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

----- X

In the Matter of

CONFIDENT PROPERTIES

82 Route 17K, Newburgh
Section 95; Block 1; Lot 21
IB Zone

----- X

Date: December 26, 2019
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: DARRIN SCALZO, Chairman
JOHN MCKELVEY
RICHARD LEVIN
JOHN MASTEN
ANTHONY MARINO
DARRELL BELL
PETER OLYMPIA

ALSO PRESENT: DAVID DONOVAN, ESQ.
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: LIJO JOHN

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN SCALZO: I'd like to call the meeting of the ZBA to order.

The first order of business are the public hearings scheduled for this evening. 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. After all of the public hearings have been completed the Board may adjourn to confer with Counsel regarding any legal questions it may have. The Board will then consider the applications in the order heard and will try to render a decision this evening but may take up to 62 days to reach a determination.

I would ask that if you have a cell phone, to please turn it off or put it on silent. And when speaking, speak directly into the microphone as it is being recorded.

Roll call, please.

MS. JABLESNIK: Darrell Bell.

MR. BELL: Present.

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MS. JABLESNIK: Richard Levin.

MR. LEVIN: Present.

MS. JABLESNIK: Anthony Marino.

MR. MARINO: Here.

MS. JABLESNIK: John Masten.

MR. MASTEN: Here.

MS. JABLESNIK: John McKelvey.

MR. MCKELVEY: Present.

MS. JABLESNIK: Peter Olympia.

MR. OLYMPIA: Here.

MS. JABLESNIK: Darrin Scalzo.

CHAIRMAN SCALZO: Here.

MS. JABLESNIK: And also present is our
Attorney, David Donovan.

CHAIRMAN SCALZO: If we could all
please rise for the Pledge.

(Pledge of Allegiance.)

CHAIRMAN SCALZO: Okay. Before we
begin I would like to let any members of the
public that are here know that we are obliged by
position to go and visit every one of these
properties, so we are all personally familiar
with what we're going to be talking about
tonight.

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Therefore, we are going to move on to our first applicant. The first applicant this evening is Confident Properties, 82 Route 17K, Newburgh, in an IB Zone. They're seeking an area variance to reface an existing nonconforming sign located on Route 300 for the property on 17K, the Orange Hill Global Bistro, formerly known as the Neptune Diner.

Siobhan, mailings?

MS. JABLESNIK: This applicant sent out 11 mailings. They also were sent to the County and we haven't received notification back yet. For any them that are new tonight we haven't.

CHAIRMAN SCALZO: Is there anyone here from Confident Properties to speak about the application?

Step forward, please. Would you introduce yourself, please?

MR. JOHN: My name is Lijo John. We own the property which is located on Route 17K, Newburgh. We have an existing sign that's been there for many years I heard from people, the last 35 years, as the Neptune Diner. We bought the property and we wish to have the same sign

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for our new business which helps us with more traffic.

CHAIRMAN SCALZO: Very good. You know what, I've lived here all my life. I've driven past there I can't tell you how many times. Until I went to go look for that sign I didn't realize it was there.

I don't know if you heard Siobhan mention that these were sent out to the County. General Municipal Law 239 requires the County to weigh in with their opinion on this. They have not, therefore we can not close the public hearing this evening. However, you know, if you'd like to present any more at this point.

I'll open it to the Members of the Board for any questions they may have. Mr. Bell?

MR. BELL: None.

CHAIRMAN SCALZO: Mr. Olympia?

MR. OLYMPIA: Yes. The sight distance where the sign currently stands, if you look to your left and you're turning to your left, you can not see oncoming traffic. Is it possible to move that sign back a little bit? Maybe like 10 feet? You sit right there. As you come out onto

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17K you can not see the traffic. The sign is right there.

MR. JOHN: This is on 300.

CHAIRMAN SCALZO: This is the one that's on 300.

MR. OLYMPIA: 300 rather. The sign is right there.

CHAIRMAN SCALZO: It's up on the hill to the right.

MR. BELL: It's on the hill to the right.

CHAIRMAN SCALZO: Like I say, until --

MR. BELL: It's across from Lowe's.

MR. OLYMPIA: Not the big one?

CHAIRMAN SCALZO: That's not the one that we're here for.

MR. JOHN: We're here for the one on 300.

CHAIRMAN SCALZO: We're here for the one on 300 that's just before the gas station.

MR. JOHN: Right.

CHAIRMAN SCALZO: The sign is here. The gas station is here. The actual restaurant is up here on 17K.

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MR. OLYMPIA: You're right. You're right.

CHAIRMAN SCALZO: So that's the one that we're looking at down here.

MR. OLYMPIA: You can not see the traffic coming. If you're turning left or if you're turning out of that exit you can not see the traffic.

CHAIRMAN SCALZO: As luck would have it, the public hearing is going to have to remain open, so you can go ahead and find the real sign.

MR. OLYMPIA: I'll go back.

CHAIRMAN SCALZO: Mr. Levin, do you have any comments on the real sign?

MR. LEVIN: I do not.

CHAIRMAN SCALZO: Not at this time.

