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

- - - - - X
In the Matter of

PDH REALTY, LLC
(Healey Kia)

114 Route 17K, Newburgh
Section 95; Block 1; Lot 53
IB Zone

- - - - - X

Date: February 23, 2023
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
JAMES EBERHART, JR.
ROBERT GRAMSTAD
GREGORY M. HERMANCE
JOHN MASTEN
DONNA REIN

ALSO PRESENT: ROBERT DICKOVER, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: CONNOR McCORMACK

- - - - - X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN SCALZO: I'd like to call the meeting of the Zoning Board of Appeals to order. The order of business this evening are the public hearings which have been scheduled. The procedure of the Board is that the applicant will be called upon to step forward, state their request and explain why it should be granted. The Board will then ask the applicant any questions it may have, and then any questions or comments from the public will be entertained. The Board will then consider the applications and will try to render a decision this evening, but may take up to 62 days to reach a determination. I would ask if you have a cellphone, to please turn it off or put it on silent. When speaking, speak directly into the microphone as we have our stenographer here who will be recording the meeting.

2 Roll call, please.

3 MS. JABLESNIK: Darrell Bell is
4 absent.

5 James Eberhart.

6 MR. EBERHART: Here.

7 MS. JABLESNIK: Robert Gramstad.

8 MR. GRAMSTAD: Here.

9 MS. JABLESNIK: Greg Hermance.

10 MR. HERMANCE: Here.

11 MS. JABLESNIK: John Masten.

12 MR. MASTEN: Here.

13 MS. JABLESNIK: Donna Rein.

14 MS. REIN: Here.

15 MS. JABLESNIK: Darren Scalzo.

16 CHAIRMAN SCALZO: Here.

17 MS. JABLESNIK: Also present is
18 our stenographer, Michelle Conero,
19 and from Code Compliance, Joseph
20 Mattina.

21 CHAIRMAN SCALZO: Very good.

22 If you could all please rise for the
23 Pledge.

24 (Pledge of Allegiance.)

25 CHAIRMAN SCALZO: Our first

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applicant this evening is PDH Realty, LLC, 114 Route 17K in Newburgh, seeking an area variance for the setback of a freestanding sign to replace the existing nonconforming freestanding sign on the property.

Siobhan, do we have mailings on this?

MS. JABLESNIK: Yes. This applicant sent out 10 mailings.

All of the applications on the agenda tonight were mailed to the County. I have received no response back for any of them. I will check my e-mail one more time, but I don't think so.

CHAIRMAN SCALZO: Very good. As you just heard Siobhan say, all the mailings went to the County. We have not heard from the County yet. If you understand what that means, the GML 239 requirement in this case has not been met. We haven't had the 30 days with the County, so we cannot

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-- we're going to need to leave the public hearing open this evening. We cannot vote on your application this evening.

MR. McCORMACK: Do you have the date that it was mailed so we can track the timeline of the 30 days?

CHAIRMAN SCALZO: You don't need to. If they don't make it, you're good for the next meeting. It doesn't matter. If they fail to respond, you're still good.

MR. McCORMACK: We can still take the Board through the application?

CHAIRMAN SCALZO: You can do that. We are down one member who happens to be out of the country for the moment, as well as our legal counsel is not here -- oh.

MS. JABLESNIK: We have Mr. Robert Dickover. I'm trying to clear a chair.

CHAIRMAN SCALZO: I digress. Our legal counsel is here. It's just

2 not the face I'm used to.

3 MS. JABLESNIK: Also present is
4 our Attorney, Robert Dickover.

5 CHAIRMAN SCALZO: Very good.
6 Because you're going to have to
7 present, and it's going to remain
8 open, you can give us the Reader's
9 Digest version or you can really
10 drive it home, but you're going to
11 have to give it all next month again.

12 MR. McCORMACK: I'll keep it
13 brief then. For the record, my name
14 is Connor McCormack, Colliers
15 Engineering & Design, talking about
16 the project for Healey Kia located on
17 Route 17K.

18 In summation, we are looking to
19 modify an existing sign based on the
20 new branding for Kia. We're going to
21 utilize the same location.

22 We're requiring an area
23 variance due to the height of the
24 sign. It is currently 15 feet from
25 the front property line. The height

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of the sign is proposed to be 20 feet, requiring a 5 foot area variance. We're seeking a variance so we do not have to relocate the sign, we can use the same electrical and same foundation. The least amount of impact to the site.

CHAIRMAN SCALZO: I understand Kia has re-branded. A much cooler looking logo, if you ask me. Thank you. I appreciate it.

Do we have any comments from the Board? I will start with Ms. Rein.

MS. REIN: No.

CHAIRMAN SCALZO: Mr. Masten?

MR. MASTEN: I have nothing.

CHAIRMAN SCALZO: Mr. Hermance?

MR. HERMANCE: No.

CHAIRMAN SCALZO: Mr. Eberhart?

MR. EBERHART: No.

CHAIRMAN SCALZO: Mr. Gramstad?

MR. GRAMSTAD: No.

CHAIRMAN SCALZO: Is there

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

4 (No response.)

5 CHAIRMAN SCALZO: Perfect.
6 Unfortunately, as I said, we haven't
7 heard back from the County, therefore
8 we will need to have the public
9 hearing remain open.

10 I'm going to look to the Board
11 for a motion to keep the public
12 hearing open to the March meeting.

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

15 CHAIRMAN SCALZO: We have a
16 motion from Mr. Masten to keep the
17 public hearing open to the March
18 meeting.

19 MR. GRAMSTAD: I'll second it.

20 CHAIRMAN SCALZO: I think we
21 have a second from Mr. Gramstad. All
22 in favor?

23 MR. GRAMSTAD: Aye.

24 MR. EBERHART: Aye.

25 MR. HERMANCE: Aye.

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MR. MASTEN: Aye.

MS. REIN: Aye.

CHAIRMAN SCALZO: Aye.

Those opposed?

(No response.)

CHAIRMAN SCALZO: Very good.

Gentlemen, we'll see you next month.

It used to be Maser. Is it now
JMP -- not JMP. There's another
entity.

