, the east here,  
22 which is just over 5 acres. There's  
23 no proposed development at this time.  
24 It would be vacant. Lots 3 and 4 are  
25 on the Route 17K frontage, each of

2 those being about an acre in size.

3 We are maintaining access back  
4 to the hotel, and then we have some  
5 easements for access and utilities  
6 throughout that would need to be  
7 coordinated to maintain some of the  
8 existing improvements that are there.

9 There are no proposed uses at  
10 this time for those additional three  
11 vacant parcels.

12 That's it.

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

15 MR. DOMINICK: Thank you. Justin,  
16 this project was before us a while ago  
17 for another item. We had some unified  
18 site plans and things and we had some  
19 recommendations for improvements. I'd  
20 like to see those things carried on to  
21 this project as well.

22 This building has existed since  
23 1962. It's been around with the founding  
24 staples of the community. It needs some  
25 repair. The paving, the entranceway, the

2 entire parking lot needs to be repaved,  
3 top coated and fixed. There's  
4 significant potholes and such.

5 In addition to that, there are  
6 abandoned cars on the lot, especially in  
7 the front, without license plates. Some  
8 of them have none. Some of them look  
9 like they've been sitting there for many,  
10 many years. That needs to be cleaned up.

11 There's a food truck parked on the  
12 side, plugged into the building. I'm not  
13 sure what that is.

14 MR. DATES: The red --

15 MR. DOMINICK: The red trailer,  
16 yes.

17 The dumpster in the back far top  
18 corner, right there, is overflowing.  
19 That probably just needs a delivery.  
20 That's immaterial. However, the  
21 enclosure is broken and needs repair.

22 The front building by 17K in the  
23 lower left-hand corner, --

24 MR. DATES: The garage.

25 MR. DOMINICK: -- what is going to

2 happen with the garage there?

3 MR. DATES: Nothing right now.

4 MR. DOMINICK: Okay. There's  
5 overgrown brush. It's right on the main  
6 street where everyone sees it. That  
7 brush needs to be cleaned up.

8 The fence is falling apart, the  
9 stockade wooden fence. Either take it  
10 down or repair it.

11 MR. DATES: Yes.

12 MR. DOMINICK: The side access road  
13 you talked about that goes from your site  
14 to Restaurant Depot and down to Route  
15 300, that was a very popular dumping  
16 ground of furniture, garbage, et cetera.  
17 What's there now is a broken chain and a  
18 bucket on the property. I didn't walk  
19 back there far enough because it wasn't  
20 safe, it was icy. Clean up any debris  
21 that's back there, refuse, of that  
22 nature.

23 Also, come up with some other type  
24 of restrictive barriers, whether it's a  
25 fence or something like that.

2 Is that still used as a fire  
3 department access?

4 MR. DATES: As of right now I think  
5 the applicant was trying to control that  
6 dumping. People were kind of using it as  
7 a cut through and dumping location.  
8 There are some curb stops over here to  
9 try to deter that access. Right now it's  
10 obstructed.

11 MR. DOMINICK: It's not working.  
12 The chain is there. Also, between  
13 Restaurant Depot you'll have to come up  
14 with some type of restrictive access  
15 point there to block that off. Block off  
16 both ends.

17 That's all I have. I would like to  
18 see those as conditions of the approval.

19 MR. DATES: Thank you.

20 CHAIRMAN EWASUTYN: Stephanie DeLuca.

21 MS. DeLUCA: Thank you, Dave, for  
22 going through the checklist.

23 I guess the only question I have,  
24 and you've already answered that as well,  
25 but I'm just curious as to the use of the

2 property. What's going to occur there?  
3 That's unknown right now?

4 MR. DATES: Correct.

5 MS. DeLUCA: That was my only  
6 question.

7 MR. DATES: Aside from the existing  
8 hotel facility.

9 MS. DeLUCA: Sure.

10 CHAIRMAN EWASUTYN: No comment.

11 MR. BROWNE: I have nothing  
12 additional. It's already been said.

13 MS. CARVER: Dave covered everything.

14 MR. WARD: Basically it's clean up  
15 the whole site for all four lots.

16 MR. DATES: Okay. We'll look into  
17 that.

18 MR. WARD: And landscaped.  
19 Landscaping is important after you're  
20 done.

21 MR. DATES: Okay.

22 CHAIRMAN EWASUTYN: Jim Campbell,  
23 Code Compliance.

24 MR. CAMPBELL: I would need you to  
25 evaluate the current use and if that

2 second access is required or not  
3 according to the Fire Code. That can be  
4 evaluated.

5 MR. DATES: Okay.

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

7 CHAIRMAN EWASUTYN: Ken Wersted  
8 with Creighton Manning Engineers.

9 MR. WERSTED: No comments.

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

12 MR. HINES: The EAF identifies  
13 habitat for bat species. The appropriate  
14 note should be added to the plans for  
15 future buyer beware. Obviously there's  
16 no construction on the proposed three  
17 lots. That note should be added.

