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

- - - - - X
In the Matter of

WILLIAM & MAGGIE MEHR

10 Wintergreen Avenue, Newburgh
Section 67; Block 4; Lot 6
R-3 Zone

- - - - - X

Date: May 23, 2024
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
DARRELL BELL
JAMES EBERHART, JR.
JOHN MASTEN
JAMES POLITI
DONNA REIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: MAGGIE MEHR

- - - - - X

MICHELLE L. CONERO
Court Reporter
Michelleconero@hotmail.com
(845) 541-4163

2 CHAIRMAN SCALZO: I'd like to
3 call the meeting of the Zoning Board
4 of Appeals to order. The order of
5 business this evening are the public
6 hearings which have been scheduled.
7 The procedure of the Board is that
8 the applicant will be called upon to
9 step forward, state their request and
10 explain why it should be granted.
11 The Board will then ask the applicant
12 any questions it may have, and then
13 any questions or comments from the
14 public will be entertained. The
15 Board will then consider the
16 applications and will attempt to
17 render a decision this evening but
18 may take up to 62 days to reach a
19 determination. I would ask if you
20 have a cellphone, to please turn it
21 off or put it on silent. When
22 speaking, speak directly into the
23 microphone as it is being recorded
24 and it will assist our stenographer
25 with hearing you better.

2 Roll call, Siobhan.

3 MS. JABLESNIK: Darrell Bell.

4 MR. BELL: Here.

5 MS. JABLESNIK: James Eberhart.

6 MR. EBERHART: Here.

7 MS. JABLESNIK: Greg Hermance
8 is absent.

9 John Masten.

10 MR. MASTEN: Here.

11 MS. JABLESNIK: James Politi.

12 MR. POLITI: Here.

13 MS. JABLESNIK: Donna Rein.

14 MS. REIN: Here.

15 MS. JABLESNIK: Darrin Scalzo.

16 CHAIRMAN SCALZO: Here.

17 MS. JABLESNIK: Also present is
18 our Attorney, David Donovan; from
19 Code Compliance is Joseph Mattina;
20 and our Stenographer, Michelle Conero.

21 CHAIRMAN SCALZO: If you could
22 all please rise for the Pledge.

23 (Pledge of Allegiance.)

24 CHAIRMAN SCALZO: Folks, the agendas
25 are in the back by the door on the wall.

2 Why I'm telling you that, and I
3 normally don't, is that I'm going to
4 jump around the agenda. Last month
5 we had some applicants that had come
6 in that we hadn't heard back from the
7 County yet. We are obliged by GML
8 239 which requires us to wait for
9 County comment for thirty days.

10 As I said, we're going to jump
11 right to applicant William and Maggie
12 Mehr, 10 Wintergreen. You were here
13 last month seeking an area variance
14 of the minimum front yard setback and
15 increasing the degree of nonconformity
16 of the side yard to build a 7 x 31.3
17 covered front porch.

18 I believe last month we had
19 asked you all the questions that we
20 wanted to ask you. I couldn't close
21 the public hearing because of the
22 County.

23 Therefore, one last opportunity.
24 Any questions from the Board?

25 MR. POLITI: No.

2 MR. EBERHART: No.

3 MR. BELL: No.

4 MR. MASTEN: No.

5 MS. REIN: No.

6 CHAIRMAN SCALZO: Very good.

7 Any other questions or comments
8 from the public?

9 (No response.)

10 CHAIRMAN SCALZO: Very good.

11 I'll look to the Board for a
12 motion to close the public hearing.

13 MR. MASTEN: I'll make a motion
14 to close the public hearing.

15 MS. REIN: Second.

16 CHAIRMAN SCALZO: We have a motion
17 to close from Mr. Masten. We have a
18 second from Ms. Rein. All in favor?

19 MR. POLITI: Aye.

20 MR. EBERHART: Aye.

21 MS. BELL: Aye.

22 MR. MASTEN: Aye.

23 MS. REIN: Aye.

24 CHAIRMAN SCALZO: Aye.

25 Those opposed?

2 (No response.)

3 CHAIRMAN SCALZO: Very good.

4 This is a Type 2 action under
5 SEQRA. Correct, Counsel?

6 MR. DONOVAN: Correct, Mr. Chairman.

7 CHAIRMAN SCALZO: Thank you, sir.

8 We're going to go through the area
9 variance criteria and discuss the five
10 factors, the first one being whether or
11 not the benefit can be achieved by other
12 means feasible to the applicant. We
13 believe the answer to that would be no.

14 The second, if there's an undesirable
15 change in the neighborhood character or a
16 detriment to nearby properties. Other
17 homes in the neighborhood do have front
18 porches. We believe that this will add
19 aesthetic positives to the neighborhood.

20 The third, whether the request is
21 substantial. By definition and dimension,
22 some may consider it to be. Looking at the
23 character of the neighborhood, I would say
24 no.

25 The fourth, whether the request will

2 have adverse physical or environmental
3 effects.

4 MR. BELL: No.

5 CHAIRMAN SCALZO: That would be
6 none.

7 The fifth, whether the alleged
8 difficulty is self-created, which is
9 relevant but not determinative. Of
10 course this is self-created. However,
11 that doesn't prevent us from returning
12 a variance in your favor.

13 Having gone through the balancing
14 tests, I'll look to the Board for a
15 motion of some sort.

16 MR. BELL: I'll make a motion for
17 approval.

18 MR. POLITI: I'll second.

19 CHAIRMAN SCALZO: It sounded like
20 we had a motion for approval from Mr. Bell.
21 It sounded like Mr. Politi jumped in on
22 number two.

23 Can you roll on that, please, Siobhan?

24 MS. JABLESNIK: Mr. Bell?

25 MR. BELL: Yes.

2 MS. JABLESNIK: Mr. Eberhart?

3 MR. EBERHART: Yes.

4 MS. JABLESNIK: Mr. Masten?

5 MR. MASTEN: Yes.

6 MS. JABLESNIK: Mr. Politi?

7 MR. POLITI: Yes.

8 MS. JABLESNIK: Ms. Rein?

9 MS. REIN: Yes.

10 MS. JABLESNIK: Mr. Scalzo?

11 CHAIRMAN SCALZO: Yes.

12 The motion is carried. The
13 variances are approved.

14 MS. MEHR: Thank you. What do
15 I do next?

16 MS. JABLESNIK: If the Building
17 Department is waiting for anything else
18 as far as your application to issue it,
19 they'll contact you either by a letter
20 or issuing your permit.

21 MS. MEHR: So it's going to come
22 to me?

23 MS. JABLESNIK: Yes.

24 MR. MEHR: Thank you so much.

25 (Time noted: 7:07 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of June 2024.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

ELIXIEM AMOGUIS

149 Forest Road, Wallkill
Section 3; Block 1; Lot 7
AR Zone

- - - - - X

Date: May 23, 2024
Time: 7:09 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
DARRELL BELL
JAMES EBERHART, JR.
JOHN MASTEN
JAMES POLITI
DONNA REIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: ELIXIEM AMOGUIS

- - - - - X

MICHELLE L. CONERO
Court Reporter
Michelleconero@hotmail.com
(845) 541-4163

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CHAIRMAN SCALZO: Again I'm jumping on the agenda to Elixiem Amoguis, 149 Forest Road in Wallkill.

MR. AMOGUIS: Good evening.

CHAIRMAN SCALZO: As the applicant just before you, you're seeking area variances for increasing the degree of nonconformity of the front yard, rear yard and distance to the center line to build an enclosed breezeway connecting the garage and dwelling.

As this public hearing is still open, I'm going to look to the Board for any additional comments they may have.

MR. POLITI: No.

MR. EBERHART: No.

MR. BELL: No.

MR. MASTEN: No.

MS. REIN: No.

CHAIRMAN SCALZO: Are there any members of the public that wish to speak about this application?

(No response.)

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CHAIRMAN SCALZO: Very good.

I'll look to the Board for a motion to close the public hearing.

MR. BELL: I'll make a motion to close the public hearing.

MR. MASTEN: I'll second it.

CHAIRMAN SCALZO: We have a motion to close the public hearing from Mr. Bell. We have a second from Mr. Masten. All in favor?

MR. POLITI: Aye.

MR. EBERHART: Aye.

MR. BELL: Aye.

MR. MASTEN: Aye.

MS. REIN: Aye.

CHAIRMAN SCALZO: Aye.

Those opposed?

(No response.)

CHAIRMAN SCALZO: This is also is a Type 2 action under SEQRA.

We will again go through the five factors, the first one being whether or not the benefit can be achieved by other means feasible to

2 the applicant. The answer would be
3 no.

4 MR. BELL: No.

5 CHAIRMAN SCALZO: Second, if
6 there's an undesirable change in the
7 neighborhood character or a detriment
8 to nearby properties.

9 MR. POLITI: No.

10 MR. EBERHART: No.

11 MR. BELL: No.

12 MR. MASTEN: No.

13 MS. REIN: No.

14 CHAIRMAN SCALZO: No.

15 The third, whether the request
16 is substantial.

17 MR. POLITI: No.

18 MR. EBERHART: No.

19 MR. BELL: No.

20 MR. MASTEN: No.

21 MS. REIN: No.

22 CHAIRMAN SCALZO: No.

23 Fourth, whether the request will
24 have adverse physical or environmental
25 effects.

2 MR. POLITI: No.

3 MR. EBERHART: No.

4 MR. BELL: No.

5 MR. MASTEN: No.

6 MS. REIN: No.

7 CHAIRMAN SCALZO: That would be
8 also a no.

9 The fifth, whether the alleged
10 difficulty is self-created, which of
11 course it is, however that doesn't
12 prevent us from doing what we need to
13 do either way.

14 That being said, I'll look to
15 the Board for a motion of some sort.

16 MR. EBERHART: I'll make a motion
17 for approval.

18 MR. POLITI: Second.

19 CHAIRMAN SCALZO: We have a
20 motion for approval from Mr. Eberhart.
21 I saw Mr. Politi's hand up before I
22 heard Mr. Bell's voice.

23 Therefore, can we roll on that,
24 please, Siobhan?

25 MS. JABLESNIK: Mr. Bell?

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MR. BELL: Yes.

MS. JABLESNIK: Mr. Eberhart?

MR. EBERHART: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Politi?

MR. POLITI: Yes.

MS. JABLESNIK: Ms. Rein?

MS. REIN: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The variance is approved.

MR. AMOGUIS: Thank you.

CHAIRMAN SCALZO: Good luck.

(Time noted: 7:12 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of June 2024.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

MICHAEL MOYER

1420 Route 300, Newburgh
Section 60; Block 3; Lot 22.222
IB Zone

- - - - - X

Date: May 23, 2024
Time: 7:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
DARRELL BELL
JAMES EBERHART, JR.
JOHN MASTEN
JAMES POLITI
DONNA REIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

- - - - - X

MICHELLE L. CONERO
Court Reporter
Michelleconero@hotmail.com
(845) 541-4163

2 CHAIRMAN SCALZO: Again jumping
3 off the agenda, we are now going to
4 hear the application of Michael
5 Moyer, 1420 Route 300. This was a
6 Planning Board referral for an area
7 variance of the existing building
8 height to convert the cinema to a
9 self-storage facility.