MR. LEVIN: That sign doesn't have -- it's just the frame?

MR. BELL: It's just the frame.

MR. LEVIN: You don't have anything in there?

MR. JOHN: Yeah, because we have to get the permit from the DOT, like the New York State --

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MR. DONOVAN: To fill in the frame?

MR. JOHN: Yes. To get the work done on it.

MR. DONOVAN: That's the one he's talking about.

MR. JOHN: We got the permit now. We got the permit but we have to get the approval from the permit engineer for Newburgh.

MR. DONOVAN: Zibby.

MR. JOHN: Yeah. I already talked to her but she's on vacation. She'll be back next week.

CHAIRMAN SCALZO: Very good.

MR. JOHN: We're going to replace it but we have to get the permits. They have the specs on it like we have shown on the boards. As you said, there's like a -- we have to show them the boards. It's a violation -- I mean it's not a violation. It's like the board is too long and to get the views as you explained. So we have to shorten the board. We're working on it.

CHAIRMAN SCALZO: Very good. Thank you.

Again, apparently the sign the other

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Board Members are referencing is not in violation.

MR. JOHN: It's not in violation.

CHAIRMAN SCALZO: Code Compliance put a note on it to us.

Mr. Masten, anything?

MR. MASTEN: Not at this time, Darrin.

CHAIRMAN SCALZO: Mr. Marino?

MR. MARINO: I'm good.

CHAIRMAN SCALZO: No. And as I say, the County has not weighed in, therefore I'll look to the Board for a motion to keep the public hearing open.

MR. McKELVEY: I'll make that motion.

MR. MASTEN: I'll second it.

CHAIRMAN SCALZO: Very good. We have a motion from Mr. McKelvey, a second from Mr. Masten to keep the public hearing open until January -- the January date.

Siobhan, which is what.

MS. JABLESNIK: The 23rd.

CHAIRMAN SCALZO: The 23rd.

Roll call on that.

MS. JABLESNIK: Mr. Bell?

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MR. BELL: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The public hearing will remain open.

We'll see you back here in January.

(Time noted: 7:08 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 7th day of January 2020.

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

JENNIFER FALLONE (MACK)

7 Smith Avenue, Walden
Section 32; Block 7; Lot 4
R-1 Zone

----- X

Date: December 26, 2019
Time: 7:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: DARRIN SCALZO, Chairman
JOHN MCKELVEY
RICHARD LEVIN
JOHN MASTEN
ANTHONY MARINO
DARRELL BELL
PETER OLYMPIA

ALSO PRESENT: DAVID DONOVAN, ESQ.
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: DEBORAH MACK

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

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JENNIFER FALLONE (MACK)

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CHAIRMAN SCALZO: We've got quite a bit on the agenda this evening so we're going to try to roll.

Our second applicant this evening is Jennifer Fallone (Mack), 7 Smith Avenue in Walden, seeking an area variance to increase the degree of nonconformity and keep an enclosed porch built without permit with a side yard setback of 0 where 30 is required and a front yard setback of 23 feet where 50 is required.

Siobhan, mailings?

MS. JABLESNIK: 20 mailings. The County as well.

CHAIRMAN SCALZO: The County. We haven't heard back from the County on that either. Good grief.

You just heard me tell the previous applicant the whole story on that. Please introduce yourself, let us know why you're here. We know why you're here but we want to hear it out of you.

MS. MACK: Okay. I'm Deborah Bloom. My current name is Mack.

I currently have a contract for sale on

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JENNIFER FALLONE (MACK)

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this house. I'm trying to sell it. I was told by the buyer's home inspector that I needed to get a building permit and a CO -- that's how this whole thing started -- on an enclosed front porch. That was denied and this is where the variance came in.

 However, I had a FOIL request done -- I'm just curious because all of this information -- this was an existing room prior to me purchasing the home in 2008. Looking at my title search, it's saying it was an existing room that was part of the original structure. Does that play into this whole variance because it's on an original structure of the house?

 CHAIRMAN SCALZO: You could very well be preexisting nonconforming. As to what would happen, the home right next to yours we gave a variance to last year. The porch was extended or they rebuilt their porch. The same footprint. They came in front of us as well. Unfortunately it may have been there. It may even predate zoning.

 MS. MACK: In 1956 it's saying, so yeah.

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JENNIFER FALLONE (MACK)

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CHAIRMAN SCALZO: I don't make the rules, we just enforce them.

MS. MACK: Okay. I'm trying to understand the whole thing, how this whole thing came about.

MR. DONOVAN: Just from a procedural point of view, this Board is called an appellate board.

MS. MACK: Right.

MR. DONOVAN: Code Compliance denied your application, they say you need a variance.

MS. MACK: Okay.

MR. DONOVAN: You could go back to them and say I came up with this information and maybe they would revisit it.

MS. MACK: Okay.

MR. DONOVAN: This Board can't do anything relative to that issue.

MS. MACK: Okay.

MR. DONOVAN: We can either overturn Code Compliance and issue a variance or sustain Code Compliance. I think the Chairman has indicated to you that's not likely to happen. I don't know when your closing is anticipated.

