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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH ZONING BOARD OF APPEALS  
----- X  
In the Matter of

MARK & CHRISTY PULEO  
1 Majestic Court, Newburgh  
Section 102; Block 1; Lot 27  
R-2 Zone

----- X

Date: December 23, 2021  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
ROBERT GRAMSTAD  
GREGORY M. HERMANCE  
ANTHONY MARINO  
JOHN MASTEN

ALSO PRESENT: JOSEPH MATTINA  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVES: MARK & CHRISTY PULEO

----- X

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

1           M A R K   &   C H R I S T Y   P U L E O

2                   CHAIRMAN SCALZO: I'd like to  
3           call the meeting of the ZBA to order.  
4           The order of business this evening  
5           are the public hearings scheduled.  
6           The procedure of the Board is that  
7           the applicant will be called upon to  
8           step forward, state their request and  
9           explain why it should be granted.  
10          The Board will then ask the applicant  
11          any questions it may have, and then  
12          any questions or comments from the  
13          public will be entertained. The  
14          Board will then consider the  
15          applications and will try to render a  
16          decision this evening but may take up  
17          to 62 days to reach a determination.

18                   I would ask if you have a  
19          cellphone, to please turn it off or  
20          put it on silent. When speaking,  
21          speak directly into the microphone as  
22          it is being recorded.

23                   Roll call, please.

24                   MS. JABLESNIK: Darrell Bell is  
25          absent. James Eberhart is absent.

1           M A R K   &   C H R I S T Y   P U L E O

2                         Robert Gramstad.

3                         MR. GRAMSTAD: Present.

4                         MS. JABLESNIK: Greg Hermance.

5                         MR. HERMANCE: Here.

6                         MS. JABLESNIK: Anthony Marino.

7                         MR. MARINO: Here.

8                         MS. JABLESNIK: John Masten.

9                         MR. MASTEN: Here.

10                        MS. JABLESNIK: Darrin Scalzo.

11                        CHAIRMAN SCALZO: Here.

12                        MS. JABLESNIK: Dave Donovan,

13                        our Attorney, is also absent.

14                        Present is Michelle Conero,

15                        Stenographer, and from Code

16                        Compliance, Joe Mattina.

17                        CHAIRMAN SCALZO: Very good.

18                        If you could all please rise for the

19                        Pledge.

20                        Mr. Gramstad, if you could lead  
21                        us, please.

22                        (Pledge of Allegiance.)

23                        CHAIRMAN SCALZO: Our first  
24                        applicant this evening is Mark and  
25                        Christy Puleo. I hope I said that

1           M A R K   &   C H R I S T Y   P U L E O

2           right.

3                   MS. PULEO:   You did.

4                   CHAIRMAN SCALZO:   Very good.

5           It's at 1 Majestic Court in Newburgh,  
6           seeking area variances for the front  
7           yard on Patton Road, rear yard and  
8           increasing the degree of  
9           nonconformity in the front yard on  
10          Majestic Court to build a 15 by 25  
11          foot addition.

12                   Do we have mailings on that,  
13          Siobhan?

14                   MS. JABLESNIK:   Yes.   This  
15          applicant sent out 62 letters.

16                   CHAIRMAN SCALZO:   Wow.   All  
17          right.

18                   If we have someone here for  
19          that application, please step  
20          forward.   Please identify yourself.

21                   MS. PULEO:   Christy Puleo.

22                   MR. PULEO:   Mark Puleo.

23                   CHAIRMAN SCALZO:   Excellent.

24          And what I just read from the actual  
25          agenda is what you're looking to do.



1        MARK & CHRISTY PULEO

2            have so many restrictions because you  
3            have two front yards. It makes  
4            things much more challenging for  
5            homeowners when they're trying to do  
6            that.

7                       The one observation that I made  
8            as I was sitting there, I just pulled  
9            into Majestic and I'm looking to my  
10          left and looking to my right, the  
11          house lines that come along Patton,  
12          it's pretty linear, if you will.  
13          It's on a curve. So curvilinear.

14                     Your addition is going to  
15          actually stick out a little further  
16          than the rest of it. However,  
17          because your house faces Majestic,  
18          you're kind of being penalized  
19          because you're on a corner, if you  
20          know what I mean.

21                     Other than that, I did notice  
22          two doors up from you it appears as  
23          though a neighbor put a garage out  
24          the side of his house. Not that  
25          you're putting a garage up, but they

1           MARK & CHRISTY PULEO

2           put an addition on their lot which is  
3           kind of going to be what yours looks  
4           like when it's done, just with the  
5           addition on the side of it.

6                   I don't think it's completely  
7           out of character with the  
8           neighborhood. That's just my  
9           opinion. I am one of five here  
10          tonight.

11                   So in this case I'm going to  
12          start over there with Mr. Marino and  
13          seek any comments that he may have on  
14          this.

15                   MR. MARINO: I'm just curious.  
16          Why do you want to do this to your  
17          house? What's the purpose of it?

18                   MS. PULEO: We're a family of  
19          six. We're just looking to increase  
20          living space for our family.