10 We have in front of us Mr. Dates
11 who was not here last month.

12 MR. DATES: I was.

13 MR. DONOVAN: He was, actually.

14 CHAIRMAN SCALZO: All right.

15 MR. DATES: I gave you a whole
16 presentation. Just unforgettable.

17 MR. DONOVAN: I went through it
18 again Saturday. Very well spoken.

19 CHAIRMAN SCALZO: My apologies,
20 Mr. Dates. We were only waiting for
21 a GML 239 on this. You gave the
22 presentation. A very similar application
23 without the full development of the
24 lot. It had come in a few years
25 previous, which we had granted a

2 variance for that.

3 Therefore, I'm going to look to
4 the Board for any comments that they
5 may have after reading the meeting
6 minutes, which clearly I have not,
7 from last month. Any other comments?

8 MR. POLITI: No.

9 MR. EBERHART: No.

10 MR. BELL: No.

11 MR. MASTEN: No.

12 MS. REIN: No.

13 CHAIRMAN SCALZO: I will look
14 also to the public. Any comments
15 regarding this application?

16 (No response.)

17 CHAIRMAN SCALZO: Very good.
18 Okay. In this case I will look to the
19 Board for a motion to close the public
20 hearing.

21 MS. REIN: I'll make a motion to
22 close the public hearing.

23 MR. BELL: Second.

24 CHAIRMAN SCALZO: We have a motion
25 from Ms. Rein. We have a second from

2 Mr. Bell. All in favor?

3 MR. POLITI: Aye.

4 MR. EBERHART: Aye.

5 MR. BELL: Aye.

6 MR. MASTEN: Aye.

7 MS. REIN: Aye.

8 CHAIRMAN SCALZO: Aye.

9 Those opposed?

10 (No response.)

11 CHAIRMAN SCALZO: Very good.

12 Counsel, is this an Unlisted
13 action?

14 MR. DONOVAN: Unlisted action,
15 Mr. Chairman. Very well done.

16 CHAIRMAN SCALZO: I'm three for
17 three here.

18 Now we have to move to a negative
19 declaration.

20 MR. DONOVAN: That is correct.
21 I do have Parts 2 and 3 here for you
22 to sign.

23 CHAIRMAN SCALZO: Very good.

24 If the Board is going to make a
25 motion to approve this application,

2 we also need a motion for a negative
3 declaration. You do understand,
4 Board Members, what this requires.

5 Counsel, if you want to --

6 MR. DONOVAN: That would mean
7 that the granting of the variance
8 would not result in any significant
9 adverse environmental impact.

10 MS. REIN: Any significant what?

11 MR. DONOVAN: Adverse environmental
12 impact.

13 CHAIRMAN SCALZO: It is a pre-
14 existing condition. I'm just reminding
15 you all of that.

16 I'll look to the Board. Do we have
17 a motion?

18 MR. EBERHART: I'll make a motion.

19 CHAIRMAN SCALZO: For a negative
20 declaration from Mr. Eberhart. I see
21 Mr. Politi's hand up as a second. All
22 in favor?

23 MR. POLITI: Aye.

24 MR. EBERHART: Aye.

25 MR. BELL: Aye.

2 MR. MASTEN: Aye.

3 MS. REIN: Aye.

4 CHAIRMAN SCALZO: Aye.

5 Those opposed?

6 (No response.)

7 CHAIRMAN SCALZO: No. Very
8 good. We still do need to go through
9 our criteria.

10 First, whether or not the benefit
11 can be achieved by other means feasible
12 to the applicant. Well, it's already
13 there standing as it is. It will not
14 have any changes to the exterior of
15 the structure, so therefore no.

16 The second, if there's an
17 undesirable change in the neighborhood
18 character or a detriment to nearby
19 properties. With this type of request,
20 there is not.

21 The third, whether the request is
22 substantial. Again, it's a preexisting
23 condition.

24 The fourth, whether the request
25 will have adverse physical or environmental

2 effects. It does not appear so.

3 The fifth, whether the alleged
4 difficulty is self-created, which I
5 would think for this application it's
6 not self-created.

7 MR. DONOVAN: Except that the
8 building height was there when they
9 decided to convert it to self-
10 storage. It would be self-created.

11 CHAIRMAN SCALZO: Thank you,
12 Counsel.

13 Therefore, having gone through
14 the balancing tests, does the Board
15 have a motion of some sort?

16 MS. REIN: I'll make a motion
17 to approve.

18 MR. BELL: I'll second.

19 CHAIRMAN SCALZO: We have a
20 motion for approval from Ms. Rein.
21 We have a second from Mr. Bell.

22 Can you roll on that, please,
23 Siobhan?

24 MS. JABLESNIK: Mr. Bell?

25 MR. BELL: Yes.

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MS. JABLESNIK: Mr. Eberhart?

MR. EBERHART: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Politi?

MR. POLITI: Yes.

MS. JABLESNIK: Ms. Rein?

MS. REIN: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The motion is carried. The
variances are approved.

MR. DATES: Thank you very
much. Have a good weekend.

(Time noted: 8:17 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 3rd day of June 2024.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

JAMES TURNER

409 Gardnertown Road, Newburgh
Section 63; Block 1; Lot 9
R-3 Zone

- - - - - X

Date: May 23, 2024
Time: 7:16 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
DARRELL BELL
JAMES EBERHART, JR.
JOHN MASTEN
JAMES POLITI
DONNA REIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: JAMES TURNER

- - - - - X

MICHELLE L. CONERO
Court Reporter
Michelleconero@hotmail.com
(845) 541-4163

2 CHAIRMAN SCALZO: Now I'm going
3 to return to our regularly programmed
4 agenda. We're at the top of the
5 agenda. In this case the applicant
6 is James Turner, 409 Gardnertown
7 Road, seeking area variances of the
8 minimum rear yard setback, minimum
9 side yard setback and increasing the
10 degree of nonconformity to raise the
11 roof on an existing nonconforming
12 building and adding new decks.

13 Siobhan, do we have mailings on
14 this?

15 MS. JABLESNIK: This applicant
16 sent thirty-eight letters.

17 CHAIRMAN SCALZO: Thirty-eight
18 letters.

19 We are not in need of any GML 239.
20 Correct?

21 MS. JABLESNIK: No.

22 CHAIRMAN SCALZO: Who do we have
23 with us?

24 MR. TURNER: My name is James E.
25 Turner. I reside at 340 Lakeside Road,

2 Orange Lake, Town of Newburgh.

3 The property in question is an
4 investment property that I bought. I
5 believe it's nonconforming because
6 there are two houses on one piece of
7 property.

8 One of the houses was habitable,
9 and there was a tenant living in that
10 house, maybe the owner. The second
11 house, it was not inhabited. The
12 previous owner had started construction
13 of putting dormers on the house. I
14 guess he ran into financial trouble
15 and trouble with the Town, ran out of
16 money. I came in to buy the property.

17 The one house I already got a
18 building permit to renovate, which is
19 now done. The second house is the one
20 in question. The dormers are already
21 there, but I had to get a demo permit
22 because the construction was not done
23 properly, nor were there any permits
24 issued. There was construction done
25 and also electrical work done.

2 With the demolition permit, I
3 had to go in and gut the entire
4 building and then get an engineer to
5 come up with a plan to re-renovate.
6 That's what I'm here for right now.

7 CHAIRMAN SCALZO: Okay. Thank
8 you. You just said something that's
9 going to make me ask Mr. Mattina a
10 question.

11 Joe, he said the property was
12 in trouble with the Town.

13 MR. MATTINA: Yes.

14 CHAIRMAN SCALZO: He's here to
15 square all that away. Am I correct?

16 MR. MATTINA: Correct. Everything
17 he said was right on.

18 CHAIRMAN SCALZO: Spot on. That's
19 very good.

20 All right. As I mentioned during
21 the narrative of your project, bulk
22 table schedule 5 requires a minimum
23 rear yard setback of 40 feet. Also
24 schedule 5 requires one side yard of
25 30 feet minimum. 185-19 C(1), one

2 shall not increase the degree of
3 nonconformity. You're raising the
4 roof on an existing building.

5 I visited the site. The one
6 house that you've already rehabilitated
7 looks fantastic. I don't have any
8 comments.

9 There are two dwellings on one
10 lot, but it's a preexisting condition.

11 MR. TURNER: Not to interrupt you.
12 The other house is probably going to
13 be like the mirror image of the first
14 house.

15 MS. REIN: It's a duplex?

16 MR. TURNER: It's not a duplex.
17 I guess the previous owner --

18 MS. REIN: It looks just like a
19 duplex.

20 MR. TURNER: It looks like a
21 duplex. There are two doors. The
22 kitchen is on the second floor. There's
23 a bedroom, a family room and a laundry
24 room on the bottom floor. There are
25 two bedrooms and one bath upstairs.

2 It looks like a two family. I would
3 call it a mother/daughter. That's on
4 the house that's already done.

5 The other house, I was going to
6 do a three bedroom, two and a half
7 bath. By raising the dormers or
8 keeping the dormers on there, the
9 square footage allows me to do that.

10 CHAIRMAN SCALZO: Thank you.

11 Ms. Rein?

12 MS. REIN: I'm good.

13 CHAIRMAN SCALZO: Mr. Masten, do
14 you have any questions regarding this
15 application?

16 MR. MASTEN: No.

17 CHAIRMAN SCALZO: Mr. Bell?

18 MR. BELL: I was wondering if
19 it was a duplex as well. When I went
20 to the back, I seen up and down decks.

21 MR. TURNER: Yes. Again, it does
22 have up and down decks so you can go
23 -- there's what I call a babbling
24 brook behind the house. You sit on
25 your deck, upper and lower.

2 The other house I want to do the
3 same thing, upper and lower decks.
4 You can sit on the deck next to the
5 stream, have a cup of coffee in the
6 morning or whatever.

7 CHAIRMAN SCALZO: You're selling
8 it hard now.

9 MR. TURNER: I just want to make
10 it nice. They both looked really bad
11 before. Now with the first house done,
12 I just want to make the second house --

13 MR. BELL: It does look good.

14 This is going to be a single dwelling.
15 Right?

16 MR. TURNER: Yes. Both single
17 dwellings.

18 MR. BELL: Okay. No more questions.

19 CHAIRMAN SCALZO: Thank you, Mr. Bell.
20 Mr. Eberhart?

21 MR. EBERHART: No questions.

22 CHAIRMAN SCALZO: Mr. Politi?

23 MR. POLITI: No.

24 CHAIRMAN SCALZO: At this time I'll
25 look to any members of the public that

2 wish to comment on this application.

3 Please step forward. We need
4 to know who you are, just for the
5 record, and whatever comments you
6 have. If you can speak loudly from
7 there, that's fine as well.

8 MS. FLICHER: I'm a homeowner
9 at 413 Gardnertown Road.

10 CHAIRMAN SCALZO: Your name is?

11 MR. TURNER: Sarah Flicher.

12 MS. REIN: Can you go to the mic?

13 MR. DONOVAN: I think you're
14 going to have to so the stenographer
15 can hear you. Thank you.

16 MR. BELL: Can you start over,
17 please?

18 MS. REIN: And we need your name.

19 MS. FLICHER: My name is Sarah
20 Flicher and I live at 413 Gardnertown
21 Road.

22 I'm just trying to keep my
23 lovely home. I'm trying to keep my
24 lovely space and figure out what
25 exactly is happening with the property

2 next door.

3 It's my understanding that the
4 home that is being described as a
5 duplex was previously a garage
6 converted into a home. I think that's
7 why there are two buildings on one lot.
8 That's just things I've heard along
9 the way since I've been here.

10 My concern is how many units are
11 being added to the property?

12 It's my understanding that both
13 structures are landlocked and have to
14 have easements.

15 I'm trying to understand what the
16 traffic situation would look like at
17 the end of the completion of this project.