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JENNIFER FALLONE (MACK)

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This Board is not going to meet again until January 26th to discuss the issue. I don't know what Code Compliance may or may not have. You're here this evening but there's nothing to prevent you from contacting them to discuss what you found.

MS. MACK: Okay. Okay. In the meantime, though --

CHAIRMAN SCALZO: In the meantime I'm still going to poll the Board and ask the public if they have any comments regarding this.

As I said just before, the house directly next to you, to the right-hand side, was here last year, year-and-a-half and they -- you can look at the meeting minutes, they're all online, they were granted their variance. It's just if it's not out of character with the neighborhood, obviously because it's been there --

MS. MACK: A hundred years.

CHAIRMAN SCALZO: Sure.

So at this point I'm going to ask any Members of the Board if they have any comments on this. Mr. Bell?

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MR. BELL: None.

CHAIRMAN SCALZO: Mr. Olympia?

MR. OLYMPIA: No.

CHAIRMAN SCALZO: Mr. McKelvey?

MR. MCKELVEY: No.

CHAIRMAN SCALZO: Mr. Levin?

MR. LEVIN: When did you buy the home?

MS. MACK: 2008. July of 2008.

CHAIRMAN SCALZO: Mr. Masten?

MR. MASTEN: No.

CHAIRMAN SCALZO: Mr. Marino?

MR. MARINO: No.

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

(No response.)

CHAIRMAN SCALZO: Hearing none, I'll look to the Board for a motion to keep the public hearing open until the January meeting.

MR. MASTEN: I'll make a motion to keep it open until the January meeting.

MR. MARINO: Second.

CHAIRMAN SCALZO: Thank you, Dave. We have a motion from Mr. Masten. We have a second

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JENNIFER FALLONE (MACK)

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from Mr. Marino. Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The public hearing will remain open.

MS. MACK: Thank you.

(Time noted: 7:13 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 7th day of January 2020.

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

NORTHERN ENTERPRISE NY

153 South Plank Road, Newburgh
Section 67; Block 1; Lot 1
R-3 Zone

----- X

Date: December 26, 2019
Time: 7:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: DARRIN SCALZO, Chairman
JOHN MCKELVEY
RICHARD LEVIN
JOHN MASTEN
ANTHONY MARINO
DARRELL BELL
PETER OLYMPIA

ALSO PRESENT: DAVID DONOVAN, ESQ.
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: MARISSA WEISS

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN SCALZO: Our next applicant this evening is Northern Enterprise New York, 156 South Plank Road, Newburgh, seeking an area variance to keep a second floor addition, an enclosed porch and two decks, increasing the degree of nonconformity of the side yard with an existing 9 feet where 15 feet is required and combined side yards of 31.2 where 30 is required.

Siobhan, mailings?

MS. JABLESNIK: This applicant sent out 19 mailings. It went to the County as well.

CHAIRMAN SCALZO: We haven't heard back?

MS. JABLESNIK: No.

CHAIRMAN SCALZO: Okay. Do we have anyone here representing Northern Enterprise New York?

MS. WEISS: I'm Marissa Weiss of Jacobowitz & Gubits here for the applicant this evening.

So this is in an R-3 Zone. There are several properties owned by this client within the Town of Newburgh. This is for 153 South Plank.

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The purchase of this property was via foreclosure in the past year. Basically they've inherited all the problems that we've requested variances for tonight. They're just trying to make some improvements to the property. There are some issues with head space which I talked to Mr. Mattina about and he suggested that we obtain these variances before we move forward and attain a proper building permit.

I think when you read through the agenda, there might be a typo. It doesn't make sense, right?

CHAIRMAN SCALZO: It didn't read well. The 31.2 where 30 is required. It sounds like it's good but --

MS. WEISS: Exactly. It sounds like we're conforming and we're not.

So the area variance that we're here for tonight, there's two technically but they're both related to one another. All of those items that you read through previously, they were put on the property prior to the purchase and they all were constructed without a building permit. That includes a floor addition, enclosed porch,

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2 two decks. The real issue is the rear deck which
3 was added to the property and actually increased
4 the degree of nonconformity for the side yard
5 setback. There should be 15 feet on each side.
6 There was existing -- prior to the construction
7 of that deck there was 9 feet, so it was already
8 outside of that conformity with the bulk table
9 for the R-3 Zone. Adding that to it it further
10 increased the nonconformity. And then the second
11 addition was built, et cetera, which is why we're
12 before you this evening.

13 The existing side yard setback at this
14 point for the combined which would need to be 30
15 feet is at 26.4. It is a small setback variance
16 that we would require, 3.6 feet.

17 In relation to the rest of the
18 property, it's about 15,000 square feet, a little
19 bit over that. We do believe that's de minimis
20 in comparison to the rest of the property.

21 The second part of the variance that
22 we're requesting tonight -- it's technically two
23 different ones but they're related, as I said
24 before -- is increasing the degree of
25 nonconformity prohibition that we talked about

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previously. That essentially -- how Mr. Mattina raised it to me is because there's a second addition created which goes off of the decks that were added to the back, that second addition is technically not allowed because it increased the size and the nonconformity as related to the previous nonconformity of the setbacks. So there are multiple levels of nonconformity going on.

