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

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In the Matter of

PROPOSED LOCAL LAW

REGULATION OF ADULT OR SEXUALLY-ORIENTED BUSINESSES

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PUBLIC HEARING

Date: November 13, 2012  
Time: 7:04 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: WAYNE C. BOOTH, Supervisor  
ERNEST C. BELLO, JR., Councilman  
GEORGE A. WOOLSEY, SR., Councilman  
GILBERT J. PIAQUADIO, Councilman  
ELIZABETH J. GREENE, Councilwoman

ALSO PRESENT: MARK C. TAYLOR, ESQ.  
JEFFREY S.E. SCULLEY, ESQ.  
ANDREW J. ZARUTSKIE, Town Clerk  
DEBORAH A. SMITH, Deputy Town Clerk

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10 Westview Drive  
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MR. ZARUTSKIE: It is 7:04 p.m. It is Tuesday, November 13, 2012. This is a special meeting of the Town of Newburgh Town Board. Because it's a special meeting, there is no agenda. What you will see in the agenda holder is the public notice of tonight's meeting. It is a public hearing on one topic and one topic only.

Our first item of business is a roll call.

Mr. Booth?

SUPERVISOR BOOTH: Here.

MR. ZARUTSKIE: Mr. Woolsey?

MR. WOOLSEY: Here.

MR. ZARUTSKIE: Mr. Piaquadio?

MR. PIAQUADIO: Here.

MR. ZARUTSKIE: Mrs. Greene?

MS. GREENE: Here.

MR. ZARUTSKIE: Mr. Bello?

MR. BELLO: Here.

MR. ZARUTSKIE: As Supervisor Booth has already said, our public address system is malfunctioning. It is not amplifying voices in this room but the recorder is working fine. So

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we're going to ask everyone, please, when you speak tonight, speak up a little bit louder than you usually do. We would appreciate that.

Would everyone rise for the Pledge of Allegiance to the flag and a moment of silence, please.

I'm going to ask Councilman Piaquadio if he would lead us in the Pledge, please.

(Pledge of Allegiance.)

MR. ZARUTSKIE: Thank you all very much. Please be seated.

The only item of businesses in order tonight is a public hearing.

SUPERVISOR BOOTH: Thank you, Mr. Zarutskie.

At this time have all the proper advertisings and postings been completed?

MR. ZARUTSKIE: Yes, sir. A public -- a legal ad advertising tonight's public hearing appeared in The Mid-Hudson Times October 31st on pages 39 to 43, it appeared in The Sentinel on November 2nd on page 15, it was posted in the lobby of the Town Hall since October 29th, and

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it's been on the website since November 2nd.

SUPERVISOR BOOTH: Thank you.

With that, I look for a motion to open  
this public hearing.

MS. GREENE: So moved.

MR. BELLO: Second.

MR. ZARUTSKIE: Motion made and  
seconded to open the public hearing at 7:07 p.m.

Mr. Woolsey?

MR. WOOLSEY: Yes.

MR. ZARUTSKIE: Mr. Piaquadio?

MR. PIAQUADIO: Yes.

MR. ZARUTSKIE: Mrs. Greene?

MS. GREENE: Yes.

MR. ZARUTSKIE: Mr. Bello?

MR. BELLO: Yes.

MR. ZARUTSKIE: Mr. Booth?

SUPERVISOR BOOTH: Yes. Thank you.

At this time I'll turn it over to Mr.  
Sculley to give us background of where we are  
today.

MR. SCULLEY: Thank you, Mr.  
Supervisor.

Today the Board is considering a

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proposed law to amend the zoning provisions of the Town of Newburgh Code to provide for the regulation of adult-oriented businesses. The proposed local law includes definitions of what is an adult-oriented business. It also provides for the location of these businesses in certain specified zoning districts and only within those zoning districts within the Town. It also would require a distance separation between such adult-oriented businesses as well as certain specified sensitive locations, sensitive sites, which are also defined within the statute -- the proposed statute.

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The proposed statute also would provide for a period of time for currently existing adult-oriented -- the proposed statute would also provide for a period of time in which existing adult-oriented businesses would have the opportunity to recoup or amortize their investments in the business. The default period of time would be two years to recoup that investment with the option for adult-oriented businesses to apply to the Zoning Board of Appeals for up to an additional three years

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extended time to recoup their investment.

Prior to tonight's public hearing the Town Board convened a public input session to gather the input of interested persons regarding the proposed local law. The Town duly noticed and received those verbal inputs, and also requested if anyone wished to submit written comments, provide written input for the Board to consider. The Board did receive substantial numbers of written pieces of documentation which the Board has duly considered.

The Board also conducted a prior public hearing on this proposed local law. The necessity for this additional public hearing tonight arises out of the desire to ensure that proper notification was supplied to adjoining municipalities, which is required under New York State law, therefore -- those notices were not sent out initially. They have now been sent out pursuant to this night's public hearing.

So with that background, we are ready to, if the Board wishes, proceed with the public hearing.

SUPERVISOR BOOTH: Thank you, Mr.

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Sculley.

Before we open it up to the floor, any comments or questions from Board Members?

MR. WOOLSEY: I have none.

MR. BELLO: I have none.

SUPERVISOR BOOTH: Additional comments from Counsel?

MR. TAYLOR: Not at this time.

SUPERVISOR BOOTH: At this time I'll open it up to the Board -- to the floor. Please come up and state your name.

Mr. Hughes.

MR. HUGHES: I can stay right here, my voice is loud enough.

I would like, if you would Mr. Sculley, to make a listing of those municipalities that you considered to be necessary to notify so that we can be assured that this meeting, like at the last meeting when it wasn't done properly, that we don't end up with another meeting coming up.

MR. TAYLOR: Mr. Zarutskie can --

SUPERVISOR BOOTH: Mr. Zarutskie can supply with you that list.

MR. HUGHES: I would like to know that

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before we go any further because if the mailings aren't in order, this is a moot meeting.

MR. ZARUTSKIE: Town of Plattekill, Town of Marlborough, Town of Poughkeepsie, Town of Fishkill, City of Beacon, City of Newburgh, Town of New Windsor, Town of Montgomery, Town of Shawangunk, also the County Clerks of Orange County, Ulster County and Dutchess County. Those are the municipalities defined as adjoining the Town of Newburgh.

MR. HUGHES: Town of New Windsor?

MR. ZARUTSKIE: I said New Windsor.

MR. HUGHES: I sorry, I missed you saying that. Thank you.

SUPERVISOR BOOTH: Anyone else?

MR. McCLANE: Could I --

SUPERVISOR BOOTH: Yes, sir.