18 CHAIRMAN SCALZO: Great questions.
19 However, what we're here for in this
20 meeting are the variances that are
21 needed for side yard, rear yard and
22 height. When it comes to a traffic
23 concern, this did not appear in front
24 of the Planning Board. Any traffic
25 -- I don't even know if they would

2 have a trip generation manual for two
3 dwellings out of one driveway. It's
4 negligible when it comes to traffic.

5 With regard to how many units
6 you're talking about, the preexisting
7 condition of what used to be a garage,
8 that's not in dispute or it's not
9 under consideration at this meeting.

10 Perhaps that's something -- Mr.
11 Mattina, perhaps you can help with
12 that. It's a preexisting nonconforming
13 condition. It's not something we're
14 here to discuss. As far as I know, it
15 would remain that way.

16 You heard testimony from the owner,
17 the current owner, that the intent is
18 that they will both be single-family
19 occupancy dwellings.

20 Mr. Turner, have I captured that
21 correctly?

22 MR. TURNER: Yes.

23 CHAIRMAN SCALZO: I hope I've
24 answered your questions. If you have
25 anything else, now is your opportunity.

2 MS. FLICHER: Nothing further.

3 Thank you, Chairman.

4 CHAIRMAN SCALZO: Thank you.

5 Is there anyone else from the public
6 that wishes to speak about this application?

7 (No response.)

8 CHAIRMAN SCALZO: No.

9 Okay. Anything else from the Board?

10 MR. POLITI: No.

11 MR. EBERHART: No.

12 MR. BELL: No.

13 MR. MASTEN: No.

14 MS. REIN: No.

15 CHAIRMAN SCALZO: Then I will look
16 to the Board for a motion to close the
17 public hearing.

18 MR. MASTEN: I'll make a motion
19 to close the public hearing.

20 MR. BELL: I'll second.

21 CHAIRMAN SCALZO: We have a motion
22 to close the public hearing from Mr.
23 Masten. It sounded like Mr. Bell jumped
24 in there as a second. All in favor?

25 MR. POLITI: Aye.

2 MR. EBERHART: Aye.

3 MR. BELL: Aye.

4 MR. MASTEN: Aye.

5 MS. REIN: Aye.

6 CHAIRMAN SCALZO: Aye.

7 Those opposed?

8 (No response.)

9 CHAIRMAN SCALZO: Very good.

10 The public hearing is now closed.

11 This is a Type 2 action under
12 SEQRA?

13 MR. DONOVAN: That is correct,
14 Mr. Chairman.

15 CHAIRMAN SCALZO: Thank you,
16 Counsel.

17 We are looking at the five
18 criteria here, the first one being
19 whether or not the benefit can be
20 achieved by other means feasible to
21 the applicant. Well, the structures
22 are where the structures are.

23 When it comes to the dimensional
24 setbacks, that's a preexisting condition.

25 With regard to the dormers going up,

2 that's really the big one we're
3 talking about. Seeing what the
4 applicant has done with the other
5 dwelling, I've got nothing.

6 Can the benefit be achieved by
7 other means. It doesn't appear that
8 way.

9 The second, if there is an
10 undesirable change in the neighborhood
11 character or a detriment to nearby
12 properties. Well, it appears the
13 applicant is, I'll call it beautification
14 of those two dwellings. I would say no.

15 MR. BELL: No.

16 CHAIRMAN SCALZO: It's a desirable
17 change in the neighborhood character.

18 The third, whether the request is
19 substantial. It does not appear so.

20 The fourth, whether the request
21 will have adverse physical or environmental
22 effects.

23 MR. POLITI: No.

24 MR. EBERHART: No.

25 MR. BELL: No.

2 MR. MASTEN: No.

3 MS. REIN: No.

4 CHAIRMAN SCALZO: It does not
5 appear so.

6 The fifth, whether the alleged
7 difficulty is self-created, which is
8 relevant but not determinative. Well,
9 the side yards and the setbacks are
10 preexisting nonconforming, however the
11 height is what we're looking at.

12 Having gone through the balancing
13 tests, does the Board have a motion
14 of some sort?

15 MS. REIN: I'll make a motion
16 to approve.

17 MR. BELL: Second.

18 CHAIRMAN SCALZO: We have a motion
19 for approval from Ms. Rein. We have a
20 second from Mr. Bell.

21 Can you roll on that, please,
22 Siobhan?

23 MS. JABLESNIK: Mr. Bell?

24 MR. BELL: Yes.

25 MS. JABLESNIK: Mr. Eberhart?

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MR. EBERHART: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Politi?

MR. POLITI: Yes.

MS. JABLESNIK: Ms. Rein?

MS. REIN: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The motion is carried. The
variances are approved.

MR. TURNER: Thank you. Enjoy
your holiday weekend.

(Time noted: 7:24 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of June 2024.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

CANDLESTICK MHC, LLC

165 Lattintown Road, Newburgh
Section 7; Block 1; Lot 38.12
AR Zone

- - - - - X

Date: May 23, 2024
Time: 7:24 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
DARRELL BELL
JAMES EBERHART, JR.
JOHN MASTEN
JAMES POLITI
DONNA REIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: JAY MULLER

- - - - - X

MICHELLE L. CONERO
Court Reporter
Michelleconero@hotmail.com
(845) 541-4163

2 CHAIRMAN SCALZO: Moving on.

3 The second item on the agenda is
4 Candlestick MHC, LLC at 165 Lattintown
5 Road, seeking area variances of the
6 maximum square footage and maximum
7 allowed height to install a freestanding
8 entrance sign on the property.

9 Siobhan, do we have mailings on
10 this?

11 MS. JABLESNIK: This applicant
12 sent thirty-four letters.

13 CHAIRMAN SCALZO: Thirty-four
14 mailings.

15 Who do we have with us?

16 MR. MULLER: My name is Jay
17 Muller. I'm a utility project manager
18 for the management who owns the property.

19 CHAIRMAN SCALZO: Very good.

20 If you feel as though I've
21 captured everything that you want me
22 to in that two-sentence introduction,
23 we can just carry on.

24 MR. MULLER: Yes, sir.

25 CHAIRMAN SCALZO: Very good.

2 We're all obliged by our positions to
3 go and physically look at the lots.

4 Having looked at your application
5 and looked at the property, I actually
6 have a couple of questions for you.

7 The height of the structure that's
8 got the non-rigid sign on it right now --
9 actually, I'm going to ask in concert
10 with Joe Mattina.

11 Are we looking at the sign height,
12 Joe? Is it to the top of the horizontal
13 or is the top of the posts?

14 MR. MATTINA: The top of the
15 horizontal.

16 CHAIRMAN SCALZO: The top of the
17 horizontal is 6 feet. In this case the
18 code allows for 5. Correct?

19 MR. MATTINA: Our code allows 4.

20 CHAIRMAN SCALZO: I was one off.
21 Very good.

22 So your intent is for that non-rigid
23 sign to be exactly the size it is. I did
24 read through the application. You put
25 some colorful comments in there that the

2 emergency response people will be
3 able to easily identify where they
4 are by looking at that sign.

5 MR. MULLER: Yeah.

6 CHAIRMAN SCALZO: Not that
7 anybody that's an emergency response
8 person doesn't know that area.

9 Something else I noticed when I
10 was out there that I learned from one
11 of our old Board Members, John McKelvey.
12 The two welcome flags, Joe, are they
13 also considered signage?

14 MR. MATTINA: Not if the name of
15 the trailer park is not on it.

16 CHAIRMAN SCALZO: It just says
17 welcome.

18 MR. MATTINA: It's not considered
19 a sign. There are different requirements
20 for flags, banners and stuff like that.

21 CHAIRMAN SCALZO: Flags, banners and
22 stuff like that. Then we're not going
23 to talk about that at this point.

24 For the neighborhood, my opinion is
25 I don't feel as though the sign is overly

2 large. I know it doesn't meet the
3 code, however. I don't take issue
4 with it. That's just me.

5 I'm going to start down with
6 Mr. Politi. Mr. Politi, do you have
7 any comments regarding this application?

8 MR. POLITI: I did visit the site.
9 I think the size is appropriate for the
10 space.

11 CHAIRMAN SCALZO: Mr. Eberhart?

12 MR. EBERHART: I have no issue
13 with the size.

14 CHAIRMAN SCALZO: Mr. Bell?

15 MR. BELL: No issues.

16 CHAIRMAN SCALZO: Mr. Masten?

17 MR. MASTEN: No questions.

18 CHAIRMAN SCALZO: Ms. Rein?

19 MS. REIN: No. I think you're
20 going to be able to see it from space.

21 CHAIRMAN SCALZO: Let me ask, since
22 she just said that, looking at it from
23 space. Do you intend on any illumination?

24 MR. MULLER: If we do, it's going
25 to be solar lighting. Just solar

2 spotlights that can be done.

3 CHAIRMAN SCALZO: When it comes
4 to lighting on signs, is that going
5 to potentially bring him back here,
6 Mr. Mattina?

7 MR. MATTINA: It's possible.
8 It's in an AR Zone. It is probable.

9 MR. MULLER: Okay. My understanding
10 was if it was hard wired to a timer with
11 electric, then we would have to do that.
12 If we did solar, we would not need a
13 permit.

14 CHAIRMAN SCALZO: You're in the
15 right place.

16 MR. MATTINA: A light is a light.

17 MR. MULLER: So we won't light it.

18 CHAIRMAN SCALZO: That takes care
19 of that. These are meeting minutes
20 which are public record. This is
21 memorialized. We just heard you say
22 it, that it will not be illuminated.

23 I don't have any other questions.
24 It doesn't look like the Board does.

25 Are there any members of the

2 public that wish to speak about this
3 application?

4 (No response.)

5 CHAIRMAN SCALZO: It doesn't
6 appear so.

7 One last look at the Board?

8 MR. POLITI: No.

9 MR. EBERHART: No.

10 MR. BELL: No.

11 MR. MASTEN: No.

12 MS. REIN: No.

13 CHAIRMAN SCALZO: Okay. I'll
14 look to the Board for a motion to close
15 the public hearing.

16 MR. BELL: I'll make a motion to
17 close the public hearing.

18 MR. MASTEN: I'll second it.

19 CHAIRMAN SCALZO: Very good. We
20 have a motion to close from Mr. Bell.
21 We have a second from Mr. Masten. All
22 in favor?

23 MR. POLITI: Aye.

24 MR. EBERHART: Aye.

25 MR. BELL: Aye.

2 MR. MASTEN: Aye.

3 MS. REIN: Aye.

4 CHAIRMAN SCALZO: Aye.

5 Those opposed?

6 (No response.)

7 CHAIRMAN SCALZO: Counsel, this
8 is also a dimensional --

9 MR. DONOVAN: Correct. It's
10 replacement in kind, therefore it's a
11 Type 2 action.

12 CHAIRMAN SCALZO: Thanks, Counsel.

13 MR. DONOVAN: Every now and again
14 you think I'm not present. I have to
15 show up.

16 CHAIRMAN SCALZO: Again, you heard
17 the last five applicants already. What
18 you're going to hear is what you're
19 going to hear.

20 The criteria includes whether or
21 not the benefit can be achieved by
22 other means feasible to the applicant.
23 Sure he could reduce the sign size and
24 lower it a little bit. Having been
25 there, if he lets the grass grow,

2 perhaps it may obscure the bottom
3 phone number.