In order to properly put improvements interiorly and also anything else that would need to happen that would require a building permit, we're here before you this evening to ask for those two variances, to permit the decks and the rear porch as well as the second floor addition to remain.

CHAIRMAN SCALZO: Thank you. Have you been to the property?

MS. WEISS: Yes.

CHAIRMAN SCALZO: Okay. As were we. From what we saw is anything going to get bigger than what we're already seeing?

MS. WEISS: No. The footprint is not going to increase at all. It's in line with the way the neighborhood already exists. There's

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going to be really no change whatsoever to the existing environment or what it looks like for the general neighborhood.

CHAIRMAN SCALZO: Correct. The only neighbor that really may have an issue would be the owner to the east or south. It has wetlands next to you.

MS. WEISS: Correct.

CHAIRMAN SCALZO: I have no questions. Mr. Marino, anything?

MR. MARINO: The owner that you're referring to that bought the property, these additions were already in place?

MS. WEISS: Yes.

MR. MARINO: Totally?

MS. WEISS: Yes.

MR. MARINO: And he knew that?

MS. WEISS: Yes.

MR. MARINO: And he knew that if he wanted to do anything else he would need variances to get permission to do it?

MS. WEISS: I'm not sure he understood exactly what that entailed. But yes, he did know that he needed to go through the procedural steps

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to go forward.

MR. MARINO: The house now is not occupied? He just wants to sell it?

MS. WEISS: Yes.

MR. LEVIN: Why didn't you advise him to seek counsel before he bought the building?

MS. WEISS: I do think he was represented by someone. There were misunderstandings about what exactly was needed. This isn't a very intense variance that he needs, so it shouldn't prevent him from hopefully coming before this Board and seeing those variances and moving forward with Mr. Mattina.

CHAIRMAN SCALZO: Mr. McKelvey?

MR. MCKELVEY: No.

CHAIRMAN SCALZO: Mr. Olympia?

MR. OLYMPIA: Do you need a variance for the garage?

CHAIRMAN SCALZO: No. Accessories are 5 feet. He's 5.3.

MS. WEISS: Just made it.

MR. BELL: He did.

MR. DONOVAN: If it was connected it would be different.

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MR. BELL: It's detached.

CHAIRMAN SCALZO: Mr. Bell?

MR. BELL: No.

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

(No response.)

CHAIRMAN SCALZO: Hearing none, I'll look to the Board. I'll ask the Board for a motion to maintain the public hearing open until the January date.

MR. OLYMPIA: I will make the motion.

MR. McKELVEY: I'll second it.

CHAIRMAN SCALZO: We have a motion from Mr. Olympia. We have a second from Mr. McKelvey. Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

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MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The public hearing will remain open.

We'll see you in January.

MS. WEISS: Okay. One quick question.

It's been over 30 days; correct? We originally tried to go for November but it didn't work out.

MS. JABLESNIK: So you submitted the application itself well before 30 days but then the posting and everything has to go, too. That was almost to the date. Everything has to go.

MS. WEISS: Okay. Thank you.

CHAIRMAN SCALZO: See you in January.

(Time noted: 7:20 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 7th day of January 2020.

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

WILLIAM PELLINO

114 Foxwood Drive South, Newburgh
Section 16; Block 1; Lot 18
RR Zone

----- X

Date: December 26, 2019
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: DARRIN SCALZO, Chairman
JOHN MCKELVEY
RICHARD LEVIN
JOHN MASTEN
ANTHONY MARINO
DARRELL BELL
PETER OLYMPIA

ALSO PRESENT: DAVID DONOVAN, ESQ.
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: WILLIAM PELLINO

----- X

MICHELLE L. CONERO
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56 North Plank Road, Suite 1
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WILLIAM PELLINO

31

CHAIRMAN SCALZO: Next on the agenda is William Pellino, 114 Foxwood Drive South, seeking an area variance to increase the degree of nonconformity by extending the existing 10 by 10 rear deck to a 12 by 23 deck.

Siobhan, mailings?

MS. JABLESNIK: This applicant sent out 22 mailings. He did not have to go to the County.

CHAIRMAN SCALZO: Excellent. So we can take care of you tonight if we can get through it.

I was at the site today. You have a lot of work going on there.

The applicant explained to me exactly what he was looking to do. He's looking to extend the deck over to where the bump out in the house is. I didn't see anything that would lead me to believe that it was out of character with the neighborhood.

Although just for the meeting minutes, did any of the other Board Members happen to notice it looks like a tornado ripped through the back there?

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WILLIAM PELLINO

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MR. BELL: Yeah. We had that conversation.

CHAIRMAN SCALZO: Is that a Code Compliance issue?

MR. BELL: It's bad.

CHAIRMAN SCALZO: The applicant went before the Planning Board with --

MR. BELL: We had that conversation, too.

CHAIRMAN SCALZO: That's something else. I can't believe they were allowed to get away with leaving the mess that they left.