MR. McCLANE: I thought we would have a podium. Anyway, my name is Bruce McClane, I'm a nine-year member of the Kingston Planning Board, a fifteen-year member of the Kingston Local Development Corporation, I'm a retired investment advisor, I'm presently a local real estate broker, and I do private consulting work.

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Although I am from Kingston, I am also a property owner here in Newburgh, so I'm a taxpayer and have a vested interest.

I am not here tonight to condone the applicant's business which is located in Middlehope but rather to question the use of taxpayer dollars on an ill-advised and foolish journey leading to a certain expensive and wasteful outcome.

The property in question is located in Middlehope with a side road that runs up the hill towards the Hudson River. The applicant's business and site plan has previously been approved after extensive review, construction has begun, and, quite frankly, it is the first time I have seen sidewalks installed before actual construction did begun. Obviously another fulfilled request of the Planning Board that occurred.

However, now there appears to be another attempt to halt the completion by simply changing the zoning and the regulations. I'm not sure who was advising, but to cause an applicant to go through an extensive review process and,

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after construction starts, try to halt progress is a pure breach of contract. Not only will the applicant suffer an immediate financial loss in an investment in a noncompleted, potentially unsalable building but an opportunity cost that he proceed when given Planning approval some months ago.

The case is being made as to the type of business that will be there. Let me impart upon you that for as long as I can recall, a similar business has been operated by the applicant or his predecessors on that site for at least the last twenty years and I'm told perhaps thirty. Previous to that there was the same type of business across the street in the '60s and '70s. As a result, anyone pursuing the case that in this area they knew that from their initial looking for property that such buildings and businesses in the immediate area existed, including an outdoor movie theater up until a few years ago. The price of the land and the parcels and the buildings in that area reflected this type of business, and if they perceived it to be a detriment, then they bought property that was

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considerably cheaper than they would have bought elsewhere.

Rather than spend money foolishly, it would seem to all residents much better that the improvements that are being made to this property be recognized. It is no secret that the cost of the new construction far exceeds the value of the present building. At the same time, the municipality continues a search to determine what areas will be acceptable for the business in the future and accordingly. This would eliminate future problems and be in concurrence with U.S. Supreme Court rulings. I can tell you in Kingston this has already been done and it has worked out very successfully.

I must reiterate, however, for you to backtrack now on this project will only result in a costly litigation with a less than desired outcome and irreparable damages to your tax base and the award of damages to the applicant.

Finally let me say the applicant has a restaurant/catering business in Kingston, and despite a hundred-year storm that seems to be occurring once a year, he perseveres. He pays his

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taxes, never has requested a pilot or got

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government financing or any other tax breaks.

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There is a business next to him that speaks for

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itself, and when ever there is alcohol in use

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there is a potential for an issue on occasion

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that gets blown out of proportion. His employees

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speak very highly of him and truly enjoy working

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for him, and he gives them the opportunity to

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make a living or to supplement their income in a

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second job.

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In closing let me reiterate this plan

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has been approved, the permits issued and the

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applicant has gone through considerable expense.

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For you to intervene now would only be a

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violation of the contract, and if you do you will

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see your day in court.

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Thank you.

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SUPERVISOR BOOTH: Thank you.

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Mr. Sculley.

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MR. SCULLEY: The proceeding we're here

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for is a public hearing on a proposed amendment

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to the Town's Zoning Ordinance. As such, there's

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no applicant in this proceeding. So to clarify

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Mr. McClane's repeated use of the word applicant,

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I would just emphasize this is a public hearing on a proposed Town wide zoning amendment change. The proposed law would apply Town wide. It is not directed towards any individual, use or owner. So again, it would not be correct to use the word applicant in this context as there's no applicant in this public hearing.

SUPERVISOR BOOTH: Thank you.

MS. SCHAUSTAL: Hi. My name is Nancy Schaustal. I run a business in the Town of Newburgh for twenty-five years. I've known Keith for twenty-five years also.

When he started his businesses they were all done properly through the Department of State. He pays all his taxes. He's never had any problem with the authorities. As far as his business, what he's trying to do is bring work to the Town, to bring more tax revenue to the Town.

I did some numbers. Right now he pays in excess of \$20,000 a month just in taxes. He's already got papers looking to increase his property taxes and the building is not even halfway completed. So those are things that really should be considered.

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Also, being that my business is in a certain proximity, how come my business was not notified of this meeting? I happened to hear it from Keith but not from anybody else. Were businesses in the proximity of the places in question notified? I was not notified and I know that I am within the certain amount of feet.

SUPERVISOR BOOTH: This public hearing is on a Town wide local law. There's no site specific target, therefore there's no particular notification for --

MS. SCHAUSTAL: The businesses can not give their opinion or -- is that what you're saying, that we have no say in this?

SUPERVISOR BOOTH: Oh, absolutely. You're here speaking now.

MS. SCHAUSTAL: Right. But why wasn't I notified? As a business, twenty-five years in the Town of Newburgh, why was my business not notified?

MR. BELLO: It was posted in the newspaper by our Town Clerk. It was posted in the Town Hall. They were posted on our website. The information was available to you.

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MS. SCHAUSTAL: If something happens where I live in the Town of New Windsor, I get a notice in the mail. I did not get anything. But I did get a notice from the Town of Newburgh to raise his taxes.

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MR. ZARUTSKIE: Ma'am, this is a Town wide law that's being proposed tonight. It's not just for the neighborhood where your business happens to be.

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MS. SCHAUSTAL: Okay.

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SUPERVISOR BOOTH: Mr. Sculley, please.

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MR. SCULLEY: Yes. Ms. Schaustal, if I could -- if I could respond briefly. Unlike when there's a proposed, say a variance on a specific piece of property, adjoining owners are required to be provided notice of that proposed variance. As a number of people have said so far, and to reiterate what I said in response to Mr. McClane, this is a Town wide amendment that is being proposed. It is not specific to one piece of property. So in order to provide notice to a business owner would require notice to be sent to every single business owner within the Town. That's not, first, required under the law, and it

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just wouldn't be economically feasible to do that. Notice was posted, as the Town Clerk had mentioned, and we are -- I think I can speak for the Board to say that we're happy that there's such a big turn out and that you're here to provide your comments. It was not necessary nor legally required to give specific notice to any individual landowner due to the fact that this is a Town wide ordinance that's being considered by the Board tonight.

MS. SCHAUSTAL: Can I ask a question? How many other businesses of that type are in the Town of Newburgh?

MR. TAYLOR: I believe the survey prepared by the Town's consulting planner identified three adult-oriented businesses that were not massage establishments, and I believe there were five -- four or five additional massage establishments that would fall under the definition of adult-entertainment businesses under the law as well in the Town.

MS. SCHAUSTAL: Okay. So somebody that has gone to school to be a massage therapist is going to lose their job?