4 The second, if there's an
5 undesirable change in the neighborhood
6 character or a detriment to nearby
7 properties. As Counsel so nicely
8 pointed out to me, this is a replacement
9 in kind. I don't think there will be
10 a change.

11 The third, whether the request is
12 substantial. It does not appear so.

13 MR. BELL: No.

14 CHAIRMAN SCALZO: The fourth,
15 whether the request will have adverse
16 physical or environmental effects.

17 MR. POLITI: No.

18 MR. EBERHART: No.

19 MR. BELL: No.

20 MR. MASTEN: No.

21 MS. REIN: No.

22 CHAIRMAN SCALZO: No.

23 The fifth, whether the alleged
24 difficulty is self-created, which is
25 relevant but not determinative.

2 Having gone through the
3 balancing tests, does the Board have
4 a motion of some sort?

5 MR. BELL: I'll make a motion
6 for approval.

7 MS. REIN: I'll second.

8 CHAIRMAN SCALZO: We have a
9 motion for approval from Mr. Bell.
10 We have a second from Ms. Rein.

11 Can you roll on that, please,
12 Siobhan.?

13 MS. JABLESNIK: Mr. Bell?

14 MR. BELL: Yes.

15 MS. JABLESNIK: Mr. Eberhart?

16 MR. EBERHART: Yes.

17 MS. JABLESNIK: Mr. Masten?

18 MR. MASTEN: Yes.

19 MS. JABLESNIK: Mr. Politi?

20 MR. POLITI: Yes.

21 MS. JABLESNIK: Ms. Rein?

22 MS. REIN: Yes.

23 MS. JABLESNIK: Mr. Scalzo?

24 CHAIRMAN SCALZO: Yes.

25 The motion is carried. The

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variances are approved.

MR. MULLER: Thank you. Thank you for your time.

(Time noted: 7:32 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of June 2024.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

THOMAS WEDDELL

6 Heritage Lane, Rock Tavern
Section 89; Block 1; Lot 10.1
R-1 Zone

- - - - - X

Date: May 23, 2024
Time: 7:32 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
DARRELL BELL
JAMES EBERHART, JR.
JOHN MASTEN
JAMES POLITI
DONNA REIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: DARREN DOCE

- - - - - X

MICHELLE L. CONERO
Court Reporter
Michelleconero@hotmail.com
(845) 541-4163

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CHAIRMAN SCALZO: Next up we have Thomas Weddell, 6 Heritage Lane, Rock Tavern. This is a Planning Board referral for area variances of lot area and front yard setback of an existing nonconforming lot for a lot line revision for parcels 89-1-10.1, 89-1-10.2, 89-1-77.1 and 89-1-77.

Siobhan, do we have mailings on this?

MS. JABLESNIK: This applicant sent fifteen letters.

CHAIRMAN SCALZO: Fifteen letters. We have Mr. Doce in front of us this evening. Help me remember, weren't you here for this same parcel about four years ago?

MR. DOCE: Yeah. Darren Doce for Tom Weddell.

We have an application before the Planning Board for the lot line change. It's affecting the four parcels.

We did get approval for this in

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2016. We required the same variances. We got those approved in December of 2015. There was a condition of final approval to prepare a driveway maintenance agreement. We could never get Weddell's attorney to satisfy that condition, so the approval has lapsed. We're back before the Planning Board for re-approval.

Since we didn't proceed in a timely fashion, we're back before the ZBA to reapprove the variances that we received back in 2015.

CHAIRMAN SCALZO: Just to reiterate what you just said, we, as a Board, had approved this very same layout --

MR. DOCE: There are no changes to the layout at all.

CHAIRMAN SCALZO: -- eight years ago?

MR. DOCE: Eight years.

CHAIRMAN SCALZO: Seven, eight years ago. You're back here because

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it lapsed?

MR. DOCE: Yes.

CHAIRMAN SCALZO: I understand.

MR. DONOVAN: You're going to get to the part where it's the attorney's fault. Blame the attorney. I see where this is going.

CHAIRMAN SCALZO: I just wanted to clarify that this is an application that has previously been approved by the Board, however a lapse in time has prevented them from completing the process.

I'm sorry I cut you off there. It appeared as though you wanted to keep telling us how great this project is.

MR. DOCE: I just wanted to point out that it is the same project. The lot that we need the variance on is in orange on the map. There's a different configuration to achieve what Mr. Weddell wanted to achieve with the lot line change.

2 It's an existing -- the front
3 existing building had an existing --
4 it didn't conform to the front yard
5 setback and the lot area was
6 preexisting nonconforming. We're
7 changing the configuration a little,
8 but the lot area is going to remain
9 the same as it was.

10 At one time this lot did conform
11 when it was created, but the Town
12 up-zoned that to R-1 from R-3, so now
13 the .7 acres does not meet the 1-acre
14 requirement.

15 CHAIRMAN SCALZO: Okay.

16 MR. DOCE: There are no changes
17 to the site. It's four lots now. It
18 was four lots then. No environmental
19 impacts.

20 MS. REIN: I have a question
21 for counsel. I don't know if this is
22 a nonissue. On page 3 of 3, it says,
23 "Has the site of the proposed action
24 or an adjoining property been the
25 subject of remediation ongoing or

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completed for hazardous waste?" The answer was, "Yes." Is this an issue?

MR. DONOVAN: Is it an issue for the variances before this Board, no. This is a Type 2 action. To the extent there's going to be any environmental impacts, they would be evaluated by the Planning Board because they still need subdivision.

MR. DOCE: That relates to the airport. That was on the airport, not this parcel. It just pops when you do the EAF online.

MS. REIN: Thank you.

CHAIRMAN SCALZO: Very good.

Mr. Masten, any questions?

MR. MASTEN: I have no questions.

CHAIRMAN SCALZO: You were here when I was here.

MR. MASTEN: I remember.

CHAIRMAN SCALZO: All right.

Mr. Bell, any questions?

MR. BELL: No. I remember.

CHAIRMAN SCALZO: Mr. Eberhart?

2 You weren't here for the first
3 edition of this.

4 MR. EBERHART: No, I wasn't.

5 CHAIRMAN SCALZO: No questions?

6 MR. EBERHART: I have no questions.

7 CHAIRMAN SCALZO: Mr. Politi?

8 MR. POLITI: I just had that
9 question about the driveway.

10 CHAIRMAN SCALZO: At this point
11 I'll open it up to any members of the
12 public that wish to comment on this
13 application.

14 (No response.)

15 CHAIRMAN SCALZO: Wonderful.

16 Back to the Board for one last
17 opportunity.

18 MR. BELL: No.

19 CHAIRMAN SCALZO: Very good.

20 I'll look to the Board for a
21 motion to close the public hearing.

22 MR. MASTEN: I'll make a motion
23 to close the public hearing.

24 MR. BELL: I'll second.

25 CHAIRMAN SCALZO: We have a

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motion from Mr. Masten. We have a
second from Mr. Bell. All in favor?

MR. POLITI: Aye.

MR. EBERHART: Aye.

MR. BELL: Aye.

MR. MASTEN: Aye.

MS. REIN: Aye.

CHAIRMAN SCALZO: Aye.

Those opposed?

(No response.)

CHAIRMAN SCALZO: All right.

Again, a Type 2 action under SEQRA.

The first factor being whether
or not the benefit can be achieved by
other means feasible to the applicant.
Well, if you looked at the layout,
folks, there's going to be a variance
required no matter what layout he
ended up coming up with because the
buildings are all pre-existing.

Second, if there's an undesirable
change in the neighborhood character
or a detriment to nearby properties.
There is no change.

2 Third, whether the request is
3 substantial. Perhaps by the numbers
4 it is, but again, the lot configurations
5 have to meet what he has to meet.

6 The fourth, whether the request
7 will have adverse physical or
8 environmental effects.

9 MR. POLITI: No.

10 MR. EBERHART: No.

11 MR. BELL: No.

12 MR. MASTEN: No.

13 MS. REIN: No.

14 CHAIRMAN SCALZO: No.

15 The fifth, whether the alleged
16 difficulty is self-created, which I
17 suppose you could say it is. However,
18 he's doing his best to jockey the
19 lines around the dwellings to best
20 meet the required setbacks.

21 Having gone through the balancing
22 tests of the area variance, does the
23 Board have a motion of some sort?

24 MR. BELL: I'll make a motion
25 for approval.

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MS. REIN: I'll second it.

CHAIRMAN SCALZO: We have a motion for approval from Mr. Bell. We have a second from Ms. Rein.

Can you roll on that, please, Siobhan.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Eberhart?

MR. EBERHART: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Politi?

MR. POLITI: Yes.

MS. JABLESNIK: Ms. Rein?

MS. REIN: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The motion is carried. The variances are approved.

Sir, you're headed back to the Planning Board.

MR. DOCE: Thank you.

(Time noted: 7:40 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of June 2024.

Michelle Conero

MICHELLE CONERO

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

- - - - - X

In the Matter of

LISA FLANAGAN

1 Marino Drive, Wallkill
Section 2; Block 1; Lot 23.12
RR Zone

- - - - - X

Date: May 23, 2024
Time: 7:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
DARRELL BELL
JAMES EBERHART, JR.
JOHN MASTEN
JAMES POLITI
DONNA REIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: GEORGE KIMBALL

- - - - - X

MICHELLE L. CONERO
Court Reporter
Michelleconero@hotmail.com
(845) 541-4163

2 CHAIRMAN SCALZO: Turning the
3 page here, the next applicant is Lisa
4 Flanagan, 1 Marino Drive, seeking an
5 area variance to keep an aboveground
6 pool in the front yard because the
7 property is on a corner lot.

8 Do we have mailings on this,
9 Siobhan?

10 MS. JABLESNIK: This applicant
11 sent twenty-two letters.

12 CHAIRMAN SCALZO: Twenty-two
13 letters. Very good.

14 Who do we have with us?

15 MR. KIMBALL: I'm George Kimball.

16 CHAIRMAN SCALZO: Mr. Kimball,
17 if I have captured everything that I
18 needed to say, then we can carry on.

19 MR. KIMBALL: Yes.

20 CHAIRMAN SCALZO: Great.

21 MR. DONOVAN: That is a phenomenal
22 presentation. Right to the point.

23 CHAIRMAN SCALZO: All right.
24 As I said, we're all obliged to go
25 take a look at this. I didn't want

2 to stick my head over the fence, but
3 I drove around that neighborhood
4 trying to find that pool. It is so
5 buried in that lot, I don't know how
6 anybody could see it.

7 When it comes to my opinion of
8 this, I have nothing to ask that
9 would be meaningful. You just can't
10 see it.

11 MS. REIN: Is this a Type 2?

12 MR. DONOVAN: Yes.

13 MS. REIN: Then I have no questions.

14 CHAIRMAN SCALZO: Mr. Masten, any
15 questions?

16 MR. MASTEN: No.

17 CHAIRMAN SCALZO: Could you see it?

18 MR. MASTEN: I didn't see it. I
19 remember when --

20 CHAIRMAN SCALZO: This property
21 has been in here before, or maybe it
22 was across the street.

23 MR. MASTEN: When they were
24 putting that pool in, Troncillito
25 came up Barnview Lane and asked where

2 Marino Drive was. He took the wrong
3 turn coming up.

4 CHAIRMAN SCALZO: I would say
5 so, sir.

6 MR. MASTEN: I said you've got
7 to go back out here, make a left,
8 then a right.

9 CHAIRMAN SCALZO: Mr. Bell, any
10 comments?

11 MR. BELL: I did get a chance
12 to walk it. Even from the yard, you
13 can't even see the road. I was
14 trying to peek through the bushes. I
15 had a chance to walk the perimeter.