21                   MR. MARINO: Just to  
22          accommodate the family size?

23                   MS. PULEO: Correct.

24                   MR. MARINO: All right.

25                   CHAIRMAN SCALZO: Thank you,

1           M A R K   &   C H R I S T Y   P U L E O

2           Mr. Marino.

3                   Mr. Masten?

4                   MR. MASTEN:   I have no  
5           questions on it.

6                   CHAIRMAN SCALZO:   Very good.

7                   Mr. Gramstad?

8                   MR. GRAMSTAD:   Nothing at all.

9                   CHAIRMAN SCALZO:   Mr. Hermance?

10                  MR. HERMANCE:   I'm just  
11           curious.   The roof line of the  
12           proposed addition, is it going to  
13           match what's there or is it going to  
14           be lower?

15                  MS. PULEO:   It will be a little  
16           bit lower.   Like a step down.

17                  MR. HERMANCE:   This almost  
18           looks like it was added on, this  
19           smaller part, the lower roof.   It may  
20           be original.   I was just curious.

21                  Thank you.   That's all I have.

22                  CHAIRMAN SCALZO:   Very good.

23                  At this time I'm going to open  
24           it up to any members of the public  
25           that wish to speak about this

1           M A R K   &   C H R I S T Y   P U L E O

2           application, Majestic Court.  Is  
3           anyone here from the public that  
4           wishes to provide any testimony for  
5           this application?

6                         (No response.)

7           MS. JABLESNIK:  Nobody wants to  
8           come out on Christmas Eve eve.

9           CHAIRMAN SCALZO:  Nobody wants  
10          to come out on Christmas Eve eve.

11          Like I say, it's -- behind you  
12          is Mr. Ranson.  I think with this  
13          addition on there, any cars that come  
14          around the curve are going to block  
15          the lights from hitting the front of  
16          his house.  It might be a benefit to  
17          him.  I thought he'd be around.  He's  
18          been around here forever.

19                         I've got nothing else.

20          In this case I'm going to look  
21          to the Board for a motion to close  
22          the public hearing.

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

25                         MR. MARINO:  Second.

1           M A R K   &   C H R I S T Y   P U L E O

2                   CHAIRMAN SCALZO: We have a  
3           motion from Mr. Masten. We have a  
4           second from Mr. Marino.

5                   All in favor?

6                   MR. GRAMSTAD: Aye.

7                   MR. HERMANCENCE: Aye.

8                   MR. MARINO: Aye.

9                   MR. MASTEN: Aye.

10                  CHAIRMAN SCALZO: Aye.

11                  This is a Type 2 action under  
12           SEQRA. We're going to go through the  
13           variance criteria and discuss the  
14           five factors which we're weighing,  
15           the first one being whether or not  
16           the benefit can be achieved by other  
17           means feasible to the applicant.  
18           Obviously if they didn't do it, that  
19           would be another means. So no, they  
20           could not realize the benefit of what  
21           they're trying to do.

22                  The second, if there is an  
23           undesirable change in the  
24           neighborhood character or a detriment  
25           to nearby properties. I don't feel

1           M A R K   &   C H R I S T Y   P U L E O

2                   as though this would be.

3                   MR. GRAMSTAD:   No.

4                   MR. HERMANCE:   No.

5                   MR. MARINO:     No.

6                   MR. MASTEN:     No.

7                   CHAIRMAN SCALZO:   Because we  
8                   don't have any architectural or  
9                   anything in front of us, is your  
10                  intent to re-side your entire house  
11                  or match the current siding?

12                  MS. PULEO:   We are going to  
13                  match the current siding.

14                  CHAIRMAN SCALZO:   Okay.   The  
15                  third, whether the request is  
16                  substantial, which by the numbers and  
17                  percentages it is.   But you're also  
18                  plagued with a corner lot.

19                  Anyone else?

20                  (No response.)

21                  CHAIRMAN SCALZO:   Okay.   The  
22                  fourth, whether the request will have  
23                  adverse physical or environmental  
24                  effects.   Any adverse physical or  
25                  environmental effects during the

1           MARK & CHRISTY PULEO

2           construction itself would be  
3           mitigated by, you know, if you're  
4           going to have an erosion and sediment  
5           control plan for any excavation that  
6           you're doing, or whatever the case  
7           may be.

8                         And the fifth, whether the  
9           alleged difficulty is self-created,  
10          which of course it is. That's  
11          relevant but not necessarily  
12          determinative.

13                        So the Board, if we approve, we  
14          will grant the minimum variance  
15          necessary and may impose reasonable  
16          conditions.

17                        Having gone through the  
18          balancing tests, any final comments  
19          from the Board?

20                                 (No response.)

21                        CHAIRMAN SCALZO:  If not, then  
22          I'll look for a motion of some sort.

23                        MR. HERMANCE:  I'll make a  
24          motion to approve.

25                        MR. GRAMSTAD:  I'll second it.

1           M A R K   &   C H R I S T Y   P U L E O

2                   CHAIRMAN SCALZO: We have a  
3           motion to approve from Mr. Hermance.  
4           We have a second from Mr. Gramstad.  
5           Roll call on that, please.