18 The Town Code requires 5 acres for  
19 a hotel. Any accessory use, restaurant,  
20 conference, banquet facilities, need to  
21 be subtracted from the total lot area.  
22 We'll need a calculation. I know it's  
23 5.4 right now. We have to make sure that  
24 that complies. Those have to be deducted  
25 from the balance parcel to make sure



2 there's still 5 acres after that  
3 deduction.

4 MR. DATES: Understood.

5 MR. HINES: I gave you the Town  
6 Code section.

7 It loses its existing protection  
8 under the hotel. There's a section in  
9 the Town Code regarding hotels and hotel  
10 uses, the unit size, the sprinkler  
11 system, alarm system. You have to review  
12 those sections and make sure it complies  
13 with each of those.

14 We're suggesting that access to  
15 proposed lots 3 and 4 be restricted to  
16 the existing access drive and not new  
17 access points onto 17K.

18 The reciprocal easements, both  
19 proposed and existing, should be  
20 submitted to Dominic for review.

21 I have a comment regarding the  
22 right-of-way on lot 2 is currently  
23 blocked. If it is required, it should be  
24 reopened and probably secured by fire  
25 access gates with a key to the

2 jurisdictional fire department provided.

3 You may wish to declare your intent  
4 for lead agency.

5 DOT will be an involved agency in  
6 this.

7 Future submissions should contain  
8 topography and all structures within 200  
9 feet of the property line.

10 The existing structure on, I think  
11 it's lot 2 -- lot 3, I mean, that's going  
12 to need to be removed before the map is  
13 filed. It doesn't comply with zoning.

14 MR. DATES: Lot 4, the existing  
15 garage?

16 MR. HINES: The existing garage  
17 structure, whatever that is, is shown to  
18 be removed. It would have to be removed  
19 prior to filing the maps because it  
20 doesn't -- it would be an accessory use  
21 accessory to nothing, and it also has  
22 setback issues.

23 Your setback on the other frontage  
24 lot is labeled at 50. It needs to be 60.  
25 The one not with the garage, the other

2 1-acre lot. It shows a setback of 50.  
3 The State highway setback is 60.

4 That's all we have on the plan to  
5 date.

6 MR. DATES: I just have one question.  
7 Comment 4 talks about screening. This is  
8 within the hotel portion of the Code.  
9 The parking as it's listed here, parking,  
10 garage area, service yard, active  
11 recreation spaces screened so as to  
12 adequately protect the neighboring  
13 properties and environment, you're saying  
14 that needs to be established for the  
15 existing use to these new vacant parcels?

16 MR. HINES: The Restaurant Depot.  
17 That's verbatim out of the Code. I'll  
18 let you take a look at it and present to  
19 the Board how you comply with that,  
20 realizing that it is an existing  
21 facility. I think it's intended more  
22 towards the clean up and screening. Take  
23 a look at that section of the Code and  
24 you can address that comment.

25 MR. DATES: Thank you.

2 CHAIRMAN EWASUTYN: Dominic  
3 Cordisco, Planning Board Attorney.

4 MR. CORDISCO: Pat mentioned the  
5 possibility of the Board circulating for  
6 lead agency. We also talked about the  
7 fact that there are certain calculations  
8 that need to be made to confirm whether  
9 or not variances are required. In  
10 particular, the lot area for the hotel,  
11 the existing hotel, has a minimum lot  
12 area of 5 acres. Deductions have to be  
13 made as part of that in connection with  
14 the additional space. It may not need a  
15 variance, but if we circulate for lead  
16 agency at this point and you do need a  
17 variance, then you would have to apply  
18 for that variance but not be able to  
19 receive it until after the Board  
20 completes its entire environmental  
21 review. One suggestion would be to not  
22 circulate at this time but to do the  
23 adjoiners' notices and have the applicant  
24 review the Code provisions to ensure that  
25 no variances are required.

2 MR. DATES: Would it be possible,  
3 if we did review that and got that  
4 calculation on the map, and if it does  
5 not need any variances, that we would not  
6 have to come back to the Board to do the  
7 circulation, if we got that to Pat to  
8 review? Is that possible?

9 MR. CORDISCO: It would be up to  
10 the Board. I have no objection to that.  
11 It's certainly a way to proceed. It's a  
12 technical issue.

13 The other thing would be, you would  
14 need a referral from this Board, however,  
15 to the Zoning Board of Appeals for those  
16 variances.

17 MR. DATES: Understood. We would  
18 have to come back for that.

19 MR. CORDISCO: You would have to  
20 come back for that. What you're  
21 suggesting is if you confirm that no  
22 variances are needed, take the next step  
23 under SEQRA and refer it to declare their  
24 intent for lead agency.

25 MR. DATES: Yeah. If the Board

2 would consider that.

3 CHAIRMAN EWASUTYN: Would the Board  
4 be okay with that?

5 MR. DOMINICK: Yes.

6 MS. DeLUCA: Yes.

7 CHAIRMAN EWASUTYN: Yes.

8 MR. BROWNE: Yes.

9 MS. CARVER: Yes.

10 MR. WARD: Yes.

11 CHAIRMAN EWASUTYN: Pat, you'll  
12 coordinate that based upon the submission  
13 and Justin Dates meeting the standard for  
14 5 acres?