16 CHAIRMAN SCALZO: As I was
17 reviewing it, I thought -- I'm
18 waiting to hear anything from perhaps
19 a contiguous neighbor. They're the
20 only ones that may be able to see it.

21 Mr. Eberhart?

22 MR. EBERHART: I couldn't see it.

23 CHAIRMAN SCALZO: Mr. Politi?

24 MR. POLITI: The same.

25 CHAIRMAN SCALZO: Very good.

2 Is there anyone here from the
3 public that wishes to speak about
4 this application?

5 (No response.)

6 CHAIRMAN SCALZO: It does not
7 appear so. Very good.

8 I'll look to the Board for a
9 motion to close the public hearing.

10 MR. BELL: I'll make a motion
11 to close the public hearing.

12 MR. MASTEN: I'll second it.

13 CHAIRMAN SCALZO: Very good.
14 We've got a motion from Mr. Bell. We
15 have a second from Mr. Masten. All
16 in favor?

17 MR. POLITI: Aye.

18 MR. EBERHART: Aye.

19 MR. BELL: Aye.

20 MR. MASTEN: Aye.

21 MS. REIN: Aye.

22 CHAIRMAN SCALZO: Aye.

23 We're going to again move on to
24 the Type 2 action under SEQRA and
25 we're going to look at the five

2 factors, the first one being whether
3 or not the benefit can be achieved by
4 other means feasible to the applicant.

5 MR. POLITI: No.

6 MR. EBERHART: No.

7 MR. BELL: No.

8 MR. MASTEN: No.

9 MS. REIN: No.

10 CHAIRMAN SCALZO: It doesn't
11 appear so.

12 Second, if there's an undesirable
13 change in the neighborhood character
14 or a detriment to nearby properties.
15 If you could see it, maybe there
16 would be. You can't see it.

17 Third, whether the request is
18 substantial.

19 MR. POLITI: No.

20 MR. EBERHART: No.

21 MR. BELL: No.

22 MR. MASTEN: No.

23 MS. REIN: No.

24 CHAIRMAN SCALZO: It does not
25 appear so.

2 Fourth, whether the request will
3 have adverse physical or environmental
4 effects.

5 MR. POLITI: No.

6 MR. EBERHART: No.

7 MR. BELL: No.

8 MR. MASTEN: No.

9 MS. REIN: No.

10 CHAIRMAN SCALZO: No.

11 The fifth, whether the alleged
12 difficulty is self-created. Of course
13 it is. That's relevant but not
14 determinative.

15 Therefore, does the Board have
16 a motion of some sort?

17 MR. BELL: I'll make a motion
18 for approval.

19 MR. EBERHART: Second.

20 CHAIRMAN SCALZO: We have a
21 motion for approval from Mr. Bell.
22 We have a second from Mr. Eberhart.

23 Can you roll on that, please,
24 Siobhan.

25 MS. JABLESNIK: Mr. Bell?

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MR. BELL: Yes.

MS. JABLESNIK: Mr. Eberhart?

MR. EBERHART: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Politi?

MR. POLITI: Yes.

MS. JABLESNIK: Ms. Rein?

MS. REIN: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The motion is carried. The variances are approved. Thank you for your enlightening narrative of the project.

MR. KIMBALL: Thank you.

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

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

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

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

I further certify that I am not
related to any of the parties to this
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Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

RCF REALTY MANAGEMENT, LLC

25 Bright Star Drive, Newburgh
Section 9; Block 3; Lot 48.22
R-3 Zone

- - - - - X

Date: May 23, 2024
Time: 7:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
DARRELL BELL
JAMES EBERHART, JR.
JOHN MASTEN
JAMES POLITI
DONNA REIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: PAUL WEBER

- - - - - X

MICHELLE L. CONERO
Court Reporter
Michelleconero@hotmail.com
(845) 541-4163

2 CHAIRMAN SCALZO: Our next
3 applicant is RCF Realty Management,
4 LLC, 25 Bright Star Drive in
5 Newburgh, seeking an area variance of
6 increasing the degree of nonconformity
7 of the lot to add a second floor
8 addition to an existing nonconforming
9 two-family dwelling.

10 Do we have mailings on that,
11 Siobhan?

12 MS. JABLESNIK: This applicant
13 sent twenty-six letters.

14 CHAIRMAN SCALZO: Twenty-six
15 letters.

16 Before us we have Counsel Paul
17 Weber.

18 MR. WEBER: Yes, sir. My client
19 is here.

20 CHAIRMAN SCALZO: If we need to
21 ask questions, that's good to know.

22 MR. WEBER: Okay.

23 CHAIRMAN SCALZO: As I mentioned
24 for all previous applications, we're
25 all obliged by our positions to go

2 look at it. Great views from the
3 backyard. I kicked up a hawk that
4 was eating something in the front
5 yard and landed on the roof. It was
6 great. Very nice looking place.
7 That house is huge. I looked at the
8 very large set of plans that were
9 given to us.

10 Mr. Weber, do you want to give
11 us a short presentation or is this
12 good enough, what you already heard
13 me say?

14 MR. WEBER: I think it's good
15 enough, Mr. Scalzo. I just think
16 that that's going to be a pretty
17 sweet house if this gets approved.
18 It really is.

19 CHAIRMAN SCALZO: Yeah, yeah.
20 The application indicates potentially
21 owner occupied.

22 MR. WEBER: Yes, sir.

23 CHAIRMAN SCALZO: Very good. I
24 don't have any comments at all. Again,
25 it's a substantial improvement to what

2 we've been looking at, although I
3 never saw that house before this
4 application.

5 I think I'm going to start with
6 Mr. Politi this time. Mr. Politi, do
7 you have any questions regarding this
8 application?

9 MR. POLITI: The footprint is
10 not changing? You're just going up?

11 MR. WEBER: Yes, sir. There's
12 also a second floor. We're just
13 extending the second floor.

14 CHAIRMAN SCALZO: Looking in
15 through the windows, you can see all
16 the exposed studs. There is a
17 ceiling fan up on the second floor.
18 They took all the sheetrock down but
19 left the ceiling fan.

20 Mr. Eberhart, any questions?

21 MR. EBERHART: No questions.

22 CHAIRMAN SCALZO: Mr. Bell?

23 MR. BELL: No.

24 CHAIRMAN SCALZO: Mr. Masten?

25 MR. MASTEN: No.

2 CHAIRMAN SCALZO: Ms. Rein?

3 MS. REIN: Is this a two-family
4 dwelling?

5 MR. WEBER: Yes. It was approved
6 as a two-family back in 1998.

7 MS. REIN: Thank you.

8 CHAIRMAN SCALZO: One of the
9 questions I had, but Mr. Mattina and
10 Mr. Politi straightened me out on
11 that. It's going pretty easy for you
12 so far, Mr. Weber. This is your
13 first time here. I know that.

14 MR. WEBER: It's not something
15 I usually do. It's nice to see
16 everybody.

17 You were my Pop Warner football
18 coach for the Giants back in the day.

19 CHAIRMAN SCALZO: Influence here.

20 MR. POLITI: I have to abstain
21 now.

22 MR. BELL: Did he say he was
23 your Pop Warner coach?

24 MR. WEBER: Mr. Stinson and --

25 MR. BELL: You're telling your

2 age.

3 CHAIRMAN SCALZO: Very good.

4 Are there any members of the
5 public here that wish to speak about
6 this application?

7 (No response.)

8 CHAIRMAN SCALZO: It does not
9 appear so.

10 As the applicant has stated,
11 this is just going up. The footprint
12 of the house is not changing at all.

13 It is a Type 2 action under
14 SEQRA.

15 We all know the drill. The
16 first criteria being whether or not
17 the benefit can be achieved by other
18 means feasible to the applicant.
19 Again, the footprint is not changing.
20 There are no changes to any side
21 yard, rear yard, no dimensional changes.

22 Second, if there's an undesirable
23 change in the neighborhood character
24 or a detrimental to nearby properties.
25 Looking at the architectural renderings,

2 it is certainly going to improve.
3 Wonderful.

4 The third, whether the request
5 is substantial. Again, the dimensional
6 values that we're looking at, it's not
7 going to change.

8 The fourth, whether the request
9 will have adverse physical or
10 environmental effects.

11 MR. BELL: None.

12 MR. POLITI: No.

13 CHAIRMAN SCALZO: The fifth,
14 whether the alleged difficulty is
15 self-created, which is relevant but
16 not determinative. It does not appear
17 so. Well, dimensionally exterior-wise,
18 no.

19 Having gone through the balancing
20 tests, does the Board have a motion of
21 some sort?

22 MR. EBERHART: I'll make a motion
23 for approval.

24 MR. POLITI: Second.

25 CHAIRMAN SCALZO: We have a motion

2 for approval from Mr. Eberhart. We
3 had a raised hand and mumbling from
4 Mr. Politi.

5 Can you roll on that, please,
6 Siobhan.

7 MS. JABLESNIK: Mr. Bell?

8 MR. BELL: Yes.

9 MS. JABLESNIK: Mr. Eberhart?

10 MR. EBERHART: Yes.

11 MS. JABLESNIK: Mr. Masten?

12 MR. MASTEN: Yes.

13 MS. JABLESNIK: Mr. Politi?

14 MR. POLITI: Yes.

15 MS. JABLESNIK: Ms. Rein?

16 MS. REIN: Yes.

17 MS. JABLESNIK: Mr. Scalzo?

18 CHAIRMAN SCALZO: Yes.

19 The motion is carried. The
20 variances are approved.

21 Most attorneys are paid by the
22 word. We didn't let you talk very much.

23 MR. DONOVAN: If you're paid by
24 the result, you did very well.

25 CHAIRMAN SCALZO: Your client

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can reach out to Siobhan for the next steps.

MR. WEBER: Thank you.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of June 2024.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

NEWBURGH SOUTH CONGREGATION OF
JEHOVAH'S WITNESSES

33 Old Little Britain Road, Newburgh
Section 97; Block 3; Lot 13
R-3/O Zone

- - - - - X

Date: May 23, 2024
Time: 7:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
DARRELL BELL
JAMES EBERHART, JR.
JOHN MASTEN
JAMES POLITI
DONNA REIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

- - - - - X

MICHELLE L. CONERO
Court Reporter
Michelleconero@hotmail.com
(845) 541-4163

2 CHAIRMAN SCALZO: Now we are
3 going back to the held open from the
4 April 25th meeting.

5 I should have mentioned this as
6 I opened the meeting. The Newburgh
7 South Congregation of Jehovah's Witnesses
8 has asked for a postponement again.

9 Board Members, do we have any
10 issue with this? We will reschedule
11 them for the June meeting. That's the
12 fourth Thursday in June.

13 MR. BELL: How many do they get?

14 MR. DONOVAN: So there is nothing
15 in the code that identifies the number
16 of times that a hearing may be adjourned.
17 We have had matters in the past where
18 applicants have appeared several times
19 and we have continued that, but they've
20 been here. This applicant has not
21 been here.

22 What the Board has done in the
23 past, two or three times, you have
24 said to them you're going to need to
25 re-notice and mail because people are

2 going to forget. You have the
3 ability to do that should you choose
4 to do so. You have the ability --
5 sometimes you kindly write them a
6 letter that says this is the last time.
7 If you don't show up, the Board is
8 going to vote anyway. How ever you
9 feel appropriate.