6                   MS. JABLESNIK: Mr. Gramstad?

7                   MR. GRAMSTAD: Yes.

8                   MS. JABLESNIK: Mr. Hermance?

9                   MR. HERMANCE: Yes.

10                  MS. JABLESNIK: Mr. Marino?

11                  MR. MARINO: Yes.

12                  MS. JABLESNIK: Mr. Masten?

13                  MR. MASTEN: Yes.

14                  MS. JABLESNIK: Mr. Scalzo?

15                  CHAIRMAN SCALZO: Yes.

16                  The motion is carried. The  
17           variances are approved. Good luck.

18                  MS. PULEO: Thank you very  
19           much.

20                  MR. PULEO: Thank you very  
21           much.

22                  CHAIRMAN SCALZO: From here,  
23           obviously you'll contact the Building  
24           Department. Siobhan will help you  
25           out, and Mr. Mattina as well.

1           M A R K   &   C H R I S T Y   P U L E O

2                           MS. PULEO:   Thank you very  
3                   much.

4                           MR. PULEO:   Thank you.

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

6

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

8

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

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

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

19                   IN WITNESS WHEREOF, I have hereunto  
20           set my hand this 3rd day of January 2022.

21

22

23

24

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*Michelle Conero*

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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH ZONING BOARD OF APPEALS  
----- X  
In the Matter of

MARY PIETROGALLO  
1 Paddock Place, Newburgh  
Section 58; Block 4; Lot 16  
R-2 Zone

----- X

Date: December 23, 2021  
Time: 7:13 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
ROBERT GRAMSTAD  
GREGORY M. HERMANCE  
ANTHONY MARINO  
JOHN MASTEN

ALSO PRESENT: JOSEPH MATTINA  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVES: JONATHAN MILLEN

----- X

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

1 MARY PIETROGALLO

2 CHAIRMAN SCALZO: Our second  
3 applicant this evening is Mary  
4 Pietrogallo, 1 Paddock Place,  
5 Newburgh, seeking an area variance,  
6 which is a Planning Board referral,  
7 for a lot line change between parcels  
8 Section, block and Lot 58-4-2,  
9 58-4-15 and 58-4-16. Parcel C,  
10 58-4-16, requires a side yard  
11 variance, 13.6 feet exists where 30  
12 feet is required.

13 Mailings on that, Siobhan?

14 MS. JABLESNIK: This applicant  
15 sent out 33 letters.

16 CHAIRMAN SCALZO: Very good.

17 Mr. Millen, I know who you are.  
18 If you'd please state your name for  
19 the record, please, and then just go  
20 over with us what we're trying to do  
21 here.

22 MR. MILLEN: My name is  
23 Jonathan Millen. I'm a surveyor  
24 representing Mary Pietrogallo in this  
25 case here.

1 MARY PIETROGALLO

2 What we have here is there are  
3 no proposed improvements at all on  
4 this project. We have an existing  
5 situation. We have a house that's  
6 been there for over thirty years.  
7 Nothing has changed at all. If  
8 anything, we're making it more -- you  
9 know, more amenable to the zoning  
10 than it was before.

11 CHAIRMAN SCALZO: Mr. Millen, I  
12 agree with you. I passed this lot  
13 myself today. It looks like, I'll  
14 call it a cleanup of pre-existing  
15 conditions. I have zero comments on  
16 this application.

17 I'll look to Mr. Hermance. Do  
18 you have anything on this?

19 MR. HERMANCE: No, I don't.

20 CHAIRMAN SCALZO: Mr. Gramstad?

21 MR. GRAMSTAD: Nothing at all.

22 CHAIRMAN SCALZO: Mr. Masten?

23 MR. MASTEN: I have nothing.

24 CHAIRMAN SCALZO: Mr. Marino?

25 MR. MARINO: No.

1 MARY PIETROGALLO

2 CHAIRMAN SCALZO: All right.

3 At this point I'm going to open this  
4 up to any members of the public that  
5 wish to speak about this application.

6 Please, sir, step forward and  
7 introduce yourself. This is being  
8 recorded.

9 MR. McDERMOTT: I'm David  
10 McDermott. I live on Paddock Place.  
11 It used to be called Carriage Drive.  
12 The Town changed it and shifted my  
13 house around the corner. We are  
14 58-4-1 on the tax map.

15 Initially there was some oh, my  
16 goodness, what's going to happen  
17 here, because whoever drew up the  
18 maps put the wrong names and numbers  
19 on the wrong parcels. That appears  
20 to have been corrected.