MR. McCORMACK: No. Colliers
Engineering & Design. We were Maser
and now we're Colliers.

Thank you very much.

(Time noted: 7:06 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 March 2023.

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

JOSEPH PIMENTEL

830 Route 32, Wallkill
Section 2; Block 3; Lot 20
RR Zone

- - - - - X

Date: February 23, 2023
Time: 7:06 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
JAMES EBERHART, JR.
ROBERT GRAMSTAD
GREGORY M. HERMANCE
JOHN MASTEN
DONNA REIN

ALSO PRESENT: ROBERT DICKOVER, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: JOSEPH & MELISSA
PIMENTEL

- - - - - X

MICHELLE L. CONERO
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CHAIRMAN SCALZO: Our second applicant this evening is Joseph Pimentel, 830 Route 32 in Wallkill, seeking area variances of the minimum front yard setback, side yard setback, combined side yards, and maximum lot building coverage to build a covered front porch, side yard carport and rear addition on a nonconforming dwelling.

Siobhan, mailings on this?

MS. JABLESNIK: This applicant sent out 21 letters.

CHAIRMAN SCALZO: 21 letters. Okay. And who do we have with us this evening?

MR. PIMENTEL: This is my wife Melissa. I'm Joe Pimentel.

CHAIRMAN SCALZO: Great. I don't know if you heard what I had just mentioned with the other application. Unfortunately, yours is a lot less complicated than the other one, but by GML, General Municipal

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Law, 239, we need to allow the County 30 days to review and respond to the applications. They have not yet given us a response, therefore we can't act on your application this evening. That has nothing to do with whether we like it or not, it's just the way the law is.

So, as I just read what your application is, we've all zipped by your lot, we've seen what you've got going on. You've provided photos as well. Is there anything else that you'd like to add from what I had already said or --

MS. PIMENTEL: I just wanted to -- I think the variance sounds like it's all these different things, but the house is -- it was my grandparents' house. It was there for over 50 years. It's had the footprint we designed the changes to. It was just -- I think the house was nonconforming probably from when it

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was built.

CHAIRMAN SCALZO: The zoning change is 50 plus years ago. There might not have been zoning as well.

MS. PIMENTEL: That's what I was thinking.

CHAIRMAN SCALZO: As Mr. Mattina nods.

MS. PIMENTEL: The covered porch is on the house already. There was a carport on the house. The back section was actually a covered porch as well where -- so I just wanted to mention that. It's actually the footprint that I've known my whole life growing up in the house. We were just trying to keep the house in the family and update it for our kids. I just wanted to note that we're not trying to make it bigger or taller. It's the same. It just happens to be on a really weird plot of land and have some strange measurements there.

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CHAIRMAN SCALZO: Very good.
You did a great job. Thank you. I
hope you can say exactly the same
thing next month when you're back
here.

MS. PIMENTEL: Okay.

CHAIRMAN SCALZO: You
completely captured what you're
trying to do. We've seen it. The
map shows, also, that it's an odd
shaped lot, just as you described it.

In this case, just because it
is a public hearing, I'm going to
start at the other end here with Mr.
Gramstad. Do you have any comments
on this application?

MR. GRAMSTAD: Not at all.

CHAIRMAN SCALZO: How about Mr.
Eberhart?

MR. EBERHART: Not at all.

CHAIRMAN SCALZO: How about Mr.
Hermance?

MR. HERMANCE: No.

CHAIRMAN SCALZO: How about Mr.

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Masten?

MR. MASTEN: No.

CHAIRMAN SCALZO: Ms. Rein?

MS. REIN: No.

CHAIRMAN SCALZO: Is there anyone here from the public that wishes to speak about this application?

(No response.)

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

I will look to the Board for a motion to keep the public hearing open --

MR. GRAMSTAD: I will make a motion to keep the public hearing open.

CHAIRMAN SCALZO: -- to the March meeting.

MR. GRAMSTAD: Yes.

MR. EBERHART: Second.

CHAIRMAN SCALZO: Very good. The date on that, Siobhan, is?

MS. JABLESNIK: March 23rd.

CHAIRMAN SCALZO: So we had a

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motion from Mr. Gramstad. We had a
second from Mr. Eberhart. All in
favor?

MR. GRAMSTAD: Aye.

MR. EBERHART: Aye.

MR. HERMANCE: Aye.

MR. MASTEN: Aye.

MS. REIN: Aye.

CHAIRMAN SCALZO: Aye.

Those opposed?

(No response.)

CHAIRMAN SCALZO: See you next
month.

(Time noted: 7:10 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 March 2023.

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

275 ROUTE 17K, LLC
(GreenAcre Abstract)

275 Route 17K, Newburgh
Section 90; Block 1; Lot 2
R-1 Zone

- - - - - X

Date: February 23, 2023
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
JAMES EBERHART, JR.
ROBERT GRAMSTAD
GREGORY M. HERMANCE
JOHN MASTEN
DONNA REIN

ALSO PRESENT: ROBERT DICKOVER, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: NANCY FORREST &
RYAN REID

- - - - - X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

2 CHAIRMAN SCALZO: Our next
3 applicant is 275 Route 17K, LLC,
4 otherwise known as GreenAcre
5 Abstract, at 275 Route 17K in
6 Newburgh, seeking area variances for
7 maximum allowed size and height to
8 install an 11 feet 6 inch by 13 feet
9 3 inch freestanding sign and use
10 variance for illumination. Section
11 185-14-L(1) of the Town of Newburgh
12 Municipal Code states non-illuminated
13 signs only.

14 Siobhan, do we have mailings on
15 this?

16 MS. JABLESNIK: This applicant
17 sent out 30 mailings.

18 CHAIRMAN SCALZO: 3-0. Very
19 good.

20 MS. FORREST: Good evening. My
21 name is Nancy Forrest and I'm with
22 GNS Group out of Poughkeepsie. I'm
23 representing for GreenAcres.