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MR. TAYLOR: The licensed massage therapists are exempted from the definition of an adult-oriented establishment.

MS. SCHAUSTAL: Okay. And somebody that's been granted a business certificate through the Department of State is not licensed or considered an entity or -- I'm sorry, I just don't understand. In twenty-five years that I've been in business and there's never been a problem, what the problem is now and why this is being -- what we're doing is taking away jobs that are going to be given to somebody. If somebody said to you well, I need you to work for me but you can't have a job in two years, would you want to work for them? No, I don't think so. There is a great financial loss here, and I think you should consider that also, to somebody that has done nothing wrong, has, you know, done his taxes by the book, filed all of his papers with the Department of State, with the Federal Government and has never been late, never been a problem and never been a problem with his business. So I just don't understand how the Town of Newburgh can make that decision, because not

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only will it affect his business but all the businesses that deal with his business, and I think it's really, really very sad if you make that decision.

Thank you.

MR. SCULLEY: Again I would just like to clarify for the record that this is a Town wide enactment that's being considered, not directed at any one of the approximately eight adult-oriented businesses or businesses that would be considered an adult-oriented business if the law were to be passed.

MR. POSTLES: Good evening. I would like to thank you for the opportunity of allowing this forum.

MR. ZARUTSKIE: Would you identify yourself by name and address, please?

MR. POSTLES: Yes. My name is Don Postles, I'm a local businessman, I'm a retired state trooper, former vice president of the State Trooper PBA for six years. Last name is spelled P-O-S-T-L-E-S. I retired three years ago from the state troopers and I've worked in this county as well as several counties in this area.

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My experience as a trooper, I worked the highways, Thruway, done a lot of drug addiction in the area, we performed numerous anticrime initiatives in the general area, numerous arrests. Worked closely with every agency in this general area.

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I just want to say that there's checks and balances in everything that you do. I sat on the board, I was chair of the board for the troopers PBA, and a lot of things that come to our attention we're able to deal with. Some things we weren't able to deal with. We followed the Roberts Rules of Order. A lot of things unlike -- this isn't working. You guys can hear me? A lot of things that come to our attention we were able to deal with. We had 911 we had to go down to. We deployed over 400 troopers in a matter of a week. In Monroe, at the school, they set up our staging area before we went down to New York City. We helped out up at the Indian reservation in St. Lawrence County, the state fair. A lot of disasters. The State Police approach is when something happens we have to serve the citizens of the state. We don't pick

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and choose our fights. We act fairly. We give them the benefit of the doubt before we dictate otherwise.

In this case here we have a businessman who's been in business over twenty years. His business is not popular. It's not popular at all. It's one of those things where they say not in my backyard. That's what it comes down to. But he's a businessman. He's doing everything by the book. He's filing his papers. As far as the State says, he's a businessman that did everything he did back in the day, or if it's grandfathered in they did it at some point the right way where it allowed him to exist today in the way it is. I understand that you're saying that this is a topic where you don't pick an applicant. We're not talking about an applicant here, but the bottom line says it's changing this man's goal and what he's planning on doing with his business.

Twenty years in business. If he was a terrible businessman he would have been out of business by now. Seven years that I know of, I haven't had any major complaints. In the

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restaurants you have in the local area, they have their little fights. You have the intoxicated individuals, you have your DWIs, you have a lot of variety of different complaints that you get from having a business that operates during the evening. The only difference with his business is it's in the backyard of people that aren't comfortable with him having that business back there.

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I remember my grandfather telling me the story growing up that he wasn't popular when he had to buy his first home in his neighborhood in the south. They gave him a hard time. No, not in my backyard. He struggled, he fought, he was persistent, and finally someone came around and said you know what, we never had a man that fought so hard to allow you to have the dream that all of us cherish today. He fought for his dream, he did what he felt he had to do, he did it the right way, he paid his taxes. He was harassed and he was able to succeed in getting his first home, and down the road it helped the cycle of my family. Knowing that what he did back in the day helped me to fight for my first

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home. I bought my first home in 2000 in the Town of Poughkeepsie. I was very happy. Me and my wife, this is the best thing, being homeowners. My child -- I have four girls, one little boy. We bring them to the neighborhood, they run around the house. It took us two hours to unpack the truck because we just enjoyed the celebration of having this home. It's our first thing that we have, the American dream. But when we tried to share this with our neighbors, not all the neighbors, some of the neighbors, they wouldn't come out, they wouldn't thank us for being in the neighborhood. You know, I wasn't sure what it was but in the back of my mind, you have a child the same age as my child and your child is not allowed to play with my child, you know. I see the writing on the wall. I just wanted the opportunity of moving into an area, maybe not being popular but having that chance of having my child grow up with your child, to know your child as a friend, as a neighbor, as someone that they can share their lives with.

Now, my story goes into several areas here because I didn't prepare a speech, I'm just

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winging it here. With my law enforcement background there's ways of turning things off when things don't go right. If you think of the worst-case scenario with this gentleman, what is the worst-case scenario that can happen with his business establishment that would create such a havoc where we just can't turn it off? I'm talking about just turning it off. If you can think about it, all right, we have a bar fight, we can turn it off. We have the local police. That's our checks and balances that's in place. If he's a nuisance location, you file your complaint with the State Liquor Authority. You have the Health Department. You have a lot of means. You have a lot of means of making this place follow the rules. You have those options. At least give the man the opportunity before you shut him down.

He has another business in Town. I'm not sure if you guys heard any complaints. From what I was told and what I see is that he runs a legitimate business with minimal complaints, especially if you compare it to the larger corporations in this Town who have multiple

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complaints.

Not in my backyard. I don't want this business in my backyard. I have my property taxes that may diminish. I have my child's school bus ride past this place. Maybe I don't want the visibility of this place being exposed to my child or having to explain to my child what this place is. Those things can be dressed up or whatever. You know, I have young children also. But for a person that already established a business who's already been in business and now he's looking to enhance the business to make it look wonderful, curbs, landscaping, everything else, and bringing taxes into this community. You guys must be, you know, outside of everyone else here in the area. You know, I thought most municipalities were struggling and having a hard time to makes ends meet. The taxes. We're putting a business, we're having income, we can hire another police officer, we can get another school teacher. We can do a lot of things by allowing these taxes to come into our community to bring that money in.

The other thing is jobs. You have jobs.

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Probably -- I'm not sure how many of you all people he's planning on hiring but I'm pretty sure it has to be a significant amount of people to put on the payroll. Take them off of unemployment, give them the opportunity of doing better for their families.

