



CITY OF PORT JERVIS

P.O. BOX 1002
20 HAMMOND STREET
PORT JERVIS, NEW YORK 12771

Planning Board Meeting Minutes October 21, 2025 7:00 p.m.

Board Members in Attendance: Chairman Tom Vicchiarello, Joe Butto, Henry Dunn, Anthony Fuller, Don Schields

Board Members Absent: Sean Addy and Kelsey Farr

Additional Attendees: Assistant Building Official Laurie Powrie, Attorney Glen Plotsky, Councilman Jason Vicchiarello

Chairman Vicchiarello led those present in the Pledge of Allegiance.

Public Hearing:

- Higher Reason, 77 Fowler Street, SBL: 9-14-23
 - Special Use Permit for a Cannabis Dispensary; ZD: NMU

The public hearing notice was read. The applicant submitted the proofs of mailings.

Mr. Brett Olm, owner of Higher Reason, and Mr. Joseph Bondy, Mr. Olm's attorney, were in attendance and spoke before the Board.

Mr. Olm and Mr. Bondy provided the following information for this application:

- Mr. Olm met with Port Jervis' Chief of Police.
- The business will have three (3) to four (4) security guards. Two (2) security guards will be on site during store hours.
- The hours of operation will total seventy (70) to seventy-one (71) hours and will be in compliance with state regulations.
- There will be a total of eighteen (18) surveillance cameras on the property, which will be located in the front and back of the building as well as inside the building.
- A dumpster will be used, and regulations will be followed.

There were no further Board comments given.

Public Comment:

Mr. Plotsky read an email sent to the Mayor on October 10, 2025 by Mr. John DeMarino, owner of DeMarino's Dispensary located at 110 Jersey Avenue. The email was submitted to the Board for its consideration and made part of the public record.

Mr. Tom Sexton, owner of Tom's Automotive Repair located at 73-75 Fowler Street, made the Board aware that he trains BOCES students in his shop. He also expressed concerns about the proximity of this proposed business to childcare/preschools such as HeadStart and Candy Cane. He asked if the building would have a ventilation system installed to mitigate any possible odor that may emanate from the building.

Mr. Michael Simmons, owner of 74, 76, and 78 Fowler, shared his concerns about potential parking and safety issues that may arise. Mr. Simmons' daughter and regular customers are present at his business daily. He feels that customers of Mr. Olm's business may use his parking lot for smoking products purchased at the dispensary. This, he feels, will make his own business unsafe and could, potentially, result in him losing business. Mr. Simmons is concerned about the safety of his business' members and his family.

Councilman Jason Vicchiarello, First Ward councilman, reminded the Board that Mr. Olm's business, when located on Front Street, was shut down twice by the Office of Cannabis Management (OCM). Councilman Vicchiarello asked for assurances that Mr. Olm will follow procedures this time. He also inquired about the status of the applicant's location and of the fines owed to OCM.

Chairman Vicchiarello reviewed the department head and Orange County Planning Department's comments and concerns.

Chairman Vicchiarello received a report from New York State showing 6-8 Hammond Street and DeMarino's Dispensary listed as active and within the jurisdiction. He added that recent changes by New York State have HeadStart within the jurisdiction and noted that Candy Cane could also be within.

Mr. Bondy provided the following responses to concerns raised:

- He acknowledged that both preschools are local and are loved by the community but reiterated that neither is on record as being licensed.
- He confirmed that there will be no consumption of the products sold or processing, and therefore, there will be no odor.
- There will be a delivery component, so he feels there should be no issues of individuals parking on Mr. Simmons' property and smoking. He noted that customers are permitted to smoke the products anywhere, just like with tobacco use.
- Mr. Olm obtained a conditional license and purchased 77 Fowler Street. He has applied for a variance for distance, and that is pending.

- He stated that Mr. Olm will be compliant, and there is a settlement with OCM in regards to fines.
- He assured the Board that there will be no public area for product consumption. He feels there will be no misconduct.
- He stated that Mr. Olm cannot move into the property until he has final approvals from OCM.

Mr. Simmons added that he believes there will be an increase in traffic.

Mr. Plotsky asked about the distance in regards to DeMarino's Dispensary. Mr. Bondy responded to say that Mr. Olm has applied prior to Mr. DeMarino, and he can provide a copy of the email to determine the chronology. Chairman Vicchiarello noted that Orange County Planning Board, New York State, and the Port Jervis Planning Board all feel this location is too close to Mr. DeMarino's dispensary. Mr. Bondy reiterated that Mr. Olm was prior to Mr. DeMarino.

Mr. Plotsky stated that the Planning Board has sixty-two (62) days to render a determination and requested a copy of the email from Mr. Bondy. He would also like to get input and guidance from OCM on distances. Once he has this information, Mr. Plotsky will provide it to the Board. Mr. Bondy agreed to provide the email.

Mr. Plotsky stated that, for the public hearing's continuation at the November 18, 2025 Planning Board meeting, only written submissions to the Board would be accepted for consideration.