24 If you've done the drive by,
25 you've seen what's sitting there now.

2 He's done a wonderful job renovating
3 the entire building.

4 CHAIRMAN SCALZO: The building
5 looks great.

6 MS. FORREST: We'd like to
7 bring the sign up to date.

8 Size wise, with two other
9 tenants and himself, that's why we
10 want the size. The height works with
11 the distance from the road and speed
12 of the traffic, and that determines
13 the size of our letters.

14 As far as the lighting goes, we
15 know that the lighting is not allowed
16 there, but if you read your -- in the
17 application, the drawing for it, we
18 have made it so that the entire
19 background does not light. The
20 letters are what we call push
21 through. It's cut out of that solid
22 opaque face and they push through and
23 the light spills out the side. It
24 just kind of is like a backlit halo
25 letter. It's very subdued.

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We wanted to, because of the house, if you look at the two columns there, the lighting on that. Then, if you've been in that area, then you know -- I don't know where the breakoff point is, but across from it is the bank on one side of the side street, and there's another business across from there. The one on the opposite corner is right now vacant, but then a couple hundred yards down is another professional building that has a white lit sign. Beyond that is another one and then the gas station. We're kind of in that same area, but we're not doing bright white backgrounds or anything. We're keeping it very subdued. That's why we're asking for the variances.

CHAIRMAN SCALZO: Thank you very much.

Mr. Mattina, across the street from that is a separate zone? It's a different zone? It's not R-1?

2 MR. MATTINA: The lot they're
3 talking about is the first lot in
4 R-1. The office building across the
5 street is the first lot in R-1. So
6 Rapid Tire and the old laundry place
7 is in the B Zone.

8 CHAIRMAN SCALZO: Right. The
9 dry cleaning or something?

10 MR. MATTINA: Dry cleaners.

11 CHAIRMAN SCALZO: That's in the
12 B Zone. 50 feet away from you is a
13 different zone. Actually, this is
14 not the first time this property has
15 been in here for a variance. Not
16 that I'm going to take up the meeting
17 minutes. I mentioned to them back
18 then, why don't you just see about
19 petitioning the Town Board to get the
20 zoning changed, that way you wouldn't
21 be here.

22 MS. FORREST: You have to do
23 what you have to do.

24 CHAIRMAN SCALZO: Right. All
25 right. Well, thank you very much for

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your presentation.

MR. REID: I'm Ryan. I actually work for GreenAcre Abstract. I'm here also on behalf of GreenAcre and the LLC.

I had a question regarding the application. It looks like it's under a use variance for the sign. I'm questioning on how that would be considered a use variance pursuant to the definition of a use variance compared to an area variance?

CHAIRMAN SCALZO: The first thing I'm going to do is I'm going to look to our Code Compliance support staff over there.

Joe, if you can explain that. If you can't, I'm going to look to our counsel.

MR. MATTINA: I'll start and counsel can fill in the blanks. Basically illumination is not a permitted use for signage. You know, the way I look at it, if it's not a

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permitted use to light a sign, you would need the use variance. It's not a numbers thing. It's not like, you know, you're allowed two and you want four. It's not a permitted use, period.

CHAIRMAN SCALZO: There's no unit value there.

MR. MATTINA: Correct.

CHAIRMAN SCALZO: Okay. Counsel, would you agree?

MR. DICKOVER: The same answer.

CHAIRMAN SCALZO: This is great. I just learned something.

MR. REID: The only question, I'm sure you all know, the use variance meaning is the appeal for the use of land for the purpose which is not otherwise allowed or prohibited and by the applicable zoning regulations for the use of land, where an area variance is an authorization by the zoning board of appeals for the use of land in a

2 manner which is not allowed by
3 dimensional or physical requirements
4 of the applicable zoning regulations.

5 So, I mean, I guess you can --
6 being that it's lit, I guess you can
7 use a unit number as whatever the --
8 what's a lighting unit?

9 CHAIRMAN SCALZO: Lumens.

10 MR. REID: That would be
11 considered more the area for the --

12 CHAIRMAN SCALZO: Foot candles
13 or something like that.

14 MS. FORREST: It's actually
15 .015 foot candles on this, the way
16 it's built. Very low.

17 CHAIRMAN SCALZO: Okay. I'm
18 glad you're aware of the use variance,
19 because the criteria with a use
20 variance, there are four criteria
21 that we need to meet. It's not three
22 out of four means you win. You need
23 four out of four to meet that.
24 Thankfully, at least for me, because
25 we haven't heard back from the

2 County, it's going to give me a
3 little more time to dig into that and
4 confer with counsel on that to see
5 what -- if there is any other way to
6 interpret this. In the meantime --

7 MR. REID: I was kind of
8 looking at the gray area of --

9 CHAIRMAN SCALZO: I'm not sure
10 of that. That's why we have
11 professionals helping us out here.

12 In this case I'll start on my
13 left. Ms. Rein, do you have any
14 questions regarding this application?

15 MS. REIN: I didn't.

16 CHAIRMAN SCALZO: But now --

17 MS. REIN: I'm good. I'm good
18 for now.

19 CHAIRMAN SCALZO: You can save
20 them until next month.

21 MS. REIN: I will.

22 CHAIRMAN SCALZO: Mr. Masten?

23 MR. MASTEN: I have nothing.

24 CHAIRMAN SCALZO: Mr. Hermance?

25 MR. HERMANCENCE: If they switched

2 from a request for a use variance to
3 an area variance --

4 CHAIRMAN SCALZO: If they were
5 to shine lights on the outside
6 shining at the sign, they wouldn't
7 need that portion.

8 MR. HERMANCE: Got you.

9 CHAIRMAN SCALZO: Unfortunately,
10 like I say, 50 feet away it's permitted.
11 Anyway, Mr. Eberhart?

12 MR. EBERHART: No.

13 CHAIRMAN SCALZO: Mr. Gramstad?

14 MR. GRAMSTAD: Not at this
15 time, no.

16 CHAIRMAN SCALZO: That's right
17 around your neck of the woods.

18 MR. GRAMSTAD: Yes, it is. I
19 keep looking at it constantly. I
20 drive past it every day.

21 MR. REID: I hope you're okay
22 with it.

23 CHAIRMAN SCALZO: The building
24 looks great.

25 MR. GRAMSTAD: The building

2 does. Yup.