So there's a lot of factors in this thing that you have to take into account other than it being unpopular. He has a stake in this. He has a financial stake. It's hardship of taking away something you put all your money into to build. For a municipality, although it's not an applicant, we're talking about generalizing here. For him to say I'm going to take this loss because it's unpopular. Think about turning that off if it gets to a point where it gets too hot and then you have that means of saying it didn't work, now I can just turn it off. Give him the opportunity of doing it.

Thank you again for the time. I get a little emotional when I speak when it's dear to me about being unpopular. Things have changed around for me, I feel great. You guys will do the right thing, I know it. You have to think of

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what's in the best interest of your constituents, your community. You know, jobs, taxes, the bigger picture of giving the man the right before he's convicted of being wrong. Thank you.

SUPERVISOR BOOTH: Thank you.

MR. SCULLEY: Just before -- thank you. Thank you very much for your comments.

Just one clarification. You mentioned several times this idea that not in my backyard. I don't want there to be any implication here left or any thought that this proposed law would prohibit adult-oriented businesses or their constitutionally protected free expression rights within the Town. It would not. It just designates certain locations where they would have to be located and separation distances.

MS. WIK: I just wanted to say my peace really quick. I have a sick one at home.

MR. ZARUTSKIE: Could you identify yourself?

MS. WIK: Erin Wik, I live on Orchard Heights Drive in Newburgh. I just wanted to come up. You know, I don't think this is about singling anybody out or saying that any business

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shouldn't exist or taking away jobs. It's just about finding a better place for certain types of businesses. It affects me because I have young children and -- you know, I don't have anything against the adult businesses, I just think that there's a better place for them to be. Nothing good has ever come in this country without change, and it's going to happen eventually because it doesn't make sense the way it is now. It's just -- a lot of people have done this where they've zoned for adult businesses, putting them in one place so that they're not in communities and children and schools. It just makes sense. It's not about, you know, saying that a business shouldn't exist -- you know, somebody could run a business and be an upstanding citizen and everything. It's not saying that they're not, that they've done anything wrong, it's just about putting it in a better spot.

I believe that just this change would be great for the Town of Newburgh. I don't think anybody would get hurt and I think that eventually it's going to have to happen so why not now.

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I hope that you guys, you know, will do it and that it helps everybody and results in a positive outcome for families, businesses and everybody.

So thank you very much and have a good night.

MR. RUGERO: Ladies and gentlemen, my name is Rich Rugero, I live in the Town of Newburgh, and one question I have.

You say this is not directed at this particular gentleman's establishment. Is that correct? You said it many times tonight. This is an overall Town thing?

MR. SCULLEY: This is a Town wide enactment that's being considered.

MR. RUGERO: Right. When was this meeting called? This meeting? The last meeting? After he started? After he was given the approval to do it? Am I correct on that? This didn't happen two years ago, the Town thing. It happened with the ignition from this particular plan that was already approved and already building codes were passed and fees were paid. The building is three-quarters of the way up. I

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can't build a deck in my backyard unless I get permission from the Town before I build it. He was obviously given the okay through the Town long before this meeting and you're saying this is not directed at him. It is directed at him, otherwise you would have done it two, three, four, ten years ago, or five years from now or two years from now. This Council has been in power in the Town for what, four, six years already? George, Gil, Wayne, Ms. Green.

So what I'm saying is I don't believe you when you say it's for the whole Town. Let him go. You want to do it again and say okay, from now on no more, that's fine, so there's not a rash of them all on 9W or 17K. But he's been here as long as I can remember, riding a school bus by it. I thought it was a vacation place. Kids aren't going to know that are five and six. That little school that's just up the street, he was there before them. They put it there. It obviously didn't matter to them.

Thank you.

SUPERVISOR BOOTH: Thank you.

MR. SCULLEY: Again I would just

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reiterate for the record the local law does not designate any specific location, any specific use, any specific owner. It is a Town wide enactment and it has been an item that was located and specified in the comprehensive plan a number of years ago, and the Board has addressed a number of those issues in a serial fashion and this is the latest one the Board is considering addressing tonight.

MS. SCHAUSTAL: I have one question. When this gentleman was buying the building, did anybody in the Town of Newburgh say you're buying this building but in a couple years you're not going to be able to run a business the way you planned? They let him buy a building that was extremely overpriced and nobody said anything. You said ten years ago you were thinking about this. Why when he was buying the building did somebody come and not say that he could not do this? Why is it all of a sudden now that he's building a new building? And again, I believe too that it's specifically against him, not just the Town ordinance. I think that you're targeting him as a business. And like any business, people

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do not have to go to that business if they choose not to. And like everybody said, it's not always their cup of tea. So that's fine. You do not have to go to that business. Nobody is pulling you in saying you have to go to that business. So I still -- I think that this is being directed at him even though you said it is not the applicant, and he's not the applicant. Of all the businesses of that type, he has two-thirds of the majority if you said there's three. And it's directed at him and nobody can tell me differently.

MR. ZARUTSKIE: Ma'am, I'm sorry, no disrespect meant but we have a professional Stenographer who's taking an official record of tonight's meeting. This meeting is being recorded. It is so difficult if you don't identify yourself. We know who you are because we see you here, but six months from now, a year from now --

MS. SCHAUSTAL: Okay. I'm Nancy, Schaustal, S-C-H-A-U-S-T-A-L.

MR. ZARUTSKIE: Thank you so much.

MR. SCULLEY: And just again for the

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record, I believe there's eight adult-oriented businesses in the Town. I reiterate my previous comments about the Town wide nature of the proposed enactment.

MS. FOREST: Hello. My name is Nancy Forest and I neither have a business or live in the Town of Newburgh, however in the last thirty-six years I've had -- I've worked in the Town of Newburgh. I have many clients in the Town and many friends, and I have done work -- I'm in the sign industry and I have done work for the municipality itself, the hospitals, any number of places here.

I am not going to speak in direct to one person in the room. My concerns are more the adopting of this and what kind of measures you're taking to do this to not start a precedent, because once it is taken upon for one business, what is to stop it from happening to other businesses? It's kind of the secondary effects thing, and I question that.

I too, in the late '60s, early '70s, there was the Circus, the Tropical. It was just a nightclub to all of us kids. We went there. I

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think Don will agree with me, every parent may think what they have at home is safe and they can keep their children from things. Well that is just not the case. Children, young people, young adults getting into a nightclub like this, much more difficult than just going to a movie or going home and flipping on the TV, the internet. Any of your stores, bodegas you have in Town, I don't know if you've seen some of the posters that are in the windows.

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So my concern is more when you talk about these ill effects, that you produce a list of them, what you think they are. Why you think that this maybe particular type business has more impact on young adults? I don't think anybody would be getting in there, any young kids going up there. Like I said, they can turn on the TV, the internet. You think you have everything on lockdown, you don't. The kids are very smart. So if that's the one reason.