21 I don't think there's any  
22 opposition to their application.

23 CHAIRMAN SCALZO: Sir, just so  
24 I'm clear, have you seen the maps  
25 that we're talking about here?

1 MARY PIETROGALLO

2 MR. McDERMOTT: Yes, I have.

3 CHAIRMAN SCALZO: Sir, are you  
4 on the --

5 MR. McDERMOTT: Yes. 58-4-1.

6 CHAIRMAN SCALZO: If you're  
7 facing these houses, you're one house  
8 to the right. Is that correct?

9 MR. McDERMOTT: No. I'm one  
10 house to the left.

11 CHAIRMAN SCALZO: So you are  
12 one of these two lots that's on the  
13 map.

14 MR. McDERMOTT: No. My parcel  
15 is no longer on that map. You see  
16 that skinny little blue thing?

17 CHAIRMAN SCALZO: You're  
18 Mr. Miller?

19 MR. McDERMOTT: No. McDermott.  
20 Carol McDermott owns the property.

21 CHAIRMAN SCALZO: Sir, could  
22 you step forward and point out to me  
23 on this map where you are?

24 MR. McDERMOTT: I should have  
25 brought my cane in.

1 MARY PIETROGALLO

2 CHAIRMAN SCALZO: You may not  
3 be on this map.

4 MR. McDERMOTT: Over here --

5 CHAIRMAN SCALZO: Okay.

6 MR. McDERMOTT: -- there's  
7 another house.

8 CHAIRMAN SCALZO: Very good.

9 MR. McDERMOTT: Okay. Wait a  
10 minute. Meadow Hill Road. Paddock  
11 Place. Carriage Drive comes down  
12 here.

13 CHAIRMAN SCALZO: Correct.

14 MR. McDERMOTT: I'm over here.

15 CHAIRMAN SCALZO: Very good.  
16 Okay. I just wanted to understand  
17 where you were, sir.

18 The way I read the map, this  
19 lot line change is not going to  
20 affect you at all.

21 MR. McDERMOTT: No, I don't  
22 think so.

23 CHAIRMAN SCALZO: Everything is  
24 going to remain exactly where it was  
25 as far as you're concerned. We have

1 MARY PIETROGALLO

2 a location map on that one.

3 Thank you.

4 MR. McDERMOTT: As I said,  
5 initially when this was proposed,  
6 they --

7 MR. MILLEN: This has nothing  
8 to do with what we're talking about.

9 MR. McDERMOTT: -- screwed up  
10 the numbers.

11 CHAIRMAN SCALZO: That's  
12 something that's going to be worked  
13 out somewhere other than at this  
14 Board meeting.

15 Thank you for the information  
16 on that. I do appreciate you  
17 educating me on this.

18 MR. McDERMOTT: There's no  
19 objection to this proposal. Just  
20 that it was screwed up in the  
21 beginning and it got people excited.

22 CHAIRMAN SCALZO: Okay. Thank  
23 you so much, sir, for your comments.  
24 They are certainly valuable.

25 Is there anyone else from the

1 MARY PIETROGALLO

2 public here to speak about this  
3 application?

4 (No response.)

5 CHAIRMAN SCALZO: It does not  
6 appear so.

7 I'll look to the Board for one  
8 last opportunity for comment.

9 MR. GRAMSTAD: No.

10 MR. HERMANCE: No.

11 MR. MARINO: No.

12 MR. MASTEN: No.

13 CHAIRMAN SCALZO: Very good.

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

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

18 MR. MARINO: Second.

19 CHAIRMAN SCALZO: We have a  
20 motion from Mr. Gramstad. We have a  
21 second from Mr. Marino.

22 All in favor?

23 MR. GRAMSTAD: Aye.

24 MR. HERMANCE: Aye.

25 MR. MARINO: Aye.

1 MARY PIETROGALLO

2 MR. MASTEN: Aye.

3 CHAIRMAN SCALZO: Aye.

4 This is also a Type 2 action  
5 under SEQRA. I'll discuss the five  
6 factors we're weighing, the first one  
7 being whether or not the benefit can  
8 be achieved by other means feasible  
9 to the applicant. For the benefit  
10 they're looking for it can't be  
11 achieved by other means.

12 No matter where you put that  
13 lot line, Mr. Millen, I believe  
14 there's going to be some side yard  
15 violation or variance required.  
16 Correct?

17 MR. MILLEN: That's correct.

18 CHAIRMAN SCALZO: That's what I  
19 assumed.

20 Second, whether there's an  
21 undesirable change in the  
22 neighborhood character or a detriment  
23 to nearby properties. That is going  
24 to be unchanged. There's going to be  
25 no noticeable difference. There are

1 MARY PIETROGALLO

2 no proposed improvements.

3 Third, whether the request is  
4 substantial. By the numbers it may  
5 be. However, whether the request is  
6 substantial, I don't believe so.

7 MR. GRAMSTAD: No.

8 CHAIRMAN SCALZO: The fourth,  
9 whether the request will have adverse  
10 physical or environmental effects.  
11 There will be no disturbance to  
12 anything.

13 And the fifth, whether the  
14 alleged difficulty is self-created.  
15 It doesn't sound that way because  
16 this was a pre-existing nonconforming  
17 condition.