3 CHAIRMAN SCALZO: If you look
4 back at the original variance that
5 was granted, I believe they were
6 supposed to have a treeline between
7 their building and the first
8 residential home next door, which, if
9 you go back to the -- since you're a
10 GreenAcres guy --

11 MR. REID: I have the old picture.

12 CHAIRMAN SCALZO: You have the
13 picture. If you read the meeting
14 minutes from the last time you guys
15 appeared here, I think I mentioned
16 that. You may want to go back and
17 look at those.

18 MR. REID: The treeline between
19 -- there is a treeline.

20 CHAIRMAN SCALZO: Shrubs.

21 MR. REID: Well they're trees.
22 Yeah. We put trees between the, what
23 was it, 2 Arbor and our driveway.

24 CHAIRMAN SCALZO: Very good.

25 Okay. Is there anyone here

2 from the public that wishes to speak
3 about this application?

4 Please step forward. You also
5 need to state your name. It is being
6 recorded.

7 MR. VEGA: Good evening. My
8 name is George Vega. I live at 1
9 Arbor Drive.

10 Just a couple of general
11 questions. The sign location, is
12 that existing and proposed in the
13 same location?

14 MS. FORREST: Yes.

15 CHAIRMAN SCALZO: Michelle,
16 she's nodding. You can't hear a nod.

17 MS. FORREST: Yes.

18 MR. VEGA: And I guess the
19 square footage, the height, she was
20 talking about the lighting, the
21 column. If you look at the plan, it
22 says it's internally illuminated, the
23 whole column, 11 foot 6.

24 So okay. I have some photos,
25 if you guys want to see it. I live

2 at 1 Arbor Drive. I see this sign.
3 I live with this sign. For them to
4 say it doesn't affect anybody, it
5 kind of does, you know.

6 CHAIRMAN SCALZO: Okay. We
7 have been out there. You know what.
8 I haven't been out there at night.
9 If there's any --

10 MR. VEGA: Would you like to see?

11 CHAIRMAN SCALZO: Do you have
12 nighttime photos?

13 MR. VEGA: I've got a lot of
14 time on my hands.

15 CHAIRMAN SCALZO: I would love
16 to see some nighttime photos.

17 MR. VEGA: Welcome to my house.
18 Again, I have daytime and nighttime.
19 I have a couple copies here.

20 So I've been there about ten
21 years. I know the property I bought
22 is right next to commercial.

23 You were just speaking of the
24 treeline. They did plant the
25 treeline between themselves and

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number 2, but here I am. That's a visual from my house, from the living room window.

I'm not against anything they're doing. I love what they are doing. They're taking care of the property, they're keeping it up, but I see it. I think the solution has already been done across the street. I need a landscape barrier and a visual barrier also. You guys can decide on the sign and the height and the square footage.

My other question was with the square footage. In the graphic it shows a 5 by 10. If you give them that square footage variance and they increase the size of that sign for that square footage, you know -- they show a small 5 by 10, but the column and the overall length is the square footage that they're asking for, and then they fill that whole space with a sign.

2 CHAIRMAN SCALZO: I don't
3 believe so.

4 MR. VEGA: Okay.

5 CHAIRMAN SCALZO: Columns are
6 not signage.

7 MR. VEGA: But it's hard to
8 understand the variance that they're
9 asking for. They're asking for
10 height and length. If you look at
11 the height that they're giving you,
12 they're giving you the column height
13 total, 11.6 by 13.3. I guess my
14 question is can they fill that whole
15 void eventually?

16 CHAIRMAN SCALZO: Mr. Mattina?

17 MR. MATTINA: The square
18 footage comes out to 90 square feet.
19 That's based on the columns being
20 lit. If the columns weren't lit,
21 then it wouldn't be part of the sign.
22 Having the columns glow at night,
23 that's all part of the square footage
24 of the sign.

25 CHAIRMAN SCALZO: I didn't know

2 that. Thanks, Joe.

3 MR. MATTINA: It's continuous.
4 You have the base, then you have the
5 first column, the second column, and
6 it's all one big light.

7 CHAIRMAN SCALZO: So the square
8 footage does include the columns?

9 MR. MATTINA: Yes.

10 CHAIRMAN SCALZO: Thank you. I
11 learned something again.

12 MR. VEGA: And that column is
13 illuminated. It might look
14 beautiful. That's up to you guys. I
15 am going to see it from my front
16 yard, from my living room, from my
17 backyard. From my entire property.
18 Again, I know the property that I
19 purchased, but I'm trying to protect
20 myself a little bit. My protection
21 is a visual barrier, which is
22 landscaping. I know these site plans
23 were done years ago and they didn't
24 have these requirements. Just keep
25 me in mind going forward.

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CHAIRMAN SCALZO: You bring up some solid points. We appreciate your comments. They'll be part of the record. I wish more neighbors came out to voice their opinions and concerns.

As you heard me say, this application also, we didn't hear back from the County for the General Municipal Law 239. I don't know why that's such a tongue twister to me. The GML 239. We cannot act on this application this evening. Your comments are great, and I'm going to poll the Board to see if they have any additional comments. I'm also going to look at the applicant to see -- keep in mind, why do people put up a sign? They want to advertise their business. They want people to find it. However, in your situation, I believe you're the only one that can really see it from that side. Perhaps there is a possibility. Your

2 comments are very valuable. Again,
3 we can ask -- there's plenty of space
4 on the angle where the sign is to
5 your yard. Perhaps they would plant
6 a tree or something.

7 MR. VEGA: A row of them.

8 CHAIRMAN SCALZO: I don't know
9 that we can require that. Actually,
10 we can't require that.

11 MR. VEGA: I know.

12 CHAIRMAN SCALZO: It may be a
13 good gesture on their part. I'm not
14 sure. Now that you've brought it to
15 our attention, I do appreciate that.

16 MR. VEGA: I live with it. I
17 understand where I live, but it could
18 be -- you know, if it was improved,
19 it would help my cause a little bit
20 with some buffer.