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When it comes to crime, I think it's been proven in a lot of parts of the country that stores, like open all night beer and discount sodas, convenience stores, have more cops called

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to them than places like this. They're well run with security, and, as I said, it's been here for a long time.

So my concern for the people that I do work for is if this goes smoothly and this is adopted, what business may be next, because there are other ones, whether it be dress codes in schools or another type of business. You can't stay open twenty-four hours now because, you know, the cops are called here on occasion. That would be my concern for business in general, not just this particular one.

Thank you.

SUPERVISOR BOOTH: Thank you. Anyone else?

MR. FRIEDLE: My name is John Friedle, I own a house at 1 Midway Drive.

I missed the last couple meetings, between working and I go out west hunting and I just got back. And, I don't know, everybody -- I mean I know this isn't about just my house. Everybody that drives by my house says -- they give me their condolences. This thing's like 100 feet away from my house. And so yeah, it's a

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little bit about this house, but it's more than that. When it didn't get through the Zoning Board the first time, you all should have looked at it then. And then I don't know how it ever got through the zoning officer thing, and it should have been looked at then. You know, it's the planning thing. You know, everybody's worried about what they see from 9W so you stick it right into the residential area. I don't understand that either, you know.

What was there was dying on the vine and nobody was going to miss it. Just like the bars that everybody talks about, you know, back in the day. I can count on hands and toes all the people I know that got killed or maimed driving out of them bars back then. Nobody misses them things. Maybe they took a little hit on the tax rolls but a lot less dead people.

This is going to serve alcohol and it seems to be that's the trend, you know. They want to serve, they want to do whatever. You know, who's going to go to this place? Straight up. It ain't going to be your A-1 citizens and all that other stuff. You know, you don't have a

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lot of problems with the other one because technically they're not supposed to drink down there. Now they are going to drink, you know.

I remember back when I was in the military, you didn't want to be around those stripper bars when we came out all drunk and whatever, you know.

There's a place for everything and everything has it's place and it's not there, you know. It's time to -- you know, I heard a few people make comments about 9W. You know, we don't know what to do with it. Well that ain't the way to go. It's just going to be allowed to suck in more businesses like this. I know they stomped them down when they were trying to do the Green Valley, or whatever the other motel was, fifteen years ago when Mike got the lease on that, and they stopped him then, you know. If they could stop him then why can't they stop him now? If they stayed where it was, fine and dandy. You bought the property, you want to expand, that's -- you know, I mean this has been going on. That building didn't start going up until this all got discussed. This is trying to like I'm going to

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jump in here, get my big toe in the door and then you can't close the door. Well you should've waited to see which way the door is going to go. I'm kind of curious which way the door's going to go myself.

You all know how I feel. That's all I've got to say. Thanks.

SUPERVISOR BOOTH: Anyone else?

MS. PUGLIESE: Hi. Lisa Pugliese, Kingston, New York, the general manager of his other business.

I just want to say that about five years ago when the hospital merged in Kingston, I lost my job of fifteen years. I was a part-time waitress, very good at what I do. This man gave me an opportunity to run his business which has tripled in catering and other public events that we do, and fundraising for the town. I just want to say thank you for that and the business that he has brought in. A lot of friends of ours lost our jobs.

I'm also a New York State real estate agent, which, sitting here listening to this, I can't believe -- I know what you have to go

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through through the town board, the building and safety, things that have to be approved before you can even begin to build things. And now, after all this time, it's been going on what, a year-and-a-half, two years, that you now are going to try to change the law. Why can't we wait for this to be done and then you change the law? I mean you're taking jobs away from people. How many people? Forty, fifty?

UNIDENTIFIED SPEAKER: At least.

MS.PUGLIESE: At least. I mean I plan to go there, run this business as well. I'm a mother of two. My daughter is here. She knows what it's about. She doesn't like -- she doesn't have to go there. This is part of the world that we live in. If we teach our children -- you go into the beer stores, you see beer. I work in the business. My kids don't hang out at the bar. It is my livelihood. I'm a single mother of two.

Really that's all that I need to say and wanted to say. Thank you.

MR. SCULLEY: Just a brief follow up to Ms. Pugliese's comments and Mr. Friedle's comments. To the extent that there's any

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implications to those comments that the proposed enactment would stop or prohibit this type of business or this type of free expression of the Town, that is not correct. The proposed enactment would simply require those types of businesses to be located in certain designated areas.

MR. KOLKER: Hi. My name is Mitchell Kolker, 14 Hopeview Court in Newburgh. I've been a resident here now for five-and-a-half years, since '07, and I love the Town of Newburgh. I work in the Town of Newburgh. I plan on living here for, you know, another thirty years, maybe less if I can retire earlier.

You know, it's become this process which isn't just getting, you know, this law to go in, which I think is a great law because it's really not here to discriminate business, it's here to take these businesses and put them in a location that makes sense.

Everywhere -- I lived in Hartford, Connecticut. They have an area where all the adult-oriented businesses were in. They thrived, they did well, they were packed. The people that worked there had jobs, they made a lot of money.

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It was a great thing.

This isn't about taking away a business and making it obsolete. This is talking about relocating businesses of these types into a place that makes sense. It's not about saying that these businesses can't exist.

This came right from the Supreme Court under Judge Rehnquist who basically said that it's their First Amendment right to exist but towns are allowed to study secondary effects and input from their municipality and other municipalities, put that all together, and that was for the moratorium, and then come up with a law that makes sense for the residents of the Town of Newburgh.

It makes sense for the adult-oriented businesses because they can thrive in the area that people don't mind that they're there, people that want to be there are there and the people that don't want to be associated with it don't have to live in proximity, whether it be anywhere. I'm not going to be specific to any specific place.

So I commend the Board. You know, this

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was brought up in the master plan. Whether it took place, you know, several years ago, or it takes place now, or it takes place in a few years, it's a great law and I think that all the residents are going to really appreciate this law, and I thank you very much.

MR. LAPORE: Hello. My name is Dan Lapore, I live in Wappingers Falls, New York but I also own real estate in the City of Newburgh. I have a business in the Town of Poughkeepsie.

I just want to say that I think this is typical government here, what's happening. You approved this gentleman, the zoning, all the variances, he paid his fees and now you're reacting on the deal which I don't think is fair. You know, as a business owner I created a small company that now has 185 employees in the Poughkeepsie area, and I built a 1.5 million dollar office from an abandoned warehouse of forty years. There was an incentive for that building to have a grant. After I built the building they reacted that grant from me. I have to own up to that fee.

What I don't appreciate is now that he

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is having the same problem to deal with that. As business owners we look to you guys as -- for help to create jobs and to become part of an economy. It's not fair, now that he's invested hundreds of thousands of dollars in this business, it possibly could be wiped off the map.