10 I should say, Mr. Chairman, there
11 has been some communication. Actually,
12 folks from Jehovah's Witnesses reached
13 out to me and wanted to meet with me.
14 I had to explain that's not really the
15 way it works. I work for you guys, I
16 don't work for them. They then did
17 hire a local attorney. I was in contact
18 with that person. He seemed to be
19 unaware that there was a pending
20 application. I didn't hear since then,
21 so I don't really know where things
22 stand.

23 MR. BELL: I was just curious.

24 CHAIRMAN SCALZO: I agree. We
25 can have discussion on this.

2 MR. BELL: It was April, this
3 is May. It's only really a month.

4 CHAIRMAN SCALZO: Mr. Bell, I
5 agree with you. I don't take any offense
6 to allowing them another month. If we
7 don't hear from them by June or if they
8 don't appear on the June agenda, perhaps
9 we write them a letter at that point.
10 That's just my opinion.

11 Discussion from the Board?

12 MS. REIN: We have to give them
13 some time to get it together. They
14 had to get an attorney.

15 CHAIRMAN SCALZO: Unfortunately
16 our code is not allowing them to do
17 something that is occurring across
18 the street. I know the Comprehensive
19 Committee is working on these things
20 to try and overcome them, but right
21 now the code is the code is the code.
22 We'll give them another chance to see
23 how creative they can get.

24 In that instance, we are going
25 -- do I have to vote on that, Counsel?

2 MR. DONOVAN: There should be a
3 motion to continue it to the June
4 meeting.

5 CHAIRMAN SCALZO: I'll make a
6 motion to continue the Newburgh South
7 Congregation of Jehovah's Witnesses
8 to the June meeting.

9 MR. BELL: Second.

10 CHAIRMAN SCALZO: I made the motion.
11 There was a second from Mr. Bell. All
12 in favor?

13 MR. POLITI: Aye.

14 MR. EBERHART: Aye.

15 MR. BELL: Aye.

16 MR. MASTEN: Aye.

17 MS. REIN: Aye.

18 CHAIRMAN SCALZO: Aye.

19 Very good.

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21 (Time noted: 7:53 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
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proceeding by blood or by marriage and that
I am in no way interested in the outcome of
this matter.

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Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

NEWBURGH CHICKEN

197 South Plank Road, Newburgh
Section 60; Block 3; Lot 6.1
B Zone

- - - - - X

Date: May 23, 2024
Time: 7:54 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
DARRELL BELL
JAMES EBERHART, JR.
JOHN MASTEN
JAMES POLITI
DONNA REIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: JUDSON SIEBERT

- - - - - X

MICHELLE L. CONERO
Court Reporter
Michelleconero@hotmail.com
(845) 541-4163

2 CHAIRMAN SCALZO: Moving on to
3 another held open, Newburgh Chicken.
4 If the Board will recall, we had a
5 presentation last month. I do
6 remember Counsel from that, although
7 I feel bad I didn't remember Mr. Dates
8 from the earlier application.

9 MR. DONOVAN: This is actually
10 different counsel, too.

11 MR. BELL: He's not the same
12 guy.

13 CHAIRMAN SCALZO: He's taller.

14 MR. SIEBERT: I got a lot taller,
15 a lot wider.

16 CHAIRMAN SCALZO: We had legal
17 representation from the applicant
18 here last month, which I thought we
19 got through just about everything.
20 Where our hang up was is we did not
21 receive GML 239.

22 MR. BELL: Right.

23 MR. DONOVAN: That's correct,
24 Mr. Chairman.

25 Just to kind of round out that

2 argument a little bit, or that
3 position, we did refer this the first
4 time through for the area variances
5 excluding the sign because there were
6 no sign variances. The law is that
7 if there's an insubstantial change,
8 you actually don't have to refer the
9 matter back. This needed to be
10 referred because of the signs. The
11 signs weren't considered the first
12 time around. I understand we have a
13 lengthy review from the County. You
14 did get the County letter back,
15 though, and it was really worth the
16 wait.

17 MS. JABLESNIK: It was. Local
18 determination.

19 MR. SIEBERT: Hot off the presses.

20 CHAIRMAN SCALZO: Were any of the
21 Board Members not here last month? I
22 believe we all were. I'm not looking
23 to put you in the same box that I put
24 Mr. Weber in, but I don't know that
25 we need a full presentation again.

2 MR. SIEBERT: I'll just introduce
3 myself if I can.

4 CHAIRMAN SCALZO: Sure.

5 MR. SIEBERT: I came up. I'm
6 Jud Siebert from Keane & Beane. I'm a
7 pre Memorial Day weekend understudy
8 for Mr. Alissandratos, my colleague.
9 He has done a great job in terms of
10 the charts that really, I think,
11 accurately summarize the three strands
12 of the relief we're looking for. I'm
13 not getting paid by the word. Maybe
14 by the result.

15 CHAIRMAN SCALZO: That's my
16 lawyer joke, paid by the word. If I
17 was paid by the word.

18 The applicant narrative here
19 goes through everything that we need.
20 If you've read what it says -- I
21 mean, we're actually doing quite well
22 tonight. If you'd like to hear a
23 small presentation. My own opinion
24 here is we could probably move on to
25 closing the public hearing and then

2 moving forward with this.

3 MR. BELL: Yes.

4 CHAIRMAN SCALZO: I'm seeing a
5 bunch of nodding heads.

6 MS. REIN: Let's just get the
7 chicken cooked.

8 CHAIRMAN SCALZO: I see what
9 you did there. Very good.

10 Is there anybody here from the
11 public that wishes to speak about
12 this application?

13 (No response.)

14 CHAIRMAN SCALZO: I just had to
15 say that for the stenographer. No.
16 Very good.

17 I'll look to the Board for a
18 motion to close the public hearing.

19 MR. BELL: I'll make a motion
20 to close the public hearing.

21 MR. MASTEN: I'll second it.

22 CHAIRMAN SCALZO: We have a
23 motion to close the public hearing
24 from Mr. Bell. We have a second from
25 Mr. Masten. All in favor?

2 MR. POLITI: Aye.

3 MR. EBERHART: Aye.

4 MR. BELL: Aye.

5 MR. MASTEN: Aye.

6 MS. REIN: Aye.

7 CHAIRMAN SCALZO: Aye.

8 Those opposed?

9 (No response.)

10 CHAIRMAN SCALZO: Very good.

11 All right. Now this is dimensional.

12 MR. DONOVAN: This is actually
13 under 4,000 square feet, so it's a
14 Type 2 action under SEQRA.

15 CHAIRMAN SCALZO: That's fantastic.

16 MS. REIN: I like those Type 2s.

17 CHAIRMAN SCALZO: Very good.

18 The five criteria, the first one
19 being whether or not the benefit can
20 be achieved by other means feasible
21 to the applicant. This is kind of a
22 new setup, but I believe they're
23 doing all they can.

24 Second, if there's an undesirable
25 change in the neighborhood character

2 or a detriment to nearby properties.

3 MR. BELL: It will be a change.

4 CHAIRMAN SCALZO: It will be a
5 change. I don't know if we could
6 categorize that as undesirable.

7 Mr. Politi is tight lipped over
8 there.

9 MR. DONOVAN: Mr. Chairman, the
10 dimensional area variances, these are
11 very moderate modifications to what
12 this --

13 CHAIRMAN SCALZO: I believe
14 they actually increased.

15 MR. DONOVAN: Or decreased, the
16 way you want to look at it.

17 CHAIRMAN SCALZO: The building
18 is further setback from lot lines.
19 Very good.

20 Third, whether the request is
21 substantial.

22 MS. REIN: Not really.

23 CHAIRMAN SCALZO: It doesn't
24 appear so.

25 The fourth, whether the request

2 will have adverse physical or
3 environment effects.

4 MR. POLITI: No.

5 MR. EBERHART: No.

6 MR. BELL: No.

7 MR. MASTEN: No.

8 MS. REIN: No.

9 CHAIRMAN SCALZO: The fifth,
10 whether the alleged difficulty is
11 self-created, which of course it is.
12 It's going to have a little more
13 signage than the Dairy Queen.

14 Therefore, having gone through
15 the balancing tests, does the Board
16 have a motion of some sort?

17 MS. REIN: I'll make a motion
18 to approve.

19 MR. BELL: Second.

20 CHAIRMAN SCALZO: We have a
21 motion for approval from Ms. Rein.
22 We have a second from Mr. Bell.

23 Can you roll on that, please,
24 Siobhan.

25 MS. JABLESNIK: Mr. Bell?

2 MR. BELL: Yes.

3 MS. JABLESNIK: Mr. Eberhart?

4 MR. EBERHART: Yes.

5 MS. JABLESNIK: Mr. Masten?

6 MR. MASTEN: Yes.

7 MS. JABLESNIK: Mr. Politi?

8 MR. POLITI: Yes.

9 MS. JABLESNIK: Ms. Rein?

10 MS. REIN: Yes.

11 MS. JABLESNIK: Mr. Scalzo?

12 CHAIRMAN SCALZO: Yes.

13 The motion is carried. The
14 variances are approved. You did a
15 great job.

16 MR. SIEBERT: Thank you, Mr.
17 Chairman.

18 MR. DONOVAN: Nick would not
19 have been able to contain himself.
20 He would be still making his
21 presentation.

22 MR. SIEBERT: He does get paid
23 by the word.

24 With the Board's permission, I
25 would like to report back to Nick and

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George that this was maybe the most arduous appearance I've ever had before a zoning board anywhere if you don't mind.

CHAIRMAN SCALZO: We'll all say it.

MS. REIN: That's going to cost you in chicken.

MR. SIEBERT: Thank you.

(Time noted: 8:00 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of June 2024.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

MAGDALINI ZACHARIA

8 North Plank Road, Newburgh
Section 80; Block 5; Lot 19
B Zone

- - - - - X

Date: May 23, 2024
Time: 8:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
DARRELL BELL
JAMES EBERHART, JR.
JOHN MASTEN
JAMES POLITI
DONNA REIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: DARREN DOCE &
MARSHALL ROSENBLUM

- - - - - X

MICHELLE L. CONERO
Court Reporter
Michelleconero@hotmail.com
(845) 541-4163

2 CHAIRMAN SCALZO: Moving on.
3 We're really getting through it here.
4 Our next applicant, because I jumped
5 all over the agenda tonight, is
6 Magdalini Zacharia, 8 North Plank
7 Road in Newburgh, seeking a use
8 variance to install a 4 x 12 roof-
9 mounted sign.

10 We have the presentation. Mr.
11 Rosenblum again.

12 I made a statement in last
13 month's meeting that was incorrect.
14 My statement was that the only other
15 rooftop sign that I really thought of
16 in the Town of Newburgh was the one
17 out by Mill Street. However, if you
18 look at the building right next door
19 to your application, there's one
20 right there. Boy I felt a little
21 foolish after I noticed that.

22 Anyway, as we had heard from
23 you last month, and you do understand
24 the challenges that are in front of
25 you requesting a use variance, much

2 like with the Jehovah Witness
3 application, they are kind of being
4 put in the position, an undesirable
5 position for them by the current
6 code. I'm going to allow you to try
7 to climb that hill.

8 Counsel will remind us that the
9 four criteria that you need to meet,
10 it's not a three out of four gets you
11 there. You've got to have all four.