21 CHAIRMAN SCALZO: Thank you for
22 your comments.

23 MR. VEGA: Thank you guys.
24 Have a good night.

25 MS. REIN: I have a quick

2 question. Do you think that it will
3 interfere with your daily living and
4 sleeping? Do you see it as an issue
5 like that?

6 MR. VEGA: Sleeping, no. I
7 mean, I submitted the nighttime
8 photos. The building is lit all
9 night long. I live with it. I know
10 what I bought. I know where I live.
11 The sign, sitting in my living room
12 window with an 11.5 foot illuminated
13 tower, if you look at the plan, I'm
14 going to see it. With landscaping I
15 wouldn't see it. It would help me
16 and it would help them. I think it
17 would help everybody if you're going
18 to move forward with it.

19 MS. REIN: Thank you.

20 CHAIRMAN SCALZO: Thank you.

21 Ms. Rein, you've still got it
22 if you have any other questions.

23 MS. REIN: No. That's good.
24 Thank you.

25 CHAIRMAN SCALZO: Mr. Masten,

2 do you have any comments on this?

3 MR. MASTEN: No.

4 CHAIRMAN SCALZO: How about
5 you, Mr. Hermance?

6 MR. HERMANCE: I have nothing
7 further.

8 CHAIRMAN SCALZO: Mr. Gramstad?

9 MR. GRAMSTAD: No.

10 CHAIRMAN SCALZO: Mr. Eberhart?

11 MR. EBERHART: No.

12 CHAIRMAN SCALZO: Is there
13 anyone else here from the public --
14 please stand back up.

15 MS. FORREST: I just want to
16 comment to the neighbor. There you
17 are. That tower that is lit, you're
18 not going to see bulbs or anything.
19 That's a frosted light. It's not
20 really going to glow. You'll see it,
21 but it's not like looking at lights.
22 It's all frosted from top to bottom.
23 All you're going to see is a very dim
24 kind of offset light.

25 CHAIRMAN SCALZO: You know what

2 would help me? This is your
3 business. Is there one very similar
4 to what the applicant is looking for
5 that perhaps I can drive by and see
6 exactly what you're talking about?

7 MS. FORREST: I will have to
8 look that up tomorrow. I can let
9 Siobhan know. There are a lot of
10 signs we've done and I'd like to send
11 you to one that --

12 CHAIRMAN SCALZO: That most
13 closely resembles what you're looking
14 to do.

15 MS. FORREST: When I come back
16 I will also bring a night shot of the
17 sign.

18 CHAIRMAN SCALZO: Now that
19 we've got this going on, I might go
20 tonight.

21 MS. FORREST: Because we were
22 aware that it is in a residential
23 zone and what we're asking for,
24 that's why we kept all the foot
25 candles like under 1. The common is

2 usually 2 most towns want, foot
3 candles and the light spillage and
4 all of that. The way it's designed,
5 there is no spillage at all. The
6 ambient light already exists. Like I
7 said, the tower is not like a light
8 that you're going to be able to see.
9 It's so very dull, I guess is the
10 word. You know there must be light
11 in it because it's just, you know,
12 frosted.

13 CHAIRMAN SCALZO: Sir, I have a
14 question for you. As traffic
15 approaches, let's see, that would be
16 east on 17K, do you get headlights in
17 your window, too, from 17K?

18 MR. VEGA: No, but I do get
19 them sometimes -- for some reason,
20 tractor trailers turn around in Rapid
21 Tire. When they turn around, they
22 face Arbor Drive to make a left.
23 I'll get them in my kitchen window a
24 little bit, yes. But they're up
25 high. I am, elevation wise, down

2 low.

3 CHAIRMAN SCALZO: Is the
4 kitchen in the front of the house or
5 back of the house?

6 MR. VEGA: On the 17K side of
7 the house, that's the only window.
8 That's the only place I can see them,
9 the bay window.

10 CHAIRMAN SCALZO: Really the
11 front facing is what I was thinking.
12 Perhaps this sign -- I'm just
13 thinking out loud. Perhaps with a
14 larger sign, it may block some of the
15 headlights that come through your
16 window. You're shaking your head no.
17 I see that.

18 MR. VEGA: I'll shut up.

19 CHAIRMAN SCALZO: Thanks so
20 much. I appreciate it.

21 MS. REIN: A quick question for
22 GreenAcres. Were you considering any
23 kind of additional landscaping?

24 MR. REID: For us, not at the
25 moment. We did a few landscaping

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jobs already around it.

MS. REIN: Right.

MR. REID: I'm not sure, you know -- we can't plant -- like are you speaking to landscaping around the sign?

MS. REIN: Where the issue is.

CHAIRMAN SCALZO: If you're here for a sign, you want people to see your sign.

MR. REID: Correct. I didn't know if you were referring to --

CHAIRMAN SCALZO: Perhaps something closer to Arbor Drive.

MR. REID: No. Not at the moment.

MS. FORREST: The other side of the yard. If you're looking at it, to the left going in Arbor Drive. On their property, on the left-hand side of their building. If you're looking from the front at the home or the building, to the left part of the yard where Arbor Drive goes in, I

2 believe is what you're speaking
3 about, because you're the first
4 house.

5 MR. VEGA: I'm the first house
6 on the left.

7 CHAIRMAN SCALZO: The opposite
8 side.

9 MS. FORREST: The left, yes.

10 CHAIRMAN SCALZO: I just want
11 you to look. We're going to be back
12 here next month. If you were to
13 consider any type of additional
14 landscaping. You don't want to
15 impede anyone's view to get back out
16 on Arbor Drive.

17 MR. REID: Correct, which would
18 be an issue if we were to place
19 that. Unfortunately Arbor -- that
20 Colden Park sign there is pretty
21 impeding as well when you're pulling
22 out. We would not want to do
23 anything like that.

24 I understand the comment
25 regarding the lights. I know -- I'm

2 not sure how long they stay on for.