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

21 MR. GRAMSTAD: I'll make a  
22 motion to approve the variance.

23 CHAIRMAN SCALZO: We have a  
24 motion for approval from Mr. Gramstad.

25 MR. MASTEN: I'll second it.

1 MARY PIETROGALLO

2 CHAIRMAN SCALZO: We have a  
3 second from Mr. Masten. Roll call on  
4 that, please.

5 MS. JABLESNIK: Mr. Gramstad?

6 MR. GRAMSTAD: Yes.

7 MS. JABLESNIK: Mr. Hermance?

8 MR. HERMANCE: Yes.

9 MS. JABLESNIK: Mr. Marino?

10 MR. MARINO: Yes.

11 MS. JABLESNIK: Mr. Masten?

12 MR. MASTEN: Yes.

13 MS. JABLESNIK: Mr. Scalzo?

14 CHAIRMAN SCALZO: Yes.

15 The variance is approved. Good  
16 luck. Thank you very much.

17

18 (Time noted: 7:20 p.m.)

19

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24

25

1 MARY PIETROGALLO

2

3

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 3rd day of January 2022.

18

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*Michelle Conero*

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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH ZONING BOARD OF APPEALS  
----- X  
In the Matter of

GAS LAND PETROLEUM, INC.  
42 South Plank Road, Newburgh  
Section 71; Block 2; Lot 11  
B Zone

----- X

Date: December 23, 2021  
Time: 7:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
ROBERT GRAMSTAD  
GREGORY M. HERMANCE  
ANTHONY MARINO  
JOHN MASTEN

ALSO PRESENT: JOSEPH MATTINA  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVES: CHRISTOPHER LAPINE

----- X

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

1           G A S   L A N D   P E T R O L E U M ,   I N C .

2                   CHAIRMAN SCALZO: Our final  
3           applicant for this evening, I'm going  
4           for a John McKelvey record here,  
5           which is held over from the  
6           November 23rd meeting, Gas Land  
7           Petroleum, Inc., which was a Planning  
8           Board referral as well, for area  
9           variances of the front yard to  
10          New York State Route 52, the setback  
11          to the intersection, parking in both  
12          front yards, minimum front yard  
13          setbacks for the canopy on Route 52  
14          and Fifth Avenue, and confirmation  
15          the underground fuel tanks meet the  
16          15-foot setback from the property  
17          line.

18                   We did not hear back from the  
19          County at the last meeting. The time  
20          has expired. I'm sure we heard from  
21          them anyway, and they probably  
22          recommended a Local determination.

23                   MS. JABLESNIK: They did.

24                   CHAIRMAN SCALZO: Great.

25                   So sir, I see you're back. You

1       G A S   L A N D   P E T R O L E U M ,   I N C .

2           did provide us with some additional  
3           information, as I had requested,  
4           showing the existing conditions  
5           overlaid on what we were looking at  
6           here.

7                       MR. LAPINE:   Chairman and  
8           Members of the Board, thank you for  
9           having me back again.

10                      You did ask us at our last  
11           Zoning Board meeting to provide you  
12           with a copy of the site plan with an  
13           overlay, or underlay shall I say, of  
14           where the existing building is with  
15           regard to the proposed building,  
16           which I did.

17                      Obviously I indicated at the  
18           last meeting there are no changes  
19           being proposed to the existing  
20           nonconformities, such as the canopy  
21           and the tank.

22                      What we were striving to  
23           discuss was the improvements  
24           associated with relocating the  
25           convenience store to the north on the

1       G A S   L A N D   P E T R O L E U M ,   I N C .

2               property.

3               As one can see from the plan  
4               that I gave you, there is the 50-foot  
5               yard setback along Route 52. There's  
6               a 40-foot setback along Fifth Avenue.  
7               The current building as shown in its  
8               location right now totally encroaches  
9               within the 40-foot setback out to  
10              Fifth Avenue and the 50-foot setback  
11              to Route 52. The location and  
12              alignment of the new building thus  
13              far shows that we do not encroach any  
14              longer within the setback to Fifth  
15              Avenue and we further reduced the  
16              setback onto Route 52.

17              Once again, I reiterate we're  
18              not making any changes to the canopy  
19              or the underground tanks, so they  
20              will continue to be nonconforming in  
21              terms of their setbacks.

22              And just to give you the brief  
23              history again, the site was built in  
24              1975. It was previously a legal  
25              existing nonconforming use in a

1       G A S   L A N D   P E T R O L E U M ,   I N C .

2           Residential District. The applicant  
3           has tried to improve the property for  
4           years but did not have the benefit  
5           because he was in a Residential  
6           District. They had the opportunity  
7           in October of 2020 when the Town  
8           approved the rezoning of the property  
9           to a Business District. The  
10          nonconformities that we're referring  
11          to are a result of that rezoning.  
12          We're not increasing those  
13          nonconformities as it relates to the  
14          canopy, as it relates to the setback  
15          from the intersection, as it relates  
16          to the underground tanks from the  
17          property line.

18                 As it relates to parking within  
19          the front yard setbacks, there is  
20          some parking already within the front  
21          yard setbacks. We're going to  
22          continue to do that. As I discussed  
23          at the last meeting, we are slightly  
24          increasing that nonconformity. I  
25          wanted to be upfront about that.

1       G A S   L A N D   P E T R O L E U M ,   I N C .

2               We're going from 7 feet down to 4.5  
3               feet where you're required to be at  
4               least 10 feet off the property line.