12 MR. ROSENBLUM: Thank you very
13 much. I'm here with the site
14 engineer, Darren Doce. Excuse my
15 voice.

16 This application is for the
17 rooftop sign. A use variance, of
18 course, requires proof of financial
19 hardship, which would be difficult
20 to, I would say, define by the
21 position of the sign on the building,
22 a secondary sign. By that view, if
23 there's any other option or any
24 ability by the Board to consider this
25 previously existing location with the

2 revised graphic, it would be
3 appreciated. Thank you.

4 CHAIRMAN SCALZO: Counsel, I've
5 got to ask here. Actually, let me
6 ask the applicant's representative.
7 How long has the old sign been down?

8 MR. ROSENBLUM: It was the
9 first sign when they first opened. I
10 guess we've been -- I guess it's
11 almost four years now.

12 MR. DOCE: That it's been down
13 or --

14 MR. ROSENBLUM: It's only been
15 down since we started the renovation.
16 Let's say one year ago or maybe ten
17 months.

18 MR. MATTINA: I'm not sure when
19 it was taken down.

20 MR. ROSENBLUM: It came down at
21 the beginning of the construction,
22 because that was a requirement for
23 the Zoning Board approval.

24 CHAIRMAN SCALZO: I don't mean
25 to put the heat on you there, Mr.

2 Mattina. Let me ask, because I
3 didn't dig into this portion of the
4 code. Are there any provisions, even
5 if the sign in place -- in fact, they
6 are just replacing -- if they weren't
7 increasing in size, but once it comes
8 down it's subject to brand new --

9 MR. MATTINA: What the new sign
10 law says is legally existing signs,
11 when they're altered, modified,
12 changed at all, must comply with
13 today's requirements. It's a catchall.

14 CHAIRMAN SCALZO: You answered
15 my question.

16 MR. DONOVAN: There is no
17 grandfathering?

18 MR. MATTINA: I brought it up
19 and they said that's the way it is.

20 CHAIRMAN SCALZO: Okay.

21 MR. DOCE: Could we leave the
22 existing rooftop sign?

23 CHAIRMAN SCALZO: That's an
24 interesting way to look at it.

25 Counsel, if they were to put up

2 the exact sign that they took down --

3 MR. DONOVAN: As we sit here
4 today, there's no sign? The sign has
5 been removed?

6 CHAIRMAN SCALZO: The sign has
7 been removed.

8 MR. ROSENBLUM: The structural
9 support is in place.

10 CHAIRMAN SCALZO: Perhaps they
11 had to take the sign down to repaint
12 the struts.

13 MR. ROSENBLUM: It was removed
14 by requirement.

15 CHAIRMAN SCALZO: Okay. That's
16 an interesting -- I'm trying to help
17 you, as you can tell. I don't know --

18 MR. DONOVAN: I actually don't
19 have the sign ordinance with me. Do
20 you have it, Joe?

21 MR. ROSENBLUM: The difference
22 in the existing sign to the current
23 is the word dispensary. The graphics
24 are very similar.

25 CHAIRMAN SCALZO: Give us just

2 a moment.

3 While counsel is digging in,
4 Mr. Bell, go ahead.

5 MR. BELL: What he just said.
6 So the only change is dispensary and
7 -- I guess I'm hopefully using the
8 right word -- the structure is still
9 the --

10 MR. ROSENBLUM: It still remains
11 the existing support. It was never
12 removed.

13 MR. BELL: Okay. So it's not
14 going to go any higher than the
15 existing sign would?

16 MR. DONOVAN: I don't think we
17 made a commitment. The question is,
18 what if we put the old sign back up.

19 CHAIRMAN SCALZO: That's the
20 question.

21 MR. DONOVAN: The code says,
22 "The lawful use of a sign or signs
23 existing at the time of the adoption
24 of this chapter may be continued."
25 I'm going to assume that that sign

2 was there at the time of adoption of
3 the code.

4 MR. ROSENBLUM: Yes.

5 MR. DONOVAN: "Even though the
6 sign does not conform to the
7 regulations or limitations, may
8 continue until one or more of the
9 following occurs: The structure,
10 size, location or accessories of any
11 or all signs previously granted
12 approval and permits are altered,
13 modified, changed, reconstructed or
14 moved."

15 CHAIRMAN SCALZO: When it says
16 moved, does that mean moved to
17 another location?

18 MR. DONOVAN: I don't know what
19 it means. It just says moved.

20 MR. MATTINA: That's why we're
21 here.

22 CHAIRMAN SCALZO: I would
23 consider moved being moved even if it
24 was a foot.

25 MR. DONOVAN: The structure,

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size, location -- that was
subdivision A. This is subdivision
B, "The structure, size, location,
lettering, color scheme or accessories
of any or all signs which approval
was previously granted are altered,
modified, changed, reconstructed or
moved. Building structure site
improvements on the property upon
which the sign is placed are altered
in such a way as to require approval
pursuant to an article of this
chapter or articles referenced, any
or all signs of the property are
damaged or destroyed by fire." That
didn't happen here. It just was
removed to accommodate construction.
"Any and all signs are abandoned.
Any and all signs that fall into a
state of disrepair or become unsafe."

The Board could construe or not
that one of those one, two, three,
four, five -- six events have not
occurred and that the replacement --

2 that's the wrong word. The
3 reinstallation of the existing sign
4 would satisfy the code.

5 Let me put it this way. It
6 would not be contrary to these
7 provisions that would cause the sign
8 to become illegal, so to speak.

9 MS. REIN: Isn't the sign
10 changing? It's going to say dispensary
11 on it.

12 CHAIRMAN SCALZO: Ms. Rein, what
13 the applicant has now offered is they
14 have removed and stored the original
15 sign. The question is, is it acceptable
16 to reinstall that old sign that doesn't
17 say dispensary.

18 MR. BELL: It just says Curaleaf.

19 CHAIRMAN SCALZO: Remove, store
20 and replace is a very common thing to
21 do when something is not in bad
22 condition. In this case they were
23 hoping for the dispensary label
24 underneath it. That's my
25 interpretation of the code. Here we

2 are as the ZBA, that's what we're
3 here for. Should the applicant offer
4 to put the original sign back up --

5 MR. DONOVAN: Exactly where it
6 was before.

7 CHAIRMAN SCALZO: -- exactly
8 where it was before, then actually
9 they wouldn't even need to be here.

10 MS. REIN: I was going to say
11 what would be the point.

12 MR. DONOVAN: I want to make
13 sure. Joe, is that good enough for
14 you or do you need an interpretation?

15 MR. MATTINA: As long as the
16 original sign had a permit and CO, I
17 have no problem with that. I don't
18 know if it has a CO. I didn't look
19 in that direction because that was
20 never brought up until now.

21 CHAIRMAN SCALZO: Mr. Politi,
22 he has an itchy trigger finger.

23 MR. POLITI: You're saying it's
24 in good repair, it's been stored
25 properly, structurally it's okay.

2 That was one of the concerns,
3 depending on how you took this thing
4 down and stored it, it's in good
5 shape. Is that something you would
6 look at?

7 MR. MATTINA: We would have an
8 engineer sign off on it, the installation.

9 MR. POLITI: You can't paint it,
10 you can't change it. It's literally
11 taking the sign and putting it back up.

12 CHAIRMAN SCALZO: Have your
13 fingers crossed they put that in a
14 nice spot and covered it with pillows.

15 MR. DOCE: Otherwise, if the
16 sign was changed at all --

17 CHAIRMAN SCALZO: If it's
18 changed at all, you would be standing
19 here.

20 In this case do you guys need
21 to be here? That's the question.

22 MS. REIN: Will you be keeping
23 the same sign then?

24 MR. ROSENBLUM: If we had the
25 opportunity to put the new sign as

2 replacement, even without the
3 dispensary designation, I'm sure from
4 an electrical physical standpoint it
5 would be preferred.

6 CHAIRMAN SCALZO: Unfortunately
7 the way the code reads, that's not
8 going to work.

9 MR. ROSENBLUM: The graphics
10 are slightly different. They were
11 block letters.

12 MR. DONOVAN: In order to satisfy
13 the code, you have to put the same
14 sign back up.

15 MR. ROSENBLUM: The same sign
16 has to go back up.

17 CHAIRMAN SCALZO: Keep in mind,
18 currently the Comprehensive Committee
19 is meeting regarding signs, among the
20 things that the Comprehensive
21 Committee is considering at this
22 time. I do see a light at the end of
23 the tunnel. The comment period for
24 the Comprehensive Committee is
25 ongoing, so you can certainly comment

2 on things just like this.

3 MR. ROSENBLUM: That would be a --

4 CHAIRMAN SCALZO: It would be a
5 year out.

6 MR. ROSENBLUM: -- commitment
7 later on to modify the sign.

8 MR. DONOVAN: If this sign was
9 properly permitted, you could put it
10 back. I think the Chairman, he can
11 speak for himself, but is suggesting
12 that you may want to communicate with
13 the Comprehensive Committee to say
14 you ought to allow replacement of
15 existing rooftop signs.

16 CHAIRMAN SCALZO: Thank you. I
17 don't want to say that's all we can
18 offer. That's not what we're here
19 for. I'm trying to help you.

20 MR. ROSENBLUM: Would the
21 decision come from this Board now
22 that we would be able to replace the
23 exact sign and then the Comprehensive
24 Committee --

25 CHAIRMAN SCALZO: You don't

2 need our permission. That's through
3 Code Compliance.

4 MR. ROSENBLUM: We can put it
5 back as long as you're satisfied with
6 the integrity and the finish?

7 MR. MATTINA: As long as it had
8 a permit and a CO to begin with.

9 MR. BELL: That's it.

10 CHAIRMAN SCALZO: Sir, is that
11 the direction you're headed?

12 MR. ROSENBLUM: Thank you.

13 CHAIRMAN SCALZO: Okay.

14 MR. ROSENBLUM: It's an option.
15 We appreciate it.

16 CHAIRMAN SCALZO: Counsel, there's
17 no action required on our part here,
18 is there?

19 MR. DONOVAN: Not unless Code
20 Compliance needs something from us.

21 CHAIRMAN SCALZO: Would the
22 applicant withdraw the application?
23 Is that the only thing that's --

24 MR. DONOVAN: Well, we could
25 have him do that or we could adopt a

2 motion that basically says replace
3 the old -- you know what. Better you
4 withdraw the application. If you can
5 just say it on the record, the
6 application is withdrawn. We
7 attorneys say without prejudice. If
8 it's not properly CO'd, maybe you
9 want to come back. That would be a
10 difficult road. If you withdraw the
11 application without prejudice, then
12 you go to Code Compliance and
13 hopefully you're --

14 MR. ROSENBLUM: I would like to
15 request, based on the information
16 provided, that this Board withdraw
17 the application without prejudice.

18 CHAIRMAN SCALZO: Thank you,
19 sir. Okay.

20 MR. DONOVAN: Well said.

21 MR. ROSENBLUM: Thank you very
22 much.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of June 2024.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

JOSE VASQUEZ

9 Innis Avenue, Newburgh
Section 64; Block 4; Lot 18
R-3 Zone

- - - - - X

Date: May 23, 2024
Time: 8:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
DARRELL BELL
JAMES EBERHART, JR.
JOHN MASTEN
JAMES POLITI
DONNA REIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: JOSE VASQUEZ

- - - - - X

MICHELLE L. CONERO
Court Reporter
Michelleconero@hotmail.com
(845) 541-4163

2 CHAIRMAN SCALZO: We are moving
3 on to our final agenda item this
4 evening, which will be Jose Vasquez,
5 9 Innis Avenue, seeking an area
6 variance of maximum allowed lot
7 surface coverage to keep an inground
8 pool built prior to the current owner
9 and, B, area variances of lot width,
10 one side yard and combined side yards
11 for interior alterations to create an
12 accessory apartment.