3 MR. VEGA: All night.

4 MS. FORREST: They go off at 11.

5 MR. REID: If we're able to
6 change the switch to put a timer on it --

7 MR. VEGA: That's the house
8 lights and that's something totally
9 separate. That's a site safety
10 issue. I'm all right with it. I
11 live with it. It's beautiful. It's
12 lit. The new illuminated sign with a
13 12 foot column is a different story.
14 I don't want to give you the solution
15 to what would fix my property and
16 what I would see, and it's
17 landscaping not on your property, on
18 17K cleaner's property down the
19 property line. The solution was
20 already done on your site plan where
21 you guys planted the row of trees.

22 I know it's not their property.
23 I don't know how that works legally.
24 My solution, so I don't see that sign
25 and your column, is landscaping down

2 my property line.

3 MR. REID: I believe there's
4 also sign time requirements as well
5 that we would have to, of course,
6 abide by. They shouldn't be on --
7 I'm not sure what they are. Whatever
8 they require for, we would definitely
9 have that.

10 CHAIRMAN SCALZO: We're going
11 to figure all this out next month.

12 Is anyone else here from the
13 public that wishes to speak about
14 this application?

15 (No response.)

16 CHAIRMAN SCALZO: Very good.
17 One last look at the Board?

18 (No response.)

19 CHAIRMAN SCALZO: Very good.
20 I'm going to ask the Board for a
21 motion to keep the public hearing
22 open.

23 MR. MASTEN: I'll make a motion
24 to keep the public hearing open.

25 MS. REIN: I'll second it.

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CHAIRMAN SCALZO: We have a motion from Mr. Masten. We have a second from Ms. Rein. All in favor?

MR. GRAMSTAD: Aye.

MR. EBERHART: Aye.

MR. HERMANCE: Aye.

MR. MASTEN: Aye.

MS. REIN: Aye.

CHAIRMAN SCALZO: Aye.

Those opposed?

(No response.)

CHAIRMAN SCALZO: Very good. You're not going to be re-noticed, which means you're not going to get another mailing. We'll see you here the fourth Thursday of March.

MS. JABLESNIK: March 23rd.

CHAIRMAN SCALZO: March 23rd. I think there are five Thursdays in March.

(Time noted: 7:30 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 March 2023.

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

LITE BRITE SIGNS
(CONEW, LLC)

1425 Route 300, Newburgh
Section 60; Block 3; Lot 32.11
IB Zone

----- X

Date: February 23, 2023
Time: 7:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
JAMES EBERHART, JR.
ROBERT GRAMSTAD
GREGORY M. HERMANC
JOHN MASTEN
DONNA REIN

ALSO PRESENT: ROBERT DICKOVER, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: MARIA ROTUNDO

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN SCALZO: Our next applicant is Lite Brite Signs, 1425 Route 300 in Newburgh, seeking an area variance from maximum square footage to install side and rear wall signs larger than permitted.

Do we have mailings on this, Siobhan?

MS. JABLESNIK: We do. This applicant sent out 17.

CHAIRMAN SCALZO: 17. Very good.

Okay. Who do we have with us?

MS. ROTUNDO: I'm Maria Rotundo from Lite Brite Signs, and I'm representing GoHealth Urgent Care.

Like you said, they are looking for a variance on two of the four signs, the side wall and the rear wall.

Did you guys hear back from the County?

CHAIRMAN SCALZO: No.

MS. ROTUNDO: Okay.

CHAIRMAN SCALZO: All of our

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GML 239s this month, the County has failed to respond. You're going to be back here next month talking to us about it again.

MS. ROTUNDO: Yes.

CHAIRMAN SCALZO: You know what? Since you have to, if you just want to say you'll do it next month, or if there were any comments -- it's probably best if you heard any comments the Board and the public have, that way you can be prepared if somebody has a zinger for you.

I'm going to start with Mr. Gramstad.

MR. GRAMSTAD: Nothing at this time.

CHAIRMAN SCALZO: Mr. Eberhart?

MR. EBERHART: Nothing.

CHAIRMAN SCALZO: Mr. Hermance?

MR. HERMANCE: Not at this time.

CHAIRMAN SCALZO: Mr. Masten is good for a zinger.

MR. MASTEN: I have none.

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CHAIRMAN SCALZO: Ms. Rein?

MS. REIN: No.

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

(No response.)

CHAIRMAN SCALZO: No. Okay.

MS. ROTUNDO: March 23rd?

CHAIRMAN SCALZO: Yes. I'm going to look to the Board for a motion to keep the public hearing open to March 23rd.

MR. GRAMSTAD: I'll make the motion.

MR. HERMANCE: I'll second.

CHAIRMAN SCALZO: We have a motion from Mr. Gramstad. We have a second from Mr. Hermance. All in favor?

MR. GRAMSTAD: Aye.

MR. EBERHART: Aye.

MR. HERMANCE: Aye.

MR. MASTEN: Aye.

MS. REIN: Aye.

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CHAIRMAN SCALZO: Aye.

Those opposed?

(No response.)

MS. ROTUNDO: Thank you.

(Time noted: 7:33 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 March 2023.

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

UMANGI PATEL

611 Gidney Avenue, Newburgh
Section 76; Block 9; Lot 3
R-3/O Zone

- - - - - X

Date: February 23, 2023
Time: 7:33 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
JAMES EBERHART, JR.
ROBERT GRAMSTAD
GREGORY M. HERMANCE
JOHN MASTEN
DONNA REIN

ALSO PRESENT: ROBERT DICKOVER, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: THOMAS NAGLE

- - - - - X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

2 CHAIRMAN SCALZO: Our next
3 applicant this evening is Umangi
4 Patel, 611 Gidney Avenue in Newburgh.
5 Guess what? It's another sign. Area
6 variances of maximum allowed square
7 footage, maximum allowed height and
8 the setback from the property line to
9 install a freestanding, non-
10 illuminated sign.

11 Do we have mailings on this
12 one, Siobhan?

13 MS. JABLESNIK: Yes. This
14 applicant sent out 30 mailings.

15 CHAIRMAN SCALZO: Does that
16 sound like the winner for the evening?

17 MS. JABLESNIK: It's a tie. We
18 have another 30.

19 CHAIRMAN SCALZO: Unfortunately
20 you're within 500 feet of a state,
21 county or road that requires GML 239
22 review as well. Can you guess what
23 I'm about to tell you?