15 MR. HINES: It's the 5 acres as  
16 well as the other sections of the hotel  
17 code. The 300 square foot rooms.

18 MR. DATES: Oh, okay. I'm sorry.

19 MR. HINES: All of those would have  
20 to be checked.

21 MR. DATES: The screening, too?

22 MR. HINES: That's subjective.  
23 I'll leave that for the Board in the  
24 future. That's going to be either you  
25 comply with it or the Board may want

2 additional.

3 MR. DATES: Understood.

4 MR. HINES: I'll let you take a  
5 shot at convincing the Board that you  
6 comply with that.

7 CHAIRMAN EWASUTYN: If it moves  
8 favorable for the applicant, will you  
9 send us an e-mail --

10 MR. HINES: Yes.

11 CHAIRMAN EWASUTYN: -- noticing us  
12 that you're going to be circulating  
13 intent for lead agency?

14 MR. HINES: Yes.

15 CHAIRMAN EWASUTYN: In the meantime,  
16 the action before us, Dominic, is the  
17 adjoiners' notice?

18 MR. CORDISCO: Yes, sir.

19 CHAIRMAN EWASUTYN: Any other  
20 questions or comments?

21 MR. DOMINICK: No.

22 MS. DeLUCA: No.

23 MR. BROWNE: No.

24 MS. CARVER: No.

25 MR. WARD: No.

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MR. DATES: No, sir. Thank you.  
(Time noted: 8:05 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 26th day of February 2025.

*Michelle Conero*  
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MICHELLE CONERO



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

----- X  
In the Matter of

HAPPY TREE, LLC CANNABIS DISPENSARY  
(2025-05)

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

----- X

SITE PLAN/SPECIAL USE PERMIT

Date: February 20, 2025  
Time: 8:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN MOSS

----- X

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

2 CHAIRMAN EWASUTYN: The seventh  
3 item of business is Happy Tree, LLC  
4 Cannabis Dispensary, project number  
5 25-05. It's an initial appearance for a  
6 site plan and special use permit located  
7 on 99 Route 17K in an IB Zone. It's  
8 going to be presented by Moss Architects.

9 MR. MOSS: I'm John Moss from Moss  
10 Architects.

11 This is a proposal for a special  
12 use permit in an existing retail  
13 building. There's no proposed change to  
14 the exterior except for we've got to fix  
15 up the parking and the lighting.

16 The existing building is nonconforming  
17 in a number of ways in terms of lot coverage  
18 and setbacks. It's existing. I just want  
19 to know how you guys want to proceed with  
20 that. It was approved many years ago.  
21 That's one question.

22 There were a few other questions that  
23 were brought up in Pat's letter. The  
24 1,000 foot radius of separation, this is  
25 the radius from the center doors of this.

2 It does overlap the Pier 1 building  
3 but not the entrance, which is what  
4 the code says. I'm hoping that that  
5 can be satisfied. We can identify  
6 the entrance of the Pier 1 building  
7 for what you just looked at on the  
8 map and show outside that 1,000 foot  
9 radius. Would that satisfy that  
10 comment?

11 MR. HINES: I'll jump in here. You  
12 have to go to the Zoning Board for  
13 numerous variances. We're suggesting  
14 that you go there for an interpretation  
15 and/or a variance for that as well.

16 MR. MOSS: So all of the existing  
17 conditions we would need to go for a  
18 variance?

19 MR. HINES: Upon application for  
20 this special use, you lose all of your  
21 existing protection.

22 MR. MOSS: Understood.

23 MR. HINES: That's been the policy.

24 MR. MOSS: I have a lot of questions,  
25 kind of pretty much all of them. I don't

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think there's really much more --  
what's the procedure to get a referral  
to the Zoning Board?

CHAIRMAN EWASUTYN: Good question.  
Dominic Cordisco.

MR. CORDISCO: This Board would  
authorize myself to write a letter to the  
Zoning Board of Appeals making the  
referral from this Board to them. The  
applicant, of course, still needs to  
prepare an application, provide all the  
materials, including justification for  
why the variances would be necessary, as  
part of that application.

MR. MOSS: Okay. So we'll proceed  
with that. We'll await a notice from you  
guys that it's been referred.

MR. CORDISCO: There are two actions  
for this Board to consider tonight. One  
would be authorizing the adjoiners'  
notices which have to be sent out because  
this is a new application. The second  
action that the Board could consider  
would be to authorize me to prepare

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the referral letter.

CHAIRMAN EWASUTYN: Having heard the two actions before us this evening that we need to move a motion forward on presented by Planning Board Attorney Dominic Cordisco, would someone move for those motions?

MR. CAMPBELL: Can I add something?

CHAIRMAN EWASUTYN: Excuse me?

MR. CAMPBELL: Can I add something?

CHAIRMAN EWASUTYN: Sure.

MR. CAMPBELL: It appears the signage is over the square footage allowed. That would be also an additional variance.

MR. MOSS: We'll ask for all of them.

MR. CAMPBELL: Okay. I don't know what the lineal footage of your front is of the space. I would need that to confirm the allowable square footage.