I just want to reach out to you to say as a business owner I don't think it's very fair and I don't think you should do this to them.

SUPERVISOR BOOTH: Thank you. Anyone else?

MR. CAPPELLO: Good evening. My name is John Cappello. You know me from the prior public hearing. I'm an Attorney with Jacobowitz & Gubits and I represent Santa Monica Holdings, Inc., who they may not be the applicant, you could not ignore the fact that they are the owners and operators of the only two, and I say only two regardless of what's on the map, facilities providing adult entertainment.

Both of the facilities that they own are being proposed to be closed by this law with the maximum of five years without any provision or without any shred of evidence as to whether

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these facilities would be able to recoup their investment within those five years. It seems to be a number of years that was picked included in the law. Maybe it was in some other law that was upheld but it has no relationship to the facts here, and that is the issue.

I think what you hear people say when they talk about the applicant is the fact that this Board did adopt a comprehensive plan approximately six or seven years ago that said you should define adult uses and include regulation. It said not a word about putting those businesses that already existed out of business. You are entitled to define it. You are entitled to say where those uses should go. If there were no uses in the Town now, there would probably be nobody here having a problem with the law except for a couple other issues I will bring up regarding math and incorrect conclusions about how much area is available for them.

But the issue here is the two existing businesses. The issue is, and it is relevant that this applicant was before the Board with full knowledge of this Town Board years after you

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adopted the comprehensive plan, purchased the property, was told the property was legal, went through the process with the Planning Board, submitted a bond, and this is all in my April 2, 2012 letter to the Board during the moratorium, which I requested at the last public hearing be included in the record. It's part of the public document and I once again request it be placed into the record here along with the transcript from the August 14th hearing on secondary effects, including the audiotape from that in my letter of October 15, 2012 which included a disk of several studies prepared contradicting the studies included in your local law and included an analysis of the provisions.

Your Board, after site plan, took a bond from my client in the amount of \$138,000 to secure construction of the sidewalk, to secure installation of the landscaping, installation of drainage improvements to make this facility a better facility. That's what they're doing. He's expanding his business. The business has been there thirty years. People have come out in opposition of this. It's not the entire Town

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asking for a Town wide change in a law. It is the people who bought their homes with full knowledge that there was an adult use establishment on that corner, who lived in those homes with full knowledge of the use, who had years to come and tell you to change the zoning to ban these uses. And if it would have been done at the time you adopted the comprehensive plan or a year after or two years after, my client may not have bought the property. My client may not have invested, not hundreds of thousands, millions in the property, and that's disclosed in the public record. If you look at what he paid for the property, the cost of the construction that was included on the building permit application that was accepted in your Board, the bond amount for just a portion of the site work that was reviewed by your consultants, the soft costs for the interior, the construction, that's well over \$2,000,000. For anybody to determine that you could recoup that investment in five years, you're thinking of a business that is going to be a lot more crowded than any of these businesses.

Your law, while I'm sure it has well

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intention, really came about after this was approved, after ground was broken and work was done pursuant to an approved site plan. It went through the ZBA process, the ZBA made a determination, a building permit was issued. It was only then that this law came into effect, and it was only then that an amortization period was included to the only two businesses providing adult entertainment. There is one book store on 17K that I'm aware of. I believe that's not being included in the areas that would be regulated. So that establishment would be able -- be allowed to continue. The other stars on the map -- I mean I've driven around Newburgh. There's one that's apparently next door to Gold's Gym. I had no idea -- there's a chiropractor's office that used to be there but I had no idea, you know, who put that star on the map, why it was put on the map. Do any of you know where these other facilities are?

SUPERVISOR BOOTH: Yes.

MR. CAPPELLO: It's certainly apparent the only two facilities that will be closed by this law and not allowed to conduct business are

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my client's. So it is disingenuous to say that it doesn't -- you know, it's not about him. It didn't occur until after he had broken ground on a facility that was approved. It had never been considered, it had never been mentioned until ground was broken.

And the only people who have spoken in favor of the law are the people that live near it, and the people against it are the people who support the fact that my client has expended a lot of money to improve the property.

What I've said and will continue to say is this Board is well -- if you're concerned about the proliferation of these uses, although there hasn't been a third one opened up, and all the testimony has said there has been less users, although your law seems to conclude this is going to be an attraction for more, you can say no more. You can regulate and protect the rest of the Town if you believe there's going to be an influx of this and not really have to be concerned about a lot of litigation.

And as my friend the state trooper said, if it turned out that this facility did

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cause problems, because the evidence that has been put before you in three public hearings has not disclosed any concrete evidence that there had been any illegal activities associated with this in kind that are any more -- in fact, the evidence submitted to you shows the Cumberland Farms convenience store across from the facility on 17K generated more police calls over time than the facilities -- either of the two adult-use facilities. So the Quick Cheks you approved next door to this will likely generate more police calls than this facility, yet, you know, they were approved. You know, they're allowed to continue. In case I'm before your Board representing the Quick Cheks, it's not meant to be any disparaging of Quick Cheks. But you have to realize there's been no concrete evidence submitted to you that in the Town of Newburgh the two facilities that exist have posed any secondary effects. There has not been one shred of evidence that the property values of the homes that were constructed, the expenses, the nice development that was constructed behind this while this place was up and operating, are any

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less in value than any other home in the Town of Newburgh in any district. There has been no evidence, yet you've concluded that these facilities reduce property value. You've concluded that these facilities result in there being a hole in the Town, no development around it. Once again I point to the Quick Chek that was approved while this facility was undergoing. They applied to the Board, they went through the process, they built in full knowledge that this place was coming. There's the Gold's Gym that has continued to expand across from the other facilities on 17K. There's been an accountant and the Chamber was in the building directly across the street from that. There had been residential developments going up around that facility. So there's been no evidence in the Town that either one of these facilities have ever resulted in any increased crime activity, any diminution in property value, and that's what you have to consider.

Once again I reiterate, if your concern is a proliferation of these uses, which is a legitimate concern, adopt a law, grandfather the

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two facilities that exist there. I would say adopt it and say no more facilities providing adult entertainment facilities up until these two facilities that are grandfathered go out of business, and then, if and when they do, those facilities would have to go in the areas you feel are appropriately designated. That would be a law that protects the Town, that leaves you with the people you know have been operating and they've been operating in a consistent manner. And, as I said, if there's a problem in the future you could always revisit this law and then you would have some evidence as reason to adopt it. Right now there is no reason to adopt a law that would put the two existing businesses that have operated in a manner that have not created secondary effects, to put them out of business.