13 You were here last month.

14 MR. VASQUEZ: Yes.

15 CHAIRMAN SCALZO: I thought the
16 Board as a whole, we were going to
17 separate the pool because that was a
18 totally different part of the
19 application. We had testimony from
20 one of the neighbors who had seen
21 that pool in place for twenty years.
22 We're really not here to talk about
23 the pool.

24 Really what it came down to, I
25 thought in last month's meeting we

2 had asked for confirmation from Code
3 Compliance that either nothing was
4 permitted for the basement or, if
5 there was, we needed to know that,
6 or, two, that everything was to be
7 ripped out that was in the basement
8 and then verified by Code Compliance.
9 Do we have either -- am I correct?

10 MR. DONOVAN: That's correct.

11 CHAIRMAN SCALZO: Do we have
12 confirmation of either of those items?

13 MR. MATTINA: Yes. A site
14 inspection was conducted. The stove
15 in the bottom apartment was removed.
16 There's no longer a kitchen. We have
17 plans from a reputable design
18 professional to finish the basement
19 with the three bedrooms and a rec
20 room, which code wise will be fine.

21 The big issue was removing that
22 third apartment and the stove not
23 being there. It satisfies that
24 requirement.

25 CHAIRMAN SCALZO: Just like not

2 having a closet makes it a den.

3 MR. MATTINA: Correct.

4 CHAIRMAN SCALZO: So you did
5 your homework and you did what would
6 allow us to continue with this public
7 hearing.

8 Folks, do you recall this
9 application?

10 MR. POLITI: Yes.

11 MR. EBERHART: Yes.

12 MR. BELL: Yes.

13 MR. MASTEN: Yes.

14 MS. REIN: Yes.

15 CHAIRMAN SCALZO: We just heard
16 testimony from Code Compliance that
17 what we had requested last month has
18 been accomplished.

19 MR. MASTEN: That's what I was
20 thinking.

21 CHAIRMAN SCALZO: Are there any
22 members of the public here to speak
23 about this application?

24 (No response.)

25 MR. VASQUEZ: Nobody is here.

2 CHAIRMAN SCALZO: Board Members,
3 any other comments?

4 MR. BELL: So the stove has
5 been removed. It can't go back in to
6 -- is it plugged up? Was it gas or
7 propane?

8 MR. MATTINA: Everything has
9 been removed. Whether it goes back
10 in, that's nothing we can control.

11 CHAIRMAN SCALZO: Mr. Mattina,
12 I have a tremendous amount of respect
13 for what your group provides, because
14 not only do you have to be an expert
15 in the field of code, but you also
16 end up being the code police.

17 MR. MATTINA: Yes.

18 CHAIRMAN SCALZO: The applicant,
19 I'm sure, is well aware that we had a
20 letter that was generated by an
21 anonymous neighbor that indicated
22 what was happening. I'm sure if a
23 stove goes back in there or if it
24 appears as though it is being used as
25 a third apartment, I'm sure Code

2 Compliance is probably going to get a
3 letter about that.

4 MR. MATTINA: Yes.

5 CHAIRMAN SCALZO: Enforcement
6 of that ends up being up to you guys,
7 which is kind of the thankless part
8 of your job. I just want to say on
9 the record Joe, I appreciate you and
10 your group.

11 MR. MATTINA: Thank you.

12 CHAIRMAN SCALZO: Back to business,
13 folks. Mr. Politi?

14 MR. POLITI: Did we approve the
15 pool?

16 MR. DONOVAN: We did not.

17 CHAIRMAN SCALZO: We did not
18 approve the pool. The pool, in my
19 opinion, I'll say became a nonissue
20 once we realized or had testimony on
21 just how long it's been there.

22 MR. BELL: It looked like it,
23 too.

24 CHAIRMAN SCALZO: Well, it was
25 a bad time of year. It probably

2 looks great now.

3 MR. DONOVAN: If the Board is
4 inclined, based on what they heard
5 tonight, to proceed as one, you're
6 certainly entitled to do that.

7 CHAIRMAN SCALZO: I don't see a
8 reason why we can't at this point,
9 because that will make this go even
10 quicker if we combine the two.

11 MR. BELL: Let's do it.

12 CHAIRMAN SCALZO: Did we close
13 the public hearing?

14 MR. DONOVAN: No.

15 CHAIRMAN SCALZO: I'll look to
16 the Board for a motion to close the
17 public hearing.

18 MR. MASTEN: I'll make the
19 motion to close the public hearing.

20 MS. REIN: I'll second it.

21 CHAIRMAN SCALZO: Very good.
22 We have a motion to close from Mr.
23 Masten. We have a second from Ms.
24 Rein. All in favor?

25 MR. POLITI: Aye.

2 MR. EBERHART: Aye.

3 MR. BELL: Aye.

4 MR. MASTEN: Aye.

5 MS. REIN: Aye.

6 CHAIRMAN SCALZO: Aye.

7 Those opposed?

8 (No response.)

9 CHAIRMAN SCALZO: No nays.

10 This is a Type 2 action under
11 SEQRA. Correct, Counsel?

12 MR. DONOVAN: That is correct,
13 Mr. Chairman.

14 CHAIRMAN SCALZO: I just wanted
15 to be right one more time.

16 Going through the criteria,
17 being whether or not the benefit can
18 be achieved by other means feasible
19 to the applicant. Keep in mind,
20 folks, we're talking about the pool
21 and we're talking about the accessory
22 apartment in this case, which is the
23 one behind the garage which does meet
24 what it's got to meet. I think we're
25 good there.

2 The second, if there's an
3 undesirable change in the neighborhood
4 character or a detriment to nearby
5 properties. The house looks very
6 neat since he's been working on it.
7 It's very nice.

8 The third, I'm going to go back
9 to the undesirable change in the
10 neighborhood. Not that this is going
11 to change my determination. Just as
12 a matter of record, again I'm going
13 to go back to that letter that we
14 received from one of the neighbors
15 that there was a bunch of cars and
16 almost a dumpster and not regular
17 garbage cans out front. When it
18 comes to that stuff, there is the
19 potential for a detriment to the
20 neighborhood character. I'm just
21 making note of that.

22 Third, whether the request is
23 substantial. It does not appear so.

24 The fourth, whether the request
25 will have adverse physical or

2 environmental effects.

3 MR. POLITI: No.

4 MR. EBERHART: No.

5 MR. BELL: No.

6 MR. MASTEN: No.

7 MS. REIN: No.

8 CHAIRMAN SCALZO: No.

9 The fifth, whether the alleged
10 difficulty is self-created, which is
11 relevant but not determinative. Of
12 course it's self-created. That
13 shouldn't prevent us from moving
14 forward with some sort of determination.

15 Having gone through the balancing
16 tests of the area variance, does the
17 Board have a motion of some sort?

18 MR. EBERHART: I'll make a motion
19 for approval.

20 MR. POLITI: I'll second.

21 CHAIRMAN SCALZO: We have a motion
22 from Mr. Eberhart. We have a second
23 from Mr. Politi.

24 Can you roll on that, please,
25 Siobhan.

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MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Eberhart?

MR. EBERHART: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Politi?

MR. POLITI: Yes.

MS. JABLESNIK: Ms. Rein?

MS. REIN: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The motion is carried. Your
variances are approved.

MR. VASQUEZ: Thank you very
much.

(Time noted: 8:18 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of June 2024.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

LYTLE

115 Valley View Drive, Newburgh
Section 15; Block 2; Lot 7

- - - - - X

Date: May 23, 2024
Time: 8:18 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
DARRELL BELL
JAMES EBERHART, JR.
JOHN MASTEN
JAMES POLITI
DONNA REIN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

- - - - - X

MICHELLE L. CONERO
Court Reporter
Michelleconero@hotmail.com
(845) 541-4163

2 CHAIRMAN SCALZO: All right.
3 Do we have any other Board business
4 this evening?

5 There was a training
6 opportunity that Siobhan had sent
7 out. Folks, this training is very
8 important. All training is very
9 important.

10 We do have other Board
11 business. It's right at the very
12 bottom under the other business
13 section. The applicant is Lytle, 115
14 Valley View Drive, requesting a
15 six-month extension. Variances for
16 this property were approved at the
17 November 2023 meeting.

18 Please recall that I had to
19 recuse myself from that application.
20 I wouldn't think it's fair, although
21 I'm no longer employed by that
22 employer. Anything that's within 500
23 feet of the Thruway I can now vote
24 on. I was not part of that
25 application. I don't know anything

2 about it.

3 Anyway, Mr. Lytle is requesting
4 a six-month extension. Any
5 discussion on that?

6 (No response.)

7 CHAIRMAN SCALZO: No. All
8 right.

9 MS. REIN: Why is he requiring
10 it, do you know?

11 CHAIRMAN SCALZO: When they get
12 the variances, they have to start
13 building within six months.

14 Am I correct, Joe?

15 MR. MATTINA: Correct.

16 MR. BELL: They didn't start.

17 CHAIRMAN SCALZO: I think Mr.
18 Lytle is in Venice or something.

19 Discussion?

20 (No response.)

21 CHAIRMAN SCALZO: I'll look to
22 the Board for approving a six-month extension.

23 MR. MASTEN: I'll make the
24 motion.

25 MR. BELL: Second.

2 CHAIRMAN SCALZO: It sounds
3 like Mr. Masten is trying to make an
4 approval for a six-month extension.
5 We have a second from Mr. Bell. All
6 in favor?

7 MR. POLITI: Aye.

8 MR. EBERHART: Aye.

9 MR. BELL: Aye.

10 MR. MASTEN: Aye.

11 MS. REIN: Aye.

12 CHAIRMAN SCALZO: I abstain.

13 MS. REIN: Why do you have to
14 abstain if you're no longer --

15 CHAIRMAN SCALZO: I want to be
16 consistent. I didn't hear the
17 application to begin with.

18 MS. REIN: You didn't read them
19 in the minutes?

20 CHAIRMAN SCALZO: I skipped
21 over that part because it didn't
22 apply to me.

23 MS. REIN: Okay.

24 CHAIRMAN SCALZO: Very good. I
25 want to be honest here. I did not

2 read last month's meeting minutes
3 after Michelle worked so tirelessly.
4 If there is enough to vote on
5 acceptance of last month's meeting
6 minutes, I will abstain.

7 MR. BELL: I'll make a motion
8 to approve the minutes.

9 MR. EBERHART: I'll second.

10 CHAIRMAN SCALZO: We have a
11 motion to approve the minutes from
12 Mr. Bell. We have a second from Mr.
13 Eberhart. All in favor?

14 MR. POLITI: Aye.

15 MR. EBERHART: Aye.

16 MR. BELL: Aye.

17 MR. MASTEN: Aye.

18 MS. REIN: Aye.

19 CHAIRMAN SCALZO: I abstain.

20 Motion to adjourn?

21 MR. BELL: I'll make a motion
22 to adjourn.

23 MR. MASTEN: Second.

24 CHAIRMAN SCALZO: We have a
25 motion to adjourn and a second from

2 Mr. Masten. All in favor?

3 MR. POLITI: Aye.

4 MR. EBERHART: Aye.

5 MR. BELL: Aye.

6 MR. MASTEN: Aye.

7 MS. REIN: Aye.

8 CHAIRMAN SCALZO: Aye.

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

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Michelle Conero

MICHELLE CONERO