MR. MOSS: I don't have it right in front of me, but I can look it up and I can show the calculation.

MR. CAMPBELL: You're allowed 1.25 square foot per lineal foot of the

1  
2 frontage on 17K of your space. Not the  
3 whole building.

4 MR. MOSS: Of course.

5 CHAIRMAN EWASUTYN: Thank you, Jim.

6 We have two motions. One, to  
7 circulate the adjoiners' notice. The  
8 second action would be to have Planning  
9 Board Attorney Dominic Cordisco prepare a  
10 referral letter to the Zoning Board of  
11 Appeals for the required variances and an  
12 interpretation of the distance.

13 MR. CORDISCO: Yes, sir.

14 CHAIRMAN EWASUTYN: Would someone  
15 move for that motion?

16 MR. DOMINICK: So moved.

17 MR. BROWNE: Second.

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

22 MR. DOMINICK: Aye.

23 MS. DeLUCA: Aye.

24 CHAIRMAN EWASUTYN: Aye.

25 MR. BROWNE: Aye.

2 MS. CARVER: Aye.

3 MR. WARD: Aye.

4 MR. HINES: What we didn't discuss,  
5 but it is in my comments, I believe you  
6 need a parking variance as well.

7 MR. MOSS: Yes. We're going to ask  
8 for that.

9 MR. CORDISCO: I will include all  
10 of the referrals that are mentioned in  
11 your comments as well as the signage.

12 MR. DOMINICK: One question. John,  
13 there are some discrepancies going on.  
14 What is the logo of your shop?

15 MR. MOSS: There are two signs.  
16 The logo is the sort of tree thing.  
17 There's a sign -- there are two existing  
18 signs. They were going to use this  
19 backlit kind of dark thing and they were  
20 going to do illuminated letters over the  
21 actual entrance thing. They'll both say  
22 Happy Tree with a happy tree, so to  
23 speak. This one is a panel sign that's  
24 illuminated and one is individual mounted  
25 letters.

2 MR. DOMINICK: The tree itself,  
3 it's a tree. Correct?

4 MR. MOSS: Yes. It's a tree with  
5 fruits.

6 MR. DOMINICK: Mr. Campbell, that's  
7 part of this project, that type of logo?

8 MR. CAMPBELL: Yes.

9 MR. DOMINICK: Thank you.

10

11 (Time noted: 8:11 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 26th day of February 2025.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

NPA SITE PLAN  
(2017-03)

New York State Route 747  
Section 89; Block 1; Lots 80.1 & 80.2  
IB Zone

----- X

SITE PLAN/SPECIAL USE PERMIT

Date: February 20, 2025  
Time: 8:12 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: WILLIAM SPARKMAN

----- X

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

2 CHAIRMAN EWASUTYN: The last item  
3 of business this evening, item number 8,  
4 is NPA Site Plan, project number 17-03.  
5 It's here again for a site plan. It's  
6 located on New York State Route 747.  
7 It's zoned IB. Langan Engineering is  
8 representing the project.

9 MR. SPARKMAN: Thank you, Mr. Chairman.  
10 Good evening, everybody. Thank you for  
11 your time tonight.

12 The application you have before you  
13 here is an update to the --

14 CHAIRMAN EWASUTYN: Can we please  
15 have your name?

16 MR. SPARKMAN: Bill Sparkman from  
17 Langan Engineering representing the  
18 project sponsor. This is their project  
19 that's located to the northeast of the  
20 intersection of Interstate 84 and New  
21 York 747.

22 This application is kind of  
23 bringing to you some recent changes to  
24 the site layout after some consideration  
25 of just logistics and timing and kind of

2 some of the issues that we were kind of  
3 discussing for the site in previous  
4 meetings. We kind of reconfigured the  
5 site.

6 The major change you'll see is the  
7 removal of the diesel canopy that was  
8 kind of located here in the northern  
9 quadrant. That one has been removed,  
10 which obviously then would remove the  
11 need for any kind of larger tractor  
12 trailer traffic to the site, which was  
13 becoming a little bit of a pinch point  
14 at the entrance.

15 The gasoline canopy here has  
16 been extended by two more bays for a  
17 total of ten.

18 Just a minor revision to the  
19 site for circulation, and then a  
20 reduction at the site entrance  
21 basically to what it is now with just  
22 a little bit of improvements in the  
23 State right-of-way for improving  
24 the entrance for displays and signage  
25 and things of that nature.

2 We feel that this project now is  
3 in a much more conducive state. A  
4 lot of the engineering concerns have  
5 been kind of removed. We feel like  
6 this is in a good spot now to kind of  
7 proceed through the approval process.

8 CHAIRMAN EWASUTYN: Comments from  
9 Board Members. Dave Dominick.

10 MR. DOMINICK: It's a small spot  
11 with a lot going on. You're making it  
12 work. That's it.

13 CHAIRMAN EWASUTYN: Stephanie DeLuca.

14 MS. DeLUCA: No. I appreciate the  
15 adjusting that you've done, the work  
16 you've done.

17 I guess I'm concerned about the  
18 aqueduct.

19 MR. SPARKMAN: Concerned about?

20 MS. DeLUCA: The nearness of the  
21 aqueduct.

22 MR. SPARKMAN: Oh, correct. Yes.  
23 I think we did circulate that letter we  
24 received from the DEP. It had a little  
25 say about how certain aspects of the site

2 were going to be approached. They were  
3 fine from that point.