The last thing I would reiterate and point out to you is for the first time I saw the analysis which was in your proposed negative declaration that was put on the web, I believe today. I thought I checked yesterday. I think today was the first day that the proposed negative declaration and proposed notice of

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adoption was put there. In that, the figures that were supposedly supporting the fact that forty percent of the commercial zoning districts were available for this type of use, if you look at the map it said there were 10.71 acres of land zoned commercial within the Town of Newburgh. That's 6,000 and change acres. I looked it up on Google. 246 acres purported to be available for adult-entertainment facilities. Now I didn't have time to check whether those lands were viable, what zoning districts they were in, but that is four percent, not forty percent.

So I, you know, believe, and I think you've heard it and I think as time has gone on there has not been an outcry to close these two establishments. You can adopt a law, you can allow these two establishments to continue, to pay taxes, to be good citizens. The minute they're not good citizens, gather that evidence and adopt a law, and then you can amortize, then you can put them out of business, then you have support. You don't have that now. You don't have the record in the Town of Newburgh. Maybe they had the record in Times Square, maybe in Austin,

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Texas. Not in the Town of Newburgh.

Thank you.

MR. SCULLEY: Just to make one point about the Town's findings regarding secondary effects. The Town's finding is related to adult-oriented businesses as they're defined in the proposed ordinance. The Town's finding has not specified secondary effects related to any particular business or use, it is a finding based on whether there are secondary effects associated with adult-oriented businesses as that term is defined in the proposed ordinance.

MR. TAYLOR: Mr. Supervisor, just to clarify the statements made on the negative declaration, the Town's planners did identify the total square miles within the B, IB and I districts. They then identified 4.22 square miles within those three districts which were outside the 1,000 foot limits. They then identified those areas within the B and IB districts, not the I district, which were outside the 1,000 foot, and those areas encompassed 666 acres. They then took the map and imposed circumferences for the 500-foot separation limits, and that is how they

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arrived at the final figure recited by Mr. Cappello with respect to 264.5 acres being available in the B and IB districts when you took into account the separation requirement.

SUPERVISOR BOOTH: Thank you.

Mr. Hughes.

MR. HUGHES: Yes.

SUPERVISOR BOOTH: Would you please come to the microphone like everybody else?

MR. HUGHES: Do you really think that's necessary?

SUPERVISOR BOOTH: That's the only thing recording. Yes, please.

MR. HUGHES: My name is Hughes and I live in Middlehope.

As probably many of you know, I am a participating member, and have been so for many years, on the Town Zoning Board. I also am the president of the Orange County Municipal Planning Federation which oversees all the municipalities' responsibilities for education to know what they're doing. I can probably figure you figured I got elected to that position because of my fancy clothes and the Mercedes I drive.

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I would really like to know if any of the Board Members here have considered any other informational sources besides the two gentlemen to my right, because I see flaws all over the place here. The last meeting couldn't be ruled on because they forgot to notify the municipalities as prescribed by State law.

My first question is if they overlooked that simple rudimentary 101 thing, how good is the rest of the information we're getting?

Now I'll go down and put my house aside, with my participation with the county, with the State, and I have a package in my car because I did my homework on this to see what was going on, and I wasn't going to speak because I felt as though it might have been almost improper because of the hats that I wear in the county and in this municipality. But at this point and from this point on I'm speaking entirely as a taxpayer only.

If I said to you, Mr. Booth, that if you went out that door and there was going to be two guys out there waiting for you, and if you went out this door there was going to be six, I

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know you're a Marine and all that but wouldn't you go out the door where there was less of a problem?

What we have right here, and I spoke to the State Department, the Attorney General of the State of New York and --

SUPERVISOR BOOTH: You weren't wearing their hats.

MR. HUGHES: I thought I had the floor.

SUPERVISOR BOOTH: Okay.

MR. HUGHES: This is a discussion. If you want to make it an argument, we can go there.

SUPERVISOR BOOTH: It's not a discussion, it's your statement.

MR. HUGHES: Okay. Then I have the floor. Keep that in mind.

I don't like it because I know what's going to happen. My taxes have gone up 150 percent since you guys sat down, with the exclusion of Mr. Bello and Ms. Green. You guys have been here a long time. And the gross national product, from what I can detect, is litigation. And that might be fine for some of the members in this building right now but it's

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not fine for me, and I don't want to be a part of something that's going to end up in another goose chase and a ton of money because you guys are trying to appease some people that aren't going to vote for you no matter what goes on.

Now, if you would like and you have some sense, I will leave the entire package that I received from the governor's office so maybe you can figure out what you're supposed to be doing and put this thing in check. I'll leave it at that. You can do what you want with it. I'm available and I'd be willing to work with you. I think you're chasing something that's going to bite you in the ass.

SUPERVISOR BOOTH: Thank you.

Anyone else?

MR. KARITIS: Good evening. Jeff Karitis, Hopeview Court, Middlehope also.

First I just wanted to thank the Town for taking the time to do this. I think I look at this law as looking forward, not looking back. A lot of people made comments about what has happened, what hasn't happened. Trying to protect the future of the Town of Newburgh and make it a

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better place for everyone to live and work and hopefully give places for houses and businesses that make sense. If a place is in an area that wouldn't make sense, then that's something we'll have to deal with.

I think the law is a fair law. I think some people are characterizing it their own way, obviously, and that's their benefit. Seeing that they all financially benefit from that characterization, too.

In the end I support the law, obviously, and I think it's something that is going to be wise for you to implement for the constituents and something that will help us and make us a better Town and will attract more people. If other businesses of this nature want to be in there, an adult use, they'll know exactly where they can go. This has been something that the Town has talked about since 2006 I believe, and something that the Board has taken the time, by putting a moratorium in place earlier this year and going through the time to study everything, and I think they've taken a very fair amount of time to put a law that makes

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sense for everybody.

So thank you very much again for all the hard work you've done and all the hard work you're doing with everything else that's going on in this Town. But I support this law and I hope you do, too.

SUPERVISOR BOOTH: Anyone else who hasn't spoke yet?

MS. SCHAUSTAL: I'm sorry. I'm Nancy Schaustal. I have one question.

You came up with a two-year to a five-year, yet the Government, to recoup your investment, gives you thirty-nine and-a-half years. So I don't know where in two years you think that they can recoup their investment, or five years even. But if you're depreciating your building, it takes thirty-nine and-a-half years because it's commercial. It doesn't take three years or five years. It's not like a car. So I just was wondering how you came up with those numbers?

MR. TAYLOR: Well, I can't speak to the Board's decision. I can tell you that it received a comment from the Zoning Board of Appeals which

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suggested a four-year limit, and that was one thing the Board considered when it took up that issue.

MS. SCHAUSTAL: Okay. So you're saying that the Government is wrong and you're right? Because they give us thirty-nine and-a-half years to recoup and you're giving two to five. I just want you to think about that, please.