Go ahead. Mr. Pellino, if you could just explain, beyond what I just said, what you're here for.

MR. PELLINO: I'm here to increase the nonconformance of my deck to a 12 by 23 sized deck. I'm putting in a pool so I want the deck to at least be extended. It's not going to change any environmental thing. It's just extending out to the bump, as you say.

CHAIRMAN SCALZO: And it's a pretty private area. I don't know that anyone could see what you're doing unless they were there to

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WILLIAM PELLINO

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really go look.

MR. PELLINO: The reason why a variance -- I mean the reason why the setback gets smaller is because the property line and the rock wall goes in on an angle. As I went to extend it that extra footage, it just -- it makes the nonconformance a little bigger.

CHAIRMAN SCALZO: Right. And you are in a Reservoir district.

MR. PELLINO: Reservoir district, which blows my mind because when I looked at the map, my neighbors, who are closer to Chadwick Lake, aren't in a Residential because than it would only be 30 feet I think.

CHAIRMAN SCALZO: Right. I have to look into that. I really do have a feeling that the topography, you know, moves away from your property. I think there's probably a drainage course that may feed the reservoir. Perhaps that's why.

I have no questions about it.

I'll look to the Board. Mr. Bell?

MR. BELL: No. He's got a lot going on. I thought it was a tornado, too. I asked

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WILLIAM PELLINO

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the same question.

CHAIRMAN SCALZO: I as well. Hopefully
it will grow in and you won't see it in the
summer.

MR. PELLINO: That would be nice.

CHAIRMAN SCALZO: Mr. Olympia?

MR. OLYMPIA: Has there been a permit
issued for the pool?

MR. PELLINO: Yes.

CHAIRMAN SCALZO: Anything else, Mr.
Olympia?

MR. OLYMPIA: No. Sorry.

CHAIRMAN SCALZO: It looks great back
there.

Mr. McKelvey, anything else?

MR. MCKELVEY: No.

CHAIRMAN SCALZO: Mr. Levin?

MR. LEVIN: It looks like the water is
going to flow right into your pool, the
groundwater, coming from the front of your house.

MR. PELLINO: Where all the work is
being done, they're building a retaining wall.
It's going to go up a lot higher.

MR. LEVIN: Very good.

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CHAIRMAN SCALZO: Mr. Masten?

MR. MASTEN: I noticed a lot of work. Mr. Randazzo from the Town Building Department was there when I was there looking at it. The job they're doing -- your guys are doing, his people are doing, they're doing a very nice job. Best of luck with it.

MR. PELLINO: Thank you very much.

CHAIRMAN SCALZO: Mr. Marino?

MR. MARINO: It's a very nice area.

CHAIRMAN SCALZO: Thank you. Is there anybody here from the public to speak about this application?

(No response.)

CHAIRMAN SCALZO: Hearing none, I'll look to the Board for one last opportunity.

MR. BELL: No.

CHAIRMAN SCALZO: Very good. Does the Board have a motion? Close the public hearing perhaps?

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

MR. MASTEN: I'll second the motion.

CHAIRMAN SCALZO: We have a motion from

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WILLIAM PELLINO

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Mr. McKelvey. We have a second from Mr. Masten.
Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The public hearing is closed. Mr. Pellino, what that means is we are going to go through all the applications and then at a later portion of the meeting we're actually going to vote on your application. You can stay or you can --

MR. PELLINO: I'll stay. I have one question, though.

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WILLIAM PELLINO

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CHAIRMAN SCALZO: Certainly.

MR. PELLINO: If it gets approved tonight how quickly does the permit get issued?

MS. JABLESNIK: So all of your stuff goes back to Mr. Mattina at the Building Department. As long as you don't have to meet anything else on that denial letter as far as, you know, the list of stuff that he had given you, --

MR. PELLINO: Right.

MS. JABLESNIK: -- then he should be able to issue it within like the next week. He probably won't get all my stuff until Monday because I'm off tomorrow.

MR. PELLINO: Thank you.

CHAIRMAN SCALZO: Very good. Thank you.

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

(Time resumed: 7:53 p.m.)

CHAIRMAN SCALZO: I'd like to call the meeting back to order. We will hit the applicants that we can hit.

The first one that we can possibly talk about would be William Pellino.

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Again, Mr. Pellino is seeking an area variance to increase the degree of nonconformity by extending the existing 10 by 10 rear deck to 12 by 23.

We're going to go through the area variance criteria and discuss the five factors that we will be weighing, the first one being whether or not the benefit can be achieved by other means feasible to the applicant.

MR. BELL: No.

MR. OLYMPIA: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

CHAIRMAN SCALZO: Second, if there's an undesirable change to the neighborhood character or a detriment to nearby properties. I don't believe there's a change in the character at all. I don't think any of his neighbors will even see it.

The third, whether the request is substantial.

MR. BELL: No.

MR. OLYMPIA: No.

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MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

CHAIRMAN SCALZO: Relative to the property, I don't think so.

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

MR. BELL: No.

MR. OLYMPIA: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

CHAIRMAN SCALZO: Don't take any more trees down because it's going to look even worse than the trees behind it.