4 MS. DeLUCA: Okay. Thank you.

5 CHAIRMAN EWASUTYN: No comments.

6 Cliff Browne.

7 MR. BROWNE: I have nothing more.

8 Good changes so far.

9 CHAIRMAN EWASUTYN: Lisa Carver.

10 MS. CARVER: During our discussion  
11 I think it was mentioned that there are  
12 eight mentioned in the bulk table. You  
13 said there's ten?

14 MR. SPARKMAN: Yes. Pat picked up  
15 on that as well. We'll update that table  
16 to make sure it now reflects that there  
17 are ten.

18 MS. CARVER: It is ten. Thank you.

19 CHAIRMAN EWASUTYN: John Ward.

20 MR. WARD: The project has quite  
21 the history.

22 MR. SPARKMAN: It does. Yes, sir.

23 MR. WARD: You've done very good on  
24 how far you've come. The diesel was a  
25 big factor with the trucks and everything

2 else. You took a lot of headaches away  
3 there. Thank you.

4 CHAIRMAN EWASUTYN: Ken Wersted  
5 with Creighton Manning.

6 MR. WERSTED: Our site plan  
7 comments have been addressed.

8 We noted that the two diesel  
9 positions or fueling positions were  
10 removed and added a single pump.  
11 Effectively there's the same amount of  
12 fueling positions in the previous site  
13 plan as there is now.

14 They have prepared a traffic impact  
15 study. We reviewed that. They estimated  
16 the number of trips to be about 160  
17 during the morning peak hour and 180 in  
18 the afternoon peak hour. A large amount  
19 of that is going to be from traffic just  
20 driving by Route 747, deciding to go get  
21 coffee or go get gas on their way to  
22 other places.

23 The only other comment we had was  
24 the southbound left-turn movement into  
25 the site, right now there's a striped

2 hatched median there. DOT will need to  
3 review that, whether a left-turn lane  
4 needs to be provided into there. In some  
5 cases they've said no. Being a gas  
6 station, high turnover, there's a lot of  
7 traffic that would use that movement.

8 That's all we have.

9 MR. SPARKMAN: I think to that  
10 comment, Ken, I'm assuming we'll have to  
11 have the project looked at by the DOT and  
12 approved by them. I think the warrant  
13 assessment will be part of that for sure.

14 MR. WERSTED: Thank you.

15 CHAIRMAN EWASUTYN: Jim Campbell,  
16 Code Compliance.

17 MR. CAMPBELL: On the striping for  
18 the parking spots, you have to use the  
19 Town detail, double striped.

20 The freestanding sign, do we have a  
21 height of it?

22 MR. SPARKMAN: I think the last  
23 time we talked it was going to be at the  
24 35 foot that was allowable for this  
25 particular zone.



2 MR. CAMPBELL: It has to be 35 feet  
3 off the front and the side property lines.

4 MR. SPARKMAN: Okay.

5 MR. CAMPBELL: A minimum of 15 feet  
6 or the height of the sign.

7 MR. SPARKMAN: Got you. Okay. If  
8 the sign is 35 feet tall, it has to be  
9 that far away from the property line?

10 MR. CAMPBELL: Or a variance is  
11 required.

12 Is there any additional signage  
13 that you know of?

14 MR. SPARKMAN: Not that we're  
15 proposing. I know that any signage on  
16 the canopy would require a variance. I  
17 believe S&K is okay with not signing it.  
18 We'll notify them. If they do propose  
19 signage, we have to have a variance.

20 MR. CAMPBELL: Is there any  
21 building-mounted signage proposed?

22 MR. SPARKMAN: I believe there  
23 would be something on the building.  
24 There are allowances for that. Correct?

25 MR. CAMPBELL: Yes. It's also part

2 of ARB.

3 MR. SPARKMAN: Yes. I know we have  
4 to go forward with that review.

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

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

8 MR. HINES: I know you went for  
9 variances. I'm not sure if the sign was  
10 one of them.

11 MR. SPARKMAN: It was not.

12 MR. HINES: That will need to comply.

13 When we received this recent set  
14 of plans, we did circulate to the --  
15 I believe we circulated the notice of  
16 intent for lead agency upon receipt  
17 of these plans.

18 A County Planning referral will  
19 be required. The Board authorized,  
20 previously when we got the complete  
21 application, to do the lead agency.

22 We received an updated stormwater  
23 pollution prevention plan which is  
24 being reviewed.

25 The septic system is being

2 reviewed by Orange County Health  
3 Department.

4 We did include the DEC and  
5 Office of Parks Recreation in the  
6 lead agency circulation as they  
7 identified protected bat species and  
8 potential historic, I believe it has  
9 to do with the Arnott house down the  
10 road.