5               As we discussed, right now  
6               there is no direction of traffic  
7               along Fifth Avenue. We have an open  
8               side of pavement that you could have  
9               numerous cars either ingressing or  
10              egressing at the same time. We're  
11              trying to create a channelized  
12              approach. We're bringing cars to one  
13              point or another where they can  
14              access onto and off of Fifth Avenue.

15              It also provided us the  
16              opportunity to change that alignment  
17              to provide more uniform parking along  
18              the front of the building with  
19              adequate space for backing up where  
20              you have cars that may be cueing at  
21              the onsite pumps.

22              I know we did have some members  
23              of the public at the last meeting.  
24              Following our last meeting I spent  
25              maybe about an hour out there with

1       G A S   L A N D   P E T R O L E U M ,   I N C .

2           them.  You made it very clear that a  
3           number of their comments were under  
4           the purview of the Planning Board,  
5           but I do want to share with the Board  
6           that I did take into account some of  
7           the requested changes they had asked  
8           for.  We talked about it a little bit  
9           here.

10                    On the east side of the  
11           facility, completely closing off any  
12           access on the west side, we put in  
13           this fencing over here.

14                    There was a request from some  
15           neighbors to create more of a  
16           coniferous type vegetation in the  
17           rear for the screening, less hard  
18           woods because leaves fly and  
19           sometimes onto other people's  
20           property.  So we did address that.

21                    There was, just so you're  
22           aware, one individual that was asking  
23           why aren't you continuing the fence  
24           along your property line here.  I did  
25           explain to him we're more than

1           G A S   L A N D   P E T R O L E U M ,   I N C .

2           willing to do that but then you're  
3           going to lose your parking because  
4           you currently encroach on our  
5           property.

6                         CHAIRMAN SCALZO:   The  
7           encroaching neighbor asked why you  
8           didn't have fencing along the  
9           property line.

10                        MR. LAPINE:   He acquiesced and  
11           acknowledged that he did like the  
12           fencing layout that was proposed  
13           since we're not going to remove his  
14           parking.

15                        We talked a little bit about  
16           the concern, once again, of the  
17           neighboring property that we just  
18           spoke about, that this fence would  
19           prohibit any trash that may be  
20           deposited by patrons of this facility  
21           from going onto his property.   I said  
22           it's highly unlikely that with an  
23           inch or two gap on the bottom that  
24           you're going to have the cans or  
25           papers flying over them.

1           G A S   L A N D   P E T R O L E U M ,   I N C .

2                   CHAIRMAN SCALZO:   Or people  
3           climbing underneath them.

4                   MR. LAPINE:   Correct.

5                   Once again, I acknowledged all  
6           the bathrooms will be accessed  
7           internally with the neighbors.

8                   As it relates to the current  
9           operation of the refuse enclosure,  
10          one of their concerns was at times  
11          the tops of these enclosures are  
12          lifted up and they're not put back  
13          down. I conveyed that to the owner  
14          of the facility. He conveyed that to  
15          the operator of the facility. I said  
16          that is the best that I can do. Me  
17          personally, I can't monitor that on a  
18          daily basis. It's been commented to  
19          the operator.

20                  The other concern was about the  
21          clientele that continue to come to  
22          the back of the building.

23                  CHAIRMAN SCALZO:   That's an  
24          enforcement issue. We understand  
25          that. It's out of your control.

1           G A S   L A N D   P E T R O L E U M ,   I N C .

2                   MR. LAPINE:  Yes.  So you're  
3           more than welcome to enforce it.  I  
4           guess that's all I can say to that.

5                   Part of the overall arching  
6           theme of this is the owner  
7           acknowledges that there's an issue.  
8           That's why we're here.  So we're  
9           trying to clean this up.

10                   I told them, obviously, to come  
11           back on the evening of Festivus if  
12           they selected to, but they don't have  
13           the opportunity during the Planning  
14           Board to issue other comments with  
15           us.

16                   So I just wanted to let you  
17           know I did spend the time with them.  
18           I did take their comments into  
19           consideration.  We're going to  
20           continue to work with them during the  
21           Planning Board as well.

22                   I think as you had requested,  
23           you can really see that this  
24           relocated building is improving the  
25           setbacks that we had discussed.

1           G A S   L A N D   P E T R O L E U M ,   I N C .

2                       These other nonconformities,  
3                       they're existing nonconformities, but  
4                       we're just trying to legalize them in  
5                       a sense of a variance perspective  
6                       because we're redeveloping the site  
7                       now.

8                       CHAIRMAN SCALZO:   Very good.

9                       My only question was with  
10                      regard to the parking that's within  
11                      the 3.5 feet of the property line.  
12                      That is protected by curbing;  
13                      correct?

14                     MR. LAPINE:   You're correct.

15                     CHAIRMAN SCALZO:   From Fifth  
16                     Avenue?

17                     MR. LAPINE:   Yes.   We have  
18                     curbing and we have landscaping along  
19                     there as well.

20                     CHAIRMAN SCALZO:   Okay.   Quite  
21                     honestly, I think it's a wonderful  
22                     plan.