The fifth, whether the alleged difficulty is self-created. This is relevant but not determinative. Of course it's self-created. There's not a lot to it.

So having gone through the balancing test of the area variance, what is the pleasure of the Board? Do we have a motion?

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

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WILLIAM PELLINO

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MR. MARINO: I'll second that.

CHAIRMAN SCALZO: We have a motion for approval from Mr. Bell. We have a second from Mr. Marino. Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

Motion carried. The variances are approved.

Mr. Pellino, Siobhan is off tomorrow so Mr. Mattina won't get this information tomorrow but give him a call next week.

MR. PELLINO: Okay. Great.

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WILLIAM PELLINO

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CHAIRMAN SCALZO: Not on Wednesday.

Happy new year.

(Time noted: 7:55 p.m.)

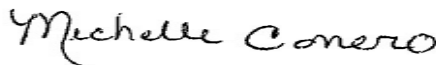
C E R T I F I C A T I O N

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 7th day of January 2020.



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

MARIA CHACHA

1879 Route 300, Newburgh
Section 13; Block 2; Lot 15
R-1 Zone

----- X

Date: December 26, 2019
Time: 7:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: DARRIN SCALZO, Chairman
JOHN MCKELVEY
RICHARD LEVIN
JOHN MASTEN
ANTHONY MARINO
DARRELL BELL
PETER OLYMPIA

ALSO PRESENT: DAVID DONOVAN, ESQ.
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: CARLOS MARIN

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

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MARIA CHACHA

43

CHAIRMAN SCALZO: The next applicant is held open from the November meeting, Maria Chacha at 1879 Route 300, Newburgh, seeking an area variance to enlarge a nonconforming two-family dwelling with a proposed front yard setback of 57 feet where 60 is required, floor area of 1,200 square feet where 1,500 square foot is the minimum, and an existing lot area of 41,922 square feet where 100,000 square feet is the minimum. As I say, this is a continuation of the previous meetings.

Do we have anyone here to represent the applicant?

I should note that we did receive updated architectural drawings, although I will note that that is all I received. I received nothing else. I do believe at the last meeting I asked for specific information regarding your surveyor to verify the limits of where the wetlands were. I haven't seen that. I haven't seen the verification.

MR. MARIN: I'm Carlos Marin. I was unaware of that. This is my third time here. The architect told me he presented everything.

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MARIA CHACHA

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MS. JABLESNIK: I haven't received anything.

CHAIRMAN SCALZO: Okay. We haven't received anything. Just because this has been awhile, and I actually finally did get out to get a look at the site today, I do understand that behind you a stonewall has been put up but we need a professional to verify that. I can't move forward without that information that I requested. You're going to have to really impress upon your architect to get that information for you. It is a matter of record now that we had asked for it last time. Without that information, as I say, we can't move forward.

I had heard other testimony in previous meetings. I don't know how many bedrooms the house is currently but looking at the architectural rendering now that's in front of me, I see there's an existing -- I see an existing one, two, three on the one side and then the other apartment to the left appears to be a studio type apartment. We consider that to be a one bedroom. Then with the proposed additions

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MARIA CHACHA

45

we're looking at two additional master bedrooms.
So the total bedrooms in this case is going to be
six.

MR. MARIN: No. We don't have six
bedrooms. Just the bedroom was upstairs, like I
said last time, and another one is existing.
We're going to open this to the front.

CHAIRMAN SCALZO: Okay. Then perhaps
your architect can clarify that a little better
for us. The original labeling on your rendering
is saying that this -- one of the existing
bedrooms, I'm assuming on the first floor on the
right-hand side apartment, if it is no longer
going to be a bedroom, we need to know that. I
mean you're giving testimony that that is the
case tonight, however I need your architectural
renderings so our Building Department can also
understand that information. I'm going to send
you -- the Board is going to discuss this
further. As I say, my request from the last
meeting was verification from your land surveyor
about the limits of the wetlands.

I did dig into the DEC requirements.
You are allowed to build within that adjacent

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MARIA CHACHA

46

area but the DEC just needs to know.

MR. MARIN: Okay.

CHAIRMAN SCALZO: When your surveyor verifies this, he should work in concert with the DEC and should not -- I'm not that familiar with any of the representatives of DEC any more. My previous experience, myself with DEC, has been very positive.

MR. MARIN: Okay.

CHAIRMAN SCALZO: So your architect and surveyor are going to need to work with them. Before we can move forward we need that verification. Even though it may be a minimal impact, which it appears to be, I'm not the professional that's going to verify that, someone else has to.

At this point I'm going to look to the Members of the Board. Mr. Bell, do you have any additional comments on that?

MR. BELL: No, I don't.

CHAIRMAN SCALZO: Mr. Olympia?

MR. OLYMPIA: No.

CHAIRMAN SCALZO: Mr. McKelvey?

MR. MCKELVEY: No.

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MARIA CHACHA

47

CHAIRMAN SCALZO: Mr. Levin?

MR. LEVIN: No.

CHAIRMAN SCALZO: Mr. Masten?

MR. MASTEN: No.

CHAIRMAN SCALZO: Mr. Marino?