11 Architectural review will be  
12 required.

13 We're still looking for the rims  
14 and inverts for the discharge pipe  
15 across 747 there. The type is depicted  
16 schematically. We want to know that  
17 it can accept the water from what  
18 you're discharging there and across.

19 That's all we have at this time.

20 Orange County Planning would be  
21 appropriate now that we have the  
22 traffic study and the stormwater.

23 CHAIRMAN EWASUTYN: Dominic  
24 Cordisco, Planning Board Attorney.

25 MR. CORDISCO: I concur.

2 CHAIRMAN EWASUTYN: Would someone  
3 move for a motion to circulate NPA Site  
4 Plan, project number 17-03, to the Orange  
5 County Planning Department?

6 MR. WARD: So moved.

7 MS. DeLUCA: Second.

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

12 MR. DOMINICK: Aye.

13 MS. DeLUCA: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. BROWNE: Aye.

16 MS. CARVER: Aye.

17 MR. WARD: Aye.

18 MR. SPARKMAN: Thank you.

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20 (Time noted: 8:20 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 26th day of February 2025.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

SPARK CAR WASH, LLC - NEWBURGH  
(2023-23)

1229 Route 300  
Section 96; Block 1; Lots 4 & 5  
AC Zone

----- X

BOARD BUSINESS

Date: February 20, 2025  
Time: 8:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

2 CHAIRMAN EWASUTYN: We have two  
3 items for discussion this evening. The  
4 first one is Spark Car Wash, project  
5 number 23-23.

6 The question at the last meeting  
7 was will this be ready to schedule for a  
8 consultants' work session. What's the  
9 date on that?

10 MR. HINES: Tuesday the 25th, I  
11 believe.

12 CHAIRMAN EWASUTYN: We were waiting  
13 to hear back from Ken Wersted as far as  
14 the readiness to set up the consultants'  
15 work session.

16 MR. WERSTED: At the last meeting  
17 we discussed scheduling that. We wanted  
18 to hear back from DOT. I did have a  
19 meeting with them, reviewed that. They  
20 gave me a number of comments which I  
21 think were shared with the applicant's  
22 project team.

23 I did speak with Nick from  
24 Stonefield Engineering earlier in the  
25 week and advised him that the project

2 would be back on the Board tonight,  
3 presumably to schedule a work session.

4 I think with that feedback, it  
5 would be good to have that work session  
6 to talk through the DOT comments.

7 I did reach out to DOT to see if  
8 they happened to be available during the  
9 work session. They are not. It may be  
10 something we can follow back up with them  
11 to resolve those comments.

12 CHAIRMAN EWASUTYN: Any questions  
13 or comments from Planning Board members?

14 MR. BROWNE: Yes. Just something  
15 to throw out. Just thinking. Is there a  
16 possibility for the third lane -- it  
17 might mitigate the issue about traffic  
18 backing up to the third lane if there was  
19 a posted sign, no stopping, standing or  
20 parking, that would be enforceable by  
21 local police? I don't know if it is or  
22 not. I don't know if it's practical.  
23 It's something I was thinking about. I  
24 see that a lot in my travels. I don't  
25 know how that would work out, if it's



2 doable. It needs to be enforceable.  
3 That's the main thing. If it's not  
4 enforceable, it's not worth doing  
5 anything. I'm just throwing it out there  
6 for thought.

7 MR. WERSTED: Thank you.

8 CHAIRMAN EWASUTYN: Any additional  
9 questions or comments from Board Members?

10 (No response.)

11 CHAIRMAN EWASUTYN: So Pat, for the  
12 record, the consultants' meeting is on  
13 what date?

14 MR. HINES: Tuesday the 25th at  
15 1:00 p.m. at this table.

16 CHAIRMAN EWASUTYN: Would someone  
17 move for a motion to set this up for a  
18 consultants' meeting for Spark Car Wash,  
19 project number 23-23, for Tuesday the  
20 25th of February?

21 MR. WARD: So moved.

22 MS. CARVER: Second.

23 CHAIRMAN EWASUTYN: I have a motion  
24 by John Ward. I have a second by Lisa  
25 Carver. Can I have a roll call vote

2 starting with Dave Dominick.

3 MR. DOMINICK: Aye.

4 MS. DeLUCA: Aye.

5 CHAIRMAN EWASUTYN: Aye.

6 MR. BROWNE: Aye.

7 MS. CARVER: Aye.

8 MR. WARD: Aye.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 26th day of February 2025.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

MKJ PARK, LLC  
(2022-32)

NYS Route 32  
Section 34; Block 2; Lot 29.1  
IB Zone

----- X

BOARD BUSINESS

Date: February 20, 2025  
Time: 8:23 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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CHAIRMAN EWASUTYN: We heard from John Queenan today. He did not get a response back from the Orange County Planning Department. Had he gotten back a response, we would have set this up for the next available date for a public hearing. He hasn't reached that stage.

(Time noted: 8:24 p.m.)