23                     Something that's not related to  
24                     what we're talking about here today,  
25                     but the encroaching neighbor that

1       G A S   L A N D   P E T R O L E U M ,   I N C .

2           you're being so kind as to leave his  
3           driveway in place and fence around  
4           it, you probably should at least look  
5           to a license agreement for him to be  
6           able to do that to protect yourself.

7           MR. LAPINE: Understood.

8           CHAIRMAN SCALZO: That's  
9           between you and those folks. I'm  
10          just throwing that out there. That  
11          has nothing to do with what we're  
12          here for.

13          I have no comments. Like I  
14          say, as you had mentioned, 3.5 feet  
15          will be protected by curbing,  
16          therefore any traffic that's coming  
17          down Fifth Avenue wouldn't have the  
18          opportunity, or at least it would be  
19          a little more difficult to fit the  
20          vehicles in those two parking spaces  
21          you're proposing parallel with Fifth  
22          Avenue.

23          I think it's a great plan. I  
24          think it's going to really delineate  
25          the flow. I know the street. This

1       G A S   L A N D   P E T R O L E U M ,   I N C .

2           is where I get my gas. It's going to  
3           really make people follow what's  
4           going on, because right now it's not  
5           that. I think the plan is certainly  
6           an improvement for the area.

7           MR. LAPINE: Thank you. I  
8           appreciate that.

9           CHAIRMAN SCALZO: That's just  
10          me.

11          Now I'm going to move over to  
12          Mr. Hermance and ask if he has any  
13          questions?

14          MR. HERMANCE: No. I think the  
15          improvements that you've made are  
16          really going to help out the neighbor  
17          behind you. That was good to see.

18          Other than that, I have no  
19          comments.

20          CHAIRMAN SCALZO: Over by the  
21          garbage collection area, that's going  
22          to be a gate where that 10-foot  
23          section is?

24          MR. LAPINE: Correct.

25          CHAIRMAN SCALZO: It's lovely

1           G A S   L A N D   P E T R O L E U M ,   I N C .

2           that you're going to put in the  
3           landscaping to help Mr. Soukup, but  
4           you have to have a way to get in  
5           there to cut the grass.

6                   MR. LAPINE: We didn't change  
7           it. It's going to be a masonry wall.  
8           The siding of it or the stucco  
9           appearance will match that of the  
10          building. It's enclosed with the  
11          gate in the front. He did not object  
12          to that.

13                   CHAIRMAN SCALZO: He lives in a  
14          difficult spot, but he shouldn't be  
15          subject to -- and it's not you, but I  
16          appreciate that you've made  
17          provisions in your plan to at least  
18          help him.

19                   MR. LAPINE: Quite honestly, I  
20          was shocked at first when he said I  
21          want the fence to go straight. I was  
22          like I don't really think you want  
23          that.

24                   CHAIRMAN SCALZO: Very good.  
25          Mr. Gramstad, do you have any

1       G A S   L A N D   P E T R O L E U M ,   I N C .

2                comments on this?

3                MR. GRAMSTAD:  None at all.

4                CHAIRMAN SCALZO:  Mr. Masten?

5                MR. MASTEN:  I have nothing.

6                CHAIRMAN SCALZO:  Mr. Marino?

7                MR. MARINO:  Just one question  
8                for my own information.  You're going  
9                to tear down the building that's  
10               there now?

11               MR. LAPINE:  Yes.

12               MR. MARINO:  And put a new one  
13               in the same location?

14               MR. LAPINE:  No.

15               CHAIRMAN SCALZO:  Tony, it's  
16               difficult to see on the site plan.  I  
17               had to look hard.  It is there.

18               Please walk over to Mr. Marino.  
19               If you could, open up your site plan  
20               and bring it right over there and  
21               show him the dashed lines.

22               MR. LAPINE:  Here's the  
23               proposed building.  Here's the  
24               existing building.

25               This is what I was referring

1           G A S   L A N D   P E T R O L E U M ,   I N C .

2           to, this encroachment and the setback  
3           now on Fifth Avenue. This is the  
4           encroachment and setback on Route 52.  
5           We've eliminated this encroachment  
6           along Fifth Avenue and we've  
7           minimized this encroachment. We're  
8           down to 41.3 where I think this was  
9           47 feet.

10                  MR. MARINO: Okay. Thank you.

11                  CHAIRMAN SCALZO: Mr. Marino?

12                  MR. MARINO: I'm good.

13                  CHAIRMAN SCALZO: I appreciate  
14           you pointing that out for Mr. Marino.

15                  Do any members of the public  
16           wish to speak about this application?

17                  (No response.)

18                  CHAIRMAN SCALZO: So in this  
19           case I'll look to the Members of the  
20           Board for a motion to close the  
21           public hearing.

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

24                  MR. GRAMSTAD: I'll second it.

25                  CHAIRMAN SCALZO: We have a

1       G A S   L A N D   P E T R O L E U M ,   I N C .

2               motion from Mr. Masten. We have a  
3               second from Mr. Gramstad. All in  
4               favor?

5                       MR. GRAMSTAD: Aye.

6                       MR. HERMANCENCE: Aye.

7                       MR. MARINO: Aye.

8                       MR. MASTEN: Aye.

9                       CHAIRMAN SCALZO: Aye.

10                      The Planning Board is treating  
11                      this as a Type 2 action under SEQRA,  
12                      so we are going to maintain that.