24 MR. NAGLE: I can guess.

25 CHAIRMAN SCALZO: If I've

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captured what it is you're here for well enough, I can just start asking the Board and the members of the public any questions, or if you'd like to add your own flavor to it, feel free.

MR. NAGLE: Other than in 1995, I think when he did the property originally, it was approved by Zoning and Planning. Like most people, they assumed that's all they needed, so they never got a permit.

CHAIRMAN SCALZO: Can I stop you for one second?

Michelle, do we have this --

MS. CONERO: I was going to ask his name.

MR. NAGLE: Tom Nagle, Letter Perfect Graphics, representing New York Cancer and Blood Specialists.

It's replacing an existing same size sign with just the new name. It's not illuminated.

CHAIRMAN SCALZO: You can shine

2 lights on it from the outside.

3 Just to quickly summarize what
4 you just said, you're replacing a
5 sign in kind with different
6 lettering, the same size, you're not
7 looking for any additional square
8 feet or anything like that?

9 MR. NAGLE: No.

10 CHAIRMAN SCALZO: It's
11 basically you're going to read
12 something differently than you
13 currently read?

14 MR. NAGLE: Correct.

15 CHAIRMAN SCALZO: Thanks.

16 Mr. Gramstad?

17 MR. GRAMSTAD: No questions.

18 CHAIRMAN SCALZO: Mr. Eberhart?

19 MR. EBERHART: No questions.

20 CHAIRMAN SCALZO: Mr. Hermance?

21 MR. HERMANCE: No.

22 CHAIRMAN SCALZO: Mr. Masten?

23 MR. MASTEN: I have none.

24 CHAIRMAN SCALZO: Ms. Rein?

25 MS. REIN: Nothing. Thank you.

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

5 (No response.)

6 MR. NAGLE: See you next month.

7 CHAIRMAN SCALZO: I'll look to
8 the Board for a motion to keep the
9 public hearing open.

10 MR. MASTEN: I'll make a motion.

11 MS. REIN: I'll second.

12 CHAIRMAN SCALZO: We have a
13 motion from Mr. Masten. We have a
14 second from Ms. Rein. All in favor?

15 MR. GRAMSTAD: Aye.

16 MR. EBERHART: Aye.

17 MR. HERMANCE: Aye.

18 MR. MASTEN: Aye.

19 MS. REIN: Aye.

20 CHAIRMAN SCALZO: Aye.

21 Those opposed?

22 (No response.)

23 CHAIRMAN SCALZO: Very good.

24 We'll see you next month.

25 MR. NAGLE: Thank you very

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much.

(Time noted: 7:36 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 March 2023.

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

KEHOE CORP.

4 Bruschetti Court, Walden
Section 3; Block 1; Lot 80.32
R-1 Zone

- - - - - X

Date: February 23, 2023
Time: 7:36 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
JAMES EBERHART, JR.
ROBERT GRAMSTAD
GREGORY M. HERMANCE
JOHN MASTEN
DONNA REIN

ALSO PRESENT: ROBERT DICKOVER, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: JOSEPH KEHOE

- - - - - X

MICHELLE L. CONERO
3 Francis Street
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CHAIRMAN SCALZO: Held open from the January 26th meeting, we have.

Kehoe Corp., 4 Bruschetti Court in Walden, seeking an area variance of the front yard on a County road (Rock Cut Road) to continue the construction of a single-family dwelling unit.

This was held over for the County because they didn't respond last month. Guess what? You're in great shape because the County responded to you. Even if they didn't, we could still talk to you, because it's over 30 days.

MR. KEHOE: Hopefully they responded favorably.

CHAIRMAN SCALZO: You know what? The funny part about it is they probably respond Local determination, which means we get to choose. They have no input.

Am I correct?

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MS. JABLESNIK: Ding, ding, ding.

CHAIRMAN SCALZO: Ding, ding,
ding, as Siobhan would say, and just
did.

We heard your story last month.
Nothing has changed since then, other
than you haven't been able to do a
thing since then.

MR. KEHOE: Not a thing.

CHAIRMAN SCALZO: Anybody that
knows construction knows time is
money. You're hoping that you get a
positive result this evening.

MR. KEHOE: Yes, sir.

CHAIRMAN SCALZO: I've got no
comments. I understand mistakes
happen. This is a County road. The
setback is 10 feet further than it
would, in any normal circumstances,
be. I don't have anything to add to
that.

I'll look to Ms. Rein. Do you
have any comments on this?

MS. REIN: No.

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CHAIRMAN SCALZO: Mr. Masten?

MR. MASTEN: No.

CHAIRMAN SCALZO: Mr. Hermance?

MR. HERMANCE: No.

CHAIRMAN SCALZO: Mr. Eberhart?

MR. EBERHART: No.

CHAIRMAN SCALZO: Mr. Gramstad?

MR. GRAMSTAD: No.

CHAIRMAN SCALZO: I'll tell
you, sit tight, don't move.

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

Mr. Fedder, you're good?

MR. FEDDER: No, thank you.

CHAIRMAN SCALZO: We also have
an applicant from last month who
really must have dug what we're
doing. Just to check us out.

So no other comments.

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

MR. DICKOVER: Yes.

CHAIRMAN SCALZO: Very good.

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We're going to go through the area variance criteria and discuss the five factors we are weighing, the first one being whether or not the benefit can be achieved by other means feasible to the applicant. Unless we ask him to remove the foundation and move it back 10 feet, it's quite the hardship.

The second, if there's an undesirable change in the neighborhood character or a detriment to nearby properties. Quite honestly, in my opinion it's a benefit to nearby properties because he's closer to the road than he should be, further away from the neighbors. That's just a twisted way of looking at it.

Third, whether the request is substantial. If this wasn't on a County road, it would be fine. Or a State road.

The fourth, will the request

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have adverse physical or
environmental effects. No.