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MICHELLE CONERO

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

----- X  
In the Matter of

VINEYARDS & SPIRITS  
(2024-21)

274 Route 17K  
Section 86; Block 1; Lot 12  
IB Zone

----- X

BOARD BUSINESS

Date: February 20, 2025  
Time: 8:25 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

2 CHAIRMAN EWASUTYN: I'll ask  
3 you, I'm not quite sure about the  
4 Spirit shop on 17K. You've been  
5 working with the applicant. Has the  
6 applicant -- I know you sent an  
7 e-mail that he submitted to the DOT.  
8 Have we heard back from the DOT?

9 MR. CAMPBELL: Are you talking to  
10 me?

11 CHAIRMAN EWASUTYN: I'm talking to  
12 Ken Wersted.

13 MR. WERSTED: You mentioned Spirit,  
14 like the Halloween store.

15 CHAIRMAN EWASUTYN: I'm getting  
16 tired. Spirit and liquor on 17K. I know  
17 what I'm saying. Floyd Johnson's project  
18 which seems to be lingering all over the  
19 place. You've been putting a lot of time  
20 into it. He writes back that there are  
21 certain things he feels he has done, he's  
22 willing to do, and in other cases he says  
23 he feels that the Planning Board says  
24 it's not necessary to do. Who is leading  
25 the ship?



2 MR. WERSTED: The Town is leading  
3 the ship relative to the site plan. DOT  
4 is leading it relative to access out to  
5 17K.

6 Maybe two months ago DOT had  
7 suggested that either a right in/right  
8 out or a right in only would be acceptable.  
9 The applicant responded with a right in/  
10 right out. DOT responded back with a  
11 comment letter maybe two weeks ago that  
12 said we want a right in only. The  
13 applicant then responded, I believe  
14 this week, with a submission that shows  
15 a right in only. That right in I don't  
16 think is necessarily to the DOT  
17 standards relative to the curb radius  
18 for them to pull in. I think there's  
19 more work that they need to do to get  
20 through those comments and for them  
21 to be addressed.

22 DOT had also asked for some items  
23 for him to add onto his plan. They  
24 had asked for a traffic study. The  
25 applicant responded that the Town

2 said I don't need a traffic study.  
3 That's maybe fine for our approval,  
4 but that may not float with DOT. If  
5 DOT is asking for something, they'll  
6 likely stick to their guns.

7 I'd be happy to talk to DOT and  
8 give them our perspective that this  
9 is an existing business that's down  
10 the road, it's moving to a now  
11 shuttered tire repair store that had  
12 been generating traffic at one point  
13 in the past and, in my opinion, a  
14 traffic study isn't needed. They  
15 might find that satisfactory and walk  
16 back on that comment.

17 I think as everyone is kind of  
18 aware, their representative doesn't  
19 have a lot of experience working  
20 through the DOT comments. I'd be  
21 happy to help them work along. I  
22 know that incurs more fees into the  
23 Planning Board which then needs to be  
24 reimbursed by the applicant. If that  
25 is a challenge, then I would suggest

2 we dial back our efforts and let them  
3 figure their way through the process.  
4 That may be just having a more capable  
5 representative lead them through the  
6 DOT process.

7 CHAIRMAN EWASUTYN: Comments from  
8 Board Members. Dave Dominick.

9 MR. DOMINICK: I think allowing the  
10 applicant to navigate solo is very  
11 painful and I don't think it will get  
12 moved far. It just seems like they're  
13 not familiar with the process. Somehow  
14 they need to bring someone on board to  
15 help them with that process.

16 CHAIRMAN EWASUTYN: Who might that  
17 be? Are we suggesting that Ken Wersted  
18 will assist them in the project or --

19 MR. DOMINICK: I think that should  
20 be the applicant's --

21 CHAIRMAN EWASUTYN: Generally  
22 speaking, and Pat can speak more on it  
23 than I can, the purpose of the Planning  
24 Board is not to design a project.

25 MR. HINES: Exactly.

2 CHAIRMAN EWASUTYN: We're doing our  
3 best to --

4 MR. DOMINICK: Help.

5 CHAIRMAN EWASUTYN: Stephanie DeLuca.

6 MR. DOMINICK: I just wanted to  
7 caveat that and say that I think it  
8 should be up to the applicant to decide  
9 who should help him through this. There  
10 are plenty of people out there. Google,  
11 you know. Work through it.

12 CHAIRMAN EWASUTYN: Stephanie DeLuca.

13 MS. DeLUCA: It's quite obvious that  
14 they're struggling with the process. I  
15 don't know.

16 CHAIRMAN EWASUTYN: My other  
17 question is, if you have to get involved  
18 and the Board said okay, give them one  
19 more shot, how much time and effort would  
20 you have to put into it and when would  
21 you say enough is enough, I brought you  
22 this far?

23 MR. WERSTED: It would largely be  
24 just helping them coordinate with DOT.  
25 If DOT is insistent on having a traffic

2 study, I wouldn't prepare that for them.  
3 They would have to hire a consultant to  
4 do that. There are a number of  
5 consultants out there that can help them  
6 with that. With that consultant onboard,  
7 they would certainly lead them through  
8 the rest of the highway work permit  
9 process and be their consultant to assist  
10 with responding to DOT comments in a more  
11 comprehensive and complete manner.