Councilman Stan Siegel requested to speak before the Board on this application. As Mr. Siegel had not submitted his name to speak during the public comment portion of this public hearing and Mr. Plotsky had previously stated that only written submissions to the Board would be accepted for consideration, Mr. Plotsky denied Mr. Siegel's request and asked Mr. Siegel to submit his comments in writing.

Motion by Mr. Fuller, seconded by Mr. Butto, to approve leaving the public hearing open for this application for the November 18, 2025 Planning Board meeting.

AYE: 5 NAY: 0

Chairman Vicchiarello called the Planning Board meeting to order at 7:41 p.m.

Approval of Minutes: Motion by Mr. Fuller, seconded by Mr. Butto, to approve the September 16, 2025 meeting minutes.

AYE: 5 NAY: 0

Public Comment: none was given.

Pre-Submissions:

1. Darryl McKeeby, 31 Pike Street, SBL: 18-5-10 (*continuation*)
 - Special Use Permit for a Cannabis Dispensary; ZD: WMU

Mr. McKeeby had not submitted a site plan as requested by the Board at the September meeting, so the pre-submission will be continued at the November 18, 2025 meeting.

2. MHV Port Jervis LLC; 255-257 East Main Street, 10 South Maple Avenue, 18 South Maple Avenue, and 28 South Maple Avenue; SBLs: 20-7-13, 20-8-4.2, 20-8-5.2, and 20-8-6.22 (*continuation*)
 - Site Development Plan for new construction of a mixed use building in the Tri-State Commercial Overlay Zone; ZD: NMU

Mr. Dan Simone, owner and developer, briefly reviewed the project at 255 East Main Street, which will be a mixed-use building at the site of the old Phil's Ford property. The building will have four (4) stories and fifty (50) mixed apartments.

Mr. Simone showed the front elevation and described it. Parking will be predominately in the rear and includes one hundred (100) parking spaces. Fifty (50) spaces will be for residents, and the total number exceeds regulations. A loading zone and refuse will be in the rear. A patio area will be included on the north, facing the bridge, and sidewalks will be extended.

Mr. Simmons, Zoning Board Chairman, asked about parking and residents crossing Maple Avenue. Mr. Simone stated the crossing will be at grade and added that a sidewalk and ramp will lead to the front for entrance into the building.

Chairman Vicchiarello reviewed the following department head comments:

DPW Director—requested a meeting to discuss sewer and water

Fire Inspector and Fire Chief—requested a meeting to discuss the areas around the entrance and in the rear in regards to space for fire apparatus

City Engineer, Scott Quinn of MHE Engineering—provided the Board with Review Comments. He did not, however, have a copy of the recent Tri-State Overlay District when drafting his comments. The information for the overlay will be sent to Mr. Quinn, and an updated letter, if needed, will be sent to Mr. Simone.

Mr. Simone mentioned that he may require relief in regards to the flood zone.

Chairman Vicchiarello inquired about apartment sizes that were mentioned in the prior meeting. Mr. Simone redesigned the units after meeting with Mrs. Powrie.

Mr. Simone noted there would be a six foot (6') opaque fence added where required.

The front and side of the building would be used for emergency egress, and residents will have access to three (3) doors for egress.

The distance for handicap spots to the first entryway will be about one hundred forty feet (140'). This distance, Mr. Simone feels, is not unreasonable and is the closest possible. There is no feasible way to add a back door due to the flood zone, and he does not want to place elevator controls that low. The slope, too, is well within ADA regulations.

He will review any impact to the neighboring firehouse, and a copy of the storm water permit will be sent to Mr. Quinn for his review.

Chairman Vicchiarello inquired about vehicles that will be in the areas of the property prone to flooding. Mr. Simone stated that tenants' leases will have language to address this issue.

Meetings with department heads will be done prior to the November meeting.

The pre-submission will be continued at the November 18, 2025 Planning Board meeting.

Board Comments: none was given.

Old Business: none was given.

New Business: none was given.

Zoning Board Report:

There was no October Zoning Board meeting.

Code Enforcement Report:

Mrs. Powrie reported the following:

- 31 Pike Street—revised and will be continued
- 103 Jersey Avenue—owner is working on the site plan
- Wastewater Treatment Plant—no submission is expected until after the holidays
- Old Schields Tire property—there have been a few inquiries

Council Liaison Report:

Councilman Viccharello shared the following:

- The Council is preparing next year's budget, which will go out for a vote in November.
- The City is working on a grant for replacing the Fire Department's breathing apparatus.
- Projects for Tri-State and Jersey Avenue are coming up.
- The Council will be meeting on October 22nd to discuss the condition of the deteriorating façade of 29 Jersey Avenue. The Council may be taking action due to the owner not responding by the October 17th deadline. Mr. Butto asked if the barricade could be reinforced to keep individuals from sitting on the steps of the building.

Motion by Mr. Fuller, seconded by Mr. Dunn, to adjourn the meeting at 8:06 p.m.

AYE: 5 NAY: 0

Respectfully submitted,
Robyn Hendershot
Planning Board Secretary

The next regular meeting is tentatively scheduled for **November 18, 2025 at 7:00 p.m. in the Common Council Chambers.**