13                      We'll discuss the five factors  
14                      again, the first one being whether or  
15                      not the benefit can be achieved by  
16                      other means feasible to the applicant.  
17                      The benefit cannot be achieved by  
18                      other means. The canopy and the  
19                      parking, it could be moved, but I  
20                      think the benefit of the parking  
21                      outweighs that.

22                      The second, if there's an  
23                      undesirable change in the  
24                      neighborhood character or a detriment  
25                      to nearby properties. I believe

1       G A S   L A N D   P E T R O L E U M ,   I N C .

2               quite the opposite is going to occur  
3               here. I believe it's going to be a  
4               desirable change and a benefit to  
5               nearby properties.

6               The third, whether the request  
7               is substantial. In the grand scheme  
8               of things, the canopy pre-existing,  
9               tanks pre-existing, I don't believe  
10              the request is substantial.

11              Fourth, whether the request  
12              will have adverse physical or  
13              environmental effects.

14              MR. GRAMSTAD: No.

15              MR. HERMANCE: No.

16              MR. MARINO: No.

17              MR. MASTEN: No.

18              CHAIRMAN SCALZO: I don't  
19              believe so.

20              The fifth, whether the alleged  
21              difficulty is self-created which is  
22              relevant but not determinative. Of  
23              course it's self-created. However,  
24              the benefit is going to far outweigh  
25              what's currently there.



1       G A S   L A N D   P E T R O L E U M ,   I N C .

2               your time here.

3                       MR. LAPINE: Thank you very  
4               much. Have a merry Christmas.

5

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

7

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

9

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

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

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

20                       IN WITNESS WHEREOF, I have hereunto  
21               set my hand this 3rd day of January 2022.

22

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*Michelle Conero*

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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH ZONING BOARD OF APPEALS  
----- X  
In the Matter of

BOARD BUSINESS

- Approval of the ZBA meeting schedule for 2022
- Deferral of the approval of the stenographic minutes for the ZBA meetings held in October 2021 and November 2021

----- X

Date: December 23, 2021  
Time: 7:35 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
ROBERT GRAMSTAD  
GREGORY M. HERMANCE  
ANTHONY MARINO  
JOHN MASTEN

ALSO PRESENT: JOSEPH MATTINA  
SIOBHAN JABLESNIK

----- X

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

1           B O A R D   B U S I N E S S

2                   CHAIRMAN SCALZO:  Other Board  
3           Business.  We have approval of the  
4           2022 ZBA meeting dates.  You folks  
5           have in your package the meeting  
6           schedule proposed for 2022.

7                   The only one that I will call  
8           to your attention is November 22nd  
9           which is a Tuesday because we can't  
10          meet on Thanksgiving.  We could, but  
11          we would have nobody here.  We  
12          wouldn't have a quorum.

13                  So I'll ask for a motion to  
14          approve the meeting schedule for  
15          2022.

16                  MR. MASTEN:  I'll make a motion  
17          that we approve next year's schedule.

18                  CHAIRMAN SCALZO:  I have a  
19          motion from Mr. Masten.  I had a nod  
20          from Mr. Gramstad.

21                  All in favor?

22                  MR. GRAMSTAD:  Aye.

23                  MR. HERMANCE:  Aye.

24                  MR. MARINO:  Aye.

25                  MR. MASTEN:  Aye.

1 BOARD BUSINESS

2 CHAIRMAN SCALZO: Aye.

3 I have not had a chance to read  
4 the meeting minutes, but if you folks  
5 have, I will abstain from voting.  
6 The only thing that we have left to  
7 discuss would be the approval of  
8 meeting minutes for previous  
9 meetings. I haven't read them. I'm  
10 sorry.

11 MR. GRAMSTAD: I did a little  
12 bit. Not a lot.

13 CHAIRMAN SCALZO: Okay. So it  
14 sounds to me as though we're going to  
15 defer the approval of meeting minutes  
16 to the January 2022 meeting.

17 All in favor?

18 MR. GRAMSTAD: Aye.

19 MR. HERMANCE: Aye.

20 MR. MARINO: Aye.

21 MR. MASTEN: Aye.

22 CHAIRMAN SCALZO: Aye.

23 I guess that means I made the  
24 motion for that.

25 Can I have a motion for the

1        B O A R D   B U S I N E S S

2                meeting adjournment?

3                MR. MASTEN: I'll make a motion  
4                to adjourn the meeting.

5                CHAIRMAN SCALZO: I'll second  
6                it.

7                All in favor?

8                MR. GRAMSTAD: Aye.

9                MR. HERMANCE: Aye.

10               MR. MARINO: Aye.

11               MR. MASTEN: Aye.

12               CHAIRMAN SCALZO: Aye.

13               Opposed?

14               (No response.)

15

16               (Time noted: 7:38 p.m.)

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BOARD BUSINESS

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 January 2022.

*Michelle Conero*  
\_\_\_\_\_  
MICHELLE CONERO