SUPERVISOR BOOTH: Anyone else?

(No response.)

SUPERVISOR BOOTH: Okay. Thank you, everyone.

Any comments --

MR. MARSTON: I have a comment.

SUPERVISOR BOOTH: I'm sorry.

MR. MARSTON: I'm a little slow to get up. I apologize. My name is Paul Marston, I live on Hopeview Drive in the Town of Newburgh. I won't speak at length tonight but I've attended a lot of meetings over the last year, year-and-a-half about this whole law and I just want to applaud you. I know you've all worked really hard to come up with a law that is fair and is right for the for the community as a

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whole.

There have been several people speak tonight who are not residents of the Town of Newburgh but have other interests here, and I applaud them for doing their civic duty and speaking their mind. That's why we're all here.

I just want to say I think you're doing what's good for the Town as a whole, and I applaud you and thank you and I hope to get this law implemented. Thank you.

SUPERVISOR BOOTH: Thank you.

Anyone else?

(No response.)

SUPERVISOR BOOTH: Okay. Any comments, questions from the Board Members?

MS. GREENE: None for me.

MR. PIAQUADIO: No.

MR. WOOLSEY: No.

MR. BELLO: Not me.

MR. TAYLOR: Mr. Booth, there are certain documents that are being submitted for the record of the public hearing in addition to those Mr. Cappello enumerated.

There's a letter dated November 9, 2012

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addressed to you and the Town Council Members from David Smith of VHP Engineering, Surveying & Landscaping and Architecture, P.C. regarding adult-use legislation. There is a report of the Milford Police Department dated May 6, 2008 from Thomas J. O'Loughlin to the Planning Board of the Town of Milford. There is a summary report prepared by Erin S. McCord and Richard Tewksbury of the University of Louisville regarding adult businesses and crimes, seeking a better understanding. There is a letter dated Tuesday, November 13, 2012, addressed to you and the Town Board from J. Michael Mullis regarding adult-entertainment businesses. And there is a memo dated November 13, 2012 addressed to you from Chief Michael Clancy regarding complaints with respect to men's entertainment establishments.

SUPERVISOR BOOTH: Okay. Thank you.

MR. TAYLOR: I believe there are photos for submission into the record as well.

SUPERVISOR BOOTH: Yes, sir.

MR. TAYLOR: There are two sets of photos, one are photos of certain properties in the Town of Newburgh in the neighborhood of

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existing adult-entertainment establishments, and the second set is real estate signs advertising properties for sale or lease in the areas which are outside the 1,000 foot restrictions that the proposed law would establish.

SUPERVISOR BOOTH: Okay. Thank you, Mr. Taylor.

Any questions or comments?

MR. BELLO: I have none.

SUPERVISOR BOOTH: Does the Board wish to act tonight? If so, I'll make a motion to approve the resolution --

MR. TAYLOR: The public hearing needs to be closed first.

MS. GREENE: I move that we close the public hearing.

MR. BELLO: I'll second that.

MR. ZARUTSKIE: The motion was made and seconded to close the public hearing at 8:19 p.m.

Mr. Woolsey?

MR. WOOLSEY: Yes.

MR. ZARUTSKIE: Mr. Piaquadio?

MR. PIAQUADIO: Yes.

MR. ZARUTSKIE: Mrs. Greene?

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MS. GREENE: Yes.

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MR. ZARUTSKIE: Mr. Bello?

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MR. BELLO: Yes.

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MR. ZARUTSKIE: Mr. Booth?

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SUPERVISOR BOOTH: Yes.

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Now I'll make the motion to approve the

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resolution -- the SEQRA designation and

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determination for the adoption of the proposed

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local law entitled Code of the Town of Newburgh

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to Provide the Regulation of Adult-Oriented

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Businesses. Do I have a second?

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MR. PIAQUADIO: You made that motion,

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Wayne. I'll second the motion.

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MR. ZARUTSKIE: Any discussion?

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(No response.)

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MR. ZARUTSKIE: Mr. Woolsey?

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MR. WOOLSEY: I feel that a law similar

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to this should be enacted, but without

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elaborating any farther I'm voting no.

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MR. ZARUTSKIE: Mr. Piaquadio?

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MR. PIAQUADIO: Yes.

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MR. ZARUTSKIE: Mrs. Greene?

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MS. GREENE: Yes.

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MR. ZARUTSKIE: Mr. Bello?

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MR. BELLO: Yes.

MR. ZARUTSKIE: Mr. Booth?

SUPERVISOR BOOTH: Yes.

I'll look for a motion to adopt the resolution -- to approve the resolution of adoption for the Local Law Code of the Town of Newburgh to Provide Regulation of Adult-Oriented Businesses.

MS. GREENE: Isn't that what we just did?

SUPERVISOR BOOTH: This is the resolution. The first was SEQRA.

I made the motion.

MR. PIAQUADIO: You made the motion. I'll second the motion.

UNIDENTIFIED SPEAKER: We can't hear you.

SUPERVISOR BOOTH: Sorry about that. The microphone is still out.

MR. ZARUTSKIE: Is there any discussion on the motion that has been made and seconded?

MR. HUGHES: Would it be safe to assume you don't want to read the stuff that I referenced and you're going to continue to go

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ahead --

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SUPERVISOR BOOTH: That is correct.

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MR. HUGHES: -- and vote on this thing

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without looking into your homework?

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SUPERVISOR BOOTH: We've done our

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homework, and I look for a roll call on the

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motion

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MR. ZARUTSKIE: Woolsey?

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MR. WOOLSEY: No.

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MR. ZARUTSKIE: Mr. Piaquadio?

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MR. PIAQUADIO: Yes.

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MR. ZARUTSKIE: Mrs. Greene?

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MS. GREENE: Yes.

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MR. ZARUTSKIE: Mr. Bello?

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MR. BELLO: Yes.

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MR. ZARUTSKIE: Mr. Booth?

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SUPERVISOR BOOTH: Yes.

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I'll look for a motion to adjourn.

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MS. GREENE: So moved.

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MR. BELLO: Second.

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MR. ZARUTSKIE: Motion made and

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seconded to adjourn at 8:22 p.m.

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Mr. Woolsey?

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MR. WOOLSEY: Yes.

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MR. ZARUTSKIE: Mr. Piaquadio?

MR. PIAQUADIO: Yes.

MR. ZARUTSKIE: Mrs. Green?

MS. GREENE: Yes.

MR. ZARUTSKIE: Mr. Bello?

MR. BELLO: Yes.

MR. ZARUTSKIE: Mr. Booth?

SUPERVISOR BOOTH: Yes.

Thank you, everyone.

(Time noted: 8:22 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

Michelle Conero

DATED: December 3, 2012