The fifth, whether the alleged
difficulty is self-created, which is
relevant but not determinative.
Unfortunately it is on accident.

So anyway, if the Board
approves, it will grant the minimum
variance necessary, which happens to
be where the foundation is now.

Having gone through the
balancing test of the area variance,
does the Board have a motion of some
sort?

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

MR. MASTEN: I'll second it.

CHAIRMAN SCALZO: They jumped
all over you, Mr. Gramstad. Motion
to approve from Ms. Rein. We have a
second from Mr. Masten.

Can you roll on that, Siobhan,
please?

MS. JABLESNIK: Mr. Eberhart?

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MR. EBERHART: Yes.

MS. JABLESNIK: Mr. Gramstad?

MR. GRAMSTAD: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCENCE: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Ms. Rein?

MS. REIN: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The variances are approved.

You can go back to work, sir.

MR. KEHOE: Thank you.

(Time noted: 7:41 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 March 2023.

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

CROSSCUT CONSTRUCTION
70 Frozen Ridge Road, Newburgh
Section 21; Block 1; Lot 1
R-2 Zone

----- X

Date: February 23, 2023
Time: 7:41 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
JAMES EBERHART, JR.
ROBERT GRAMSTAD
GREGORY M. HERMANCE
JOHN MASTEN
DONNA REIN

ALSO PRESENT: ROBERT DICKOVER, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

2 CHAIRMAN SCALZO: Siobhan,
3 please lead me in what the other
4 Board business is for the evening.

5 MS. JABLESNIK: The other Board
6 business is a request for extensions
7 for two different applications.

8 CHAIRMAN SCALZO: The first one
9 being?

10 MS. JABLESNIK: The first one
11 being 70 Frozen Ridge Road. That one
12 was for Crosscut Construction.
13 They're asking for a --

14 CHAIRMAN SCALZO: Six-month
15 extension. Correct. That is Mr.
16 Wagner? Steve Wagner was in here
17 last time for that. Right?

18 MS. JABLESNIK: Yes.

19 CHAIRMAN SCALZO: I don't
20 believe I have an issue with that.
21 We're still recovering from building
22 materials being hard to come by.

23 I'll look to the Board for a
24 motion to grant a six-month extension.

25 MR. MASTEN: I'll make a motion

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to give a six-month extension.

MS. REIN: Second.

CHAIRMAN SCALZO: We have a motion from Mr. Masten. We have a second from Ms. Rein. All in favor?

MR. GRAMSTAD: Aye.

MR. EBERHART: Aye.

MR. HERMANCE: Aye.

MR. MASTEN: Aye.

MS. REIN: Aye.

CHAIRMAN SCALZO: Aye.

Those opposed?

(No response.)

CHAIRMAN SCALZO: Very good.

The motion carries.

(Time noted: 7:43 p.m.)

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

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I further certify that I am not
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proceeding by blood or by marriage and that
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IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of March 2023.

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

SCOTT PERRI LANDSCAPING
5 Nobles Way, Wallkill
Section 11; Block 1; Lot 19

----- X

Date: February 23, 2023
Time: 7:43 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
JAMES EBERHART, JR.
ROBERT GRAMSTAD
GREGORY M. HERMANCE
JOHN MASTEN
DONNA REIN

ALSO PRESENT: ROBERT DICKOVER, ESQ.
JOSEPH MATTINA
SIOBHAN JABLESNIK

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

2 MS. JABLESNIK: The second
3 being Scott Perri Landscaping at 5
4 Nobles Way. They're going in where
5 Leptondale Nursery was. They're also
6 asking for a six-month extension.
7 They said they're almost ready.
8 They're just looking for I think like
9 engineer stuff to fix a couple things.

10 CHAIRMAN SCALZO: Very good. I
11 have no objections to that myself.

12 Anyone else from the Board?

13 MR. EBERHART: No.

14 MR. GRAMSTAD: No.

15 MR. HERMANCE: No.

16 MR. MASTEN: No.

17 MS. REIN: No.

18 CHAIRMAN SCALZO: In that case,
19 I'll look to the Board for a motion
20 to extend it six months for the Scott
21 Perri application.

22 MR. GRAMSTAD: I'll make a
23 motion to extend it six months.

24 MR. EBERHART: I'll second it.

25 CHAIRMAN SCALZO: We have a

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motion from Mr. Gramstad. We have a second from Mr. Eberhart. All in favor?

MR. GRAMSTAD: Aye.

MR. EBERHART: Aye.

MR. HERMANCENCE: Aye.

MR. MASTEN: Aye.

MS. REIN: Aye.

CHAIRMAN SCALZO: Aye.

Those opposed?

(No response.)

CHAIRMAN SCALZO: Does that cover the rest of the Board business?

MS. JABLESNIK: Yes.

CHAIRMAN SCALZO: The other issue is the meeting minutes for January. You've all had a chance to read them. Do you want to make a motion to accept the meeting minutes for the month of January?

MR. GRAMSTAD: I'll make a motion to accept the meeting minutes from January.

MR. HERMANCENCE: I'll second it.

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CHAIRMAN SCALZO: Very good.
We have a motion from Mr. Gramstad.
We have a second from Mr. Hermance.
All in favor?

MR. GRAMSTAD: Aye.

MR. EBERHART: Aye.

MR. HERMANCE: Aye.

MR. MASTEN: Aye.

MS. REIN: Aye.

CHAIRMAN SCALZO: Aye.

Those opposed?

(No response.)

CHAIRMAN SCALZO: I'll look for
a motion to adjourn.

MR. HERMANCE: I'll make a
motion to adjourn.

MR. MASTEN: I'll second it.

CHAIRMAN SCALZO: We have a
motion from Mr. Hermance. We have a second
from Mr. Masten. All in favor?

MR. GRAMSTAD: Aye.

MR. EBERHART: Aye.

MR. HERMANCE: Aye.

MR. MASTEN: Aye.

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MS. REIN: Aye.

CHAIRMAN SCALZO: Aye.

Those opposed?

(No response.)

(Time noted: 7:46 p.m.)

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

I, MICHELLE CONERO, a Notary Public
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