MR. MARINO: No.

CHAIRMAN SCALZO: At this point --
please, I don't want to cut you off. I know
you're going to be back based on the information.

At this point I'll open it up to any
members of the public, if they have any other
comments on this application?

(No response.)

CHAIRMAN SCALZO: Hearing none, I'll
look to the Board for a motion to keep the public
hearing open until January.

MR. BELL: I'll make a motion to keep
the hearing open until the 23rd of January.

MR. MARINO: I'll second it.

CHAIRMAN SCALZO: We have a motion from
Mr. Bell. We have a second from Mr. Marino.
Roll call on that.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

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MARIA CHACHA

48

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

Sir, something that will make this very easy for you. Online through the Town's website are the meeting minutes. If there's any misunderstanding as to what it is that I'm asking for, the meeting minutes are published online. You can send those directly to your architect and surveyor and they will understand exactly what we're looking for.

MR. MARIN: Thank you.

CHAIRMAN SCALZO: Thank you very much.

(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 7th day of January 2020.

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

NANCY MUNOZ

3 Dusty Drive, Wallkill
Section 3; Block 1; Lot 16.21
AR Zone

----- X

Date: December 26, 2019
Time: 7:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: DARRIN SCALZO, Chairman
JOHN MCKELVEY
RICHARD LEVIN
JOHN MASTEN
ANTHONY MARINO
DARRELL BELL
PETER OLYMPIA

ALSO PRESENT: DAVID DONOVAN, ESQ.
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: NANCY MUNOZ

----- X

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NANCY MUNOZ

51

CHAIRMAN SCALZO: The next applicant this evening is Nancy Munoz, 3 Dusty Drive, Wallkill, seeking an area variance to install a 10 by 13 greenhouse and a 12 by 36 accessory building with a square footage totaling 3,438 where 1,000 square feet is the maximum allowed.

Siobhan, mailings?

MS. JABLESNIK: This applicant sent out 30 mailings and we received County back.

CHAIRMAN SCALZO: That is correct because last month we asked for an adjournment because we had not heard back from the County at that point.

MS. JABLESNIK: Right.

CHAIRMAN SCALZO: Very good.

If you could introduce yourself, please.

MS. MUNOZ: Hi. I'm Nancy Munoz and I'm looking for a variance for the 10 by 13 greenhouse and the 12 by 36 shed. Do you want me to keep going or do you --

CHAIRMAN SCALZO: If you like to talk, we like to listen.

MS. MUNOZ: So we purchased the

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property. There are two other structures that were on the deed, one of which was existing when we moved in. When we moved in the property had been empty for almost a year-and-a-half or so and I think there were squatters on the property so it was just a mess. Another structure that was about 30 plus feet was largely collapsed. That's on the map you'll see. That's where it says structure nonexistent. So they're on the deed. One was collapsed, one didn't exist when we moved in.

CHAIRMAN SCALZO: Very good. Thank you.

I was actually at the site today. I met a wonderful gentleman.

MS. MUNOZ: I hear you're a drummer.

CHAIRMAN SCALZO: That is correct. What a great conversation. We walked around the property together. He pointed out everything that I was interested in. There would be no conflict of any septic. I hate to see you put buildings in an area that you'd be compromising that. There appears to be quite a bit of land. You're not really stretching the limits of what

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NANCY MUNOZ

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you're trying to do. I don't feel myself that it's out of character with what's already there, so I have no comments on it.

I'll look to the Board. Mr. Marino, do you have anything?

MR. MARINO: It's a very nice area.

MR. MASTEN: Yes.

CHAIRMAN SCALZO: Very good. Mr. Levin?

MR. LEVIN: No.

CHAIRMAN SCALZO: Mr. McKelvey?

MR. MCKELVEY: No.

CHAIRMAN SCALZO: Mr. Olympia?

MR. OLYMPIA: No.

MR. BELL: No, sir.

CHAIRMAN SCALZO: At this point I'll open it up to any members of the public that want to speak about this application.

MS. MUNOZ: I do have a letter, I don't know if you want it, from the closest neighbor.

CHAIRMAN SCALZO: That would be helpful if it's helpful to you.

MS. MUNOZ: I don't know if I have enough copies.

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NANCY MUNOZ

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CHAIRMAN SCALZO: Siobhan is the most important person sitting here. If you give her one we'll be good. Thank you.

MS. MUNOZ: So he's the person that literally is the closest to the structures.

CHAIRMAN SCALZO: For the record, the letter we just were handed was from Robert Scott who is one of the adjoining neighbors. To summarize, here it says the Munoz have been wonderful neighbors and any improvements have been both welcome and beneficial. I have no other comments regarding that.

Again, is there anyone from the public here to speak about this?

(No response.)

CHAIRMAN SCALZO: I'll look to the members of the Board. What's your pleasure? To close the public hearing I need a motion.

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

MR. McKELVEY: I'll second.

CHAIRMAN SCALZO: We have a motion from Mr. Bell. We have a second from Mr. McKelvey. Roll call.

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MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The public hearing is closed. We will do our best to render a determination this evening.