12 CHAIRMAN EWASUTYN: That would  
13 bring us to the conceptual approval.  
14 From that point on --

15 MR. WERSTED: A continued struggle  
16 with the applicant trying to do it on  
17 their own, unless they have that  
18 consultant onboard to help them with DOT  
19 item numbers and the second and third  
20 stages of the work permit process.

21 CHAIRMAN EWASUTYN: I'm going to  
22 skip over the people to the left just to  
23 annoy them.

24 Again, Dominic Cordisco, your  
25 advice? As an attorney working with DOT,

2 what do we do at this point?

3 MR. CORDISCO: I think the Board  
4 has a certain amount of sympathy and  
5 understanding for the project. Ken  
6 Wersted has laid out, you know, a clear  
7 demarcation of his involvement where he  
8 can continue to, and has offered I  
9 believe, to continue to coordinate to  
10 help them navigate that to the best of  
11 their ability at the DOT. As he said, if  
12 a traffic study is required, they're  
13 going to have to hire someone. Projects  
14 do hire -- I mean, we recently, in  
15 another town, got a project traffic study  
16 from Tim Miller Associates. There are  
17 plenty of firms out there locally that  
18 can help them through that process. As  
19 Ken mentioned, they could also take over  
20 from that point. As you yourself are  
21 well aware, the technical requirements  
22 of actually getting the DOT highway  
23 work permit are very specific. I  
24 certainly couldn't do it myself.  
25 They would need a contractor to help

2           them out through that process. I  
3           think coordination is probably the  
4           outer limit of what this Board or Ken  
5           can offer to help them to do, which  
6           is a little bit above and beyond what  
7           you would typically do. It's recognizing  
8           this particular applicant needs a little  
9           above and beyond assistance.

10                   CHAIRMAN EWASUTYN: Cliff Browne.

11                   MR. BROWNE: I think that would be  
12           -- it would be nice and helpful, but I  
13           think the applicant needs to understand  
14           there's going to be an additional cost.  
15           I could help, but my time is reimbursed  
16           and that has to be paid. Yeah, it's  
17           there, but it's not free. That has to be  
18           understood. There's the option of going  
19           outside and getting somebody else.

20                   MR. CORDISCO: That's a good point.  
21           They may not want to. They may not want  
22           the help in that case.

23                   CHAIRMAN EWASUTYN: May I make a  
24           suggestion? Can you define the services  
25           to a point that you're willing to offer

2 Floyd Johnson, send him an e-mail,  
3 circulate it to us and see if we get some  
4 kind of acknowledgement and understanding  
5 from him that he realizes that at some  
6 point, and that's what you may outline,  
7 he's going to need to bring on a  
8 professional. I'm trying to sort of give  
9 him an understanding because it seems  
10 like -- I sympathize. I do sympathize  
11 with him. I'm not so quick to kick  
12 someone under the bus. He's in it knee  
13 deep. Can you outline something?

14 MR. WERSTED: I can outline  
15 something and circulate it to the Board.  
16 My next, I guess, step with him may be to  
17 facilitate a conversation between DOT,  
18 himself, Floyd, and his applicant or his  
19 client to understand exactly what DOT is  
20 going to require, lay out our -- my  
21 personal opinion, professional opinion  
22 about the project and the site and  
23 basically make sure that him and his  
24 client, particularly his client,  
25 understand what's going to be necessary



2 moving forward.

3 CHAIRMAN EWASUTYN: You raised a  
4 good point. The client really has to  
5 understand it.

6 MR. DOMINICK: John, if I may. Are  
7 we asking Ken to do this because we know  
8 this particular applicant needs a little  
9 assistance or are we asking Ken to do  
10 this and reimburse Ken because this  
11 applicant needs assistance?

12 CHAIRMAN EWASUTYN: Number one, Ken  
13 has to submit a voucher even for what  
14 he's doing now. I think how he's going  
15 to help us is he's going to outline how  
16 far he can go with assisting Floyd, what  
17 will be necessary as far as bringing on a  
18 professional.

19 MR. DOMINICK: Okay. Thank you.

20 MR. WARD: My question is, and I  
21 don't know how it would work, Ken, with  
22 that letter, whatever, can you ask --  
23 suggest another --

24 CHAIRMAN EWASUTYN: I wouldn't do  
25 that. The best you could do, even on our

2 end if you want to go that way, is to  
3 give three names. I don't want to be  
4 caught up in that.

5 MR. DOMINICK: That's why I said  
6 who is out there. Put the burden on the  
7 applicant.

8 CHAIRMAN EWASUTYN: Let's try to  
9 help him the best we can.

10 Can I have a motion to close the  
11 Planning Board work session of the 20th  
12 of February ?

13 MS. DeLUCA: So moved.

14 MS. CARVER: Second.

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

19 MR. DOMINICK: Aye.

20 MS. DeLUCA: Aye.

21 CHAIRMAN EWASUTYN: Aye.

22 MR. BROWNE: Aye.

23 MS. CARVER: Aye.

24 MR. WARD: Aye.

25 (Time noted: 8:38 p.m.)

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