MS. MUNOZ: Thank you.

(Time noted: 7:34 p.m.)

(Time resumed: 7:55 p.m.)

CHAIRMAN SCALZO: The next applicant that we can discuss is Nancy Munoz, 3 Dusty Drive, Wallkill, seeking an area variance to install a 10 by 13 greenhouse and a 12 by 36

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NANCY MUNOZ

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accessory building with square footage totaling 3,438 where 1,000 square feet is the maximum allowed.

We will tackle both of these in the same conversation. If this benefit can be achieved by other means feasible to the applicant. Unless they didn't do it.

The second is if there's an undesirable change in the neighborhood character or a detriment to nearby properties.

MR. BELL: No.

MR. OLYMPIA: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

CHAIRMAN SCALZO: Whether the request is substantial. Not for a 6-acre lot.

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

MR. BELL: No.

MR. OLYMPIA: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

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NANCY MUNOZ

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CHAIRMAN SCALZO: I don't believe so.

Whether the alleged difficulty is self-created, relevant but not determinative. Of course it's self-created, however we even heard testimony -- got testimony via letter from a neighbor supporting what they are looking to do here.

Therefore, what's the pleasure of the Board?

MR. McKELVEY: I'll make a motion we approve.

MR. BELL: I'll second.

CHAIRMAN SCALZO: We have a motion from Mr. McKelvey. It looked like the second came down from Mr. Bell. Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

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NANCY MUNOZ

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MR. McKELVEY: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The motion is carried. The variances
are approved.

MS. MUNOZ: Thank you.

CHAIRMAN SCALZO: Good luck. Thank
you.

Those applications that we just
approved were both Type 2s according to SEQRA.

(Time noted: 7:57 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 7th day of January 2020.

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

FIRST PRESTIGE PROPERTIES
5306 Route 9W, Newburgh
Section 23; Block 2; Lot 1
B Zone

SOUTH PLANK HOLDINGS, LLC
209 South Plank Road, Newburgh
Section 60; Block3; Lot 2
B Zone

----- X

Date: December 26, 2019
Time: 7:34 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: DARRIN SCALZO, Chairman
JOHN MCKELVEY
RICHARD LEVIN
JOHN MASTEN
ANTHONY MARINO
DARRELL BELL
PETER OLYMPIA

ALSO PRESENT: DAVID DONOVAN, ESQ.
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: FRANK HESSARI

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

1
2 CHAIRMAN SCALZO: Okay. Our next
3 applicant is First Prestige Properties, 5306
4 Route 9W in Newburgh, seeking a use variance,
5 which is not really a use variance, to
6 install logo, lettering and lighting on the
7 side of gasoline and diesel canopies. This
8 is not permitted or addressed for gasoline
9 filling stations.

10 If I may, this applicant is the same
11 applicant for the other property which
12 they're going to be identical presentations.
13 If we could discuss both of them at the same
14 time, that would be wonderful.

15 MR. DONOVAN: Sure. Just for
16 clarification, these are area variances, not
17 use variances.

18 CHAIRMAN SCALZO: Correct. I noticed
19 on the agenda that we didn't switch that up.

20 MS. JABLESNIK: Sorry.

21 CHAIRMAN SCALZO: If you could just
22 give a short -- the Reader's Digest version of
23 what you gave us last time.

24 MR. HESSARI: Sure. My name is Frank
25 Hessari, I'm a co-owner of First Prestige

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FIRST PRESTIGE PROPERTIES & SOUTH PLANK HOLDINGS 62
Properties and South Plank Holdings, LLC. We've
been at Newburgh corporate business for thirty
years. Our headquarters is at 5306 Route 9W,
Newburgh, that gas station.

We are in the process of changing the
image to the new Valero image color which is blue
instead of teal. We put in an application with
the Building Department but the building
inspector prevented the application for the
canopy because I guess they changed the laws in
the Town or they didn't allow anything on
canopies. That's why we're here.

CHAIRMAN SCALZO: Very good. Thank
you.

I will note that we did receive one
letter on this application. Somebody had
questioned the illumination. They were concerned
with any additional luminals or illumination.
They were a resident on Route 300. Let me just
see.

MS. JABLESNIK: Did you receive that in
your packet?

CHAIRMAN SCALZO: Yes. It's from Steve
and Karlene Wagner. They reside at 1447 Route

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2 300. They would like to express a concern
3 regarding the increased lighting at the gas
4 station. The lighting that now exists at the
5 station directly shines into our property,
6 directly into our bedrooms. They have planted
7 trees along the stream side to avert some of the
8 bright lighting but it's only mildly blocking.
9 Aside from all the other bright lights on 52,
10 they consider that to be overkill. They were
11 unable to attend the Board meeting.

12 My assumption is that any additional
13 lighting for your application would be reviewed
14 by the Code Compliance folks, and if it were out
15 of tolerance with code they would inform us of
16 that. They have not.

17 Will you be increasing the lighting in
18 that area?

19 MR. HESSARI: No.

20 CHAIRMAN SCALZO: I guess that takes
21 care of that.

22 I have no other questions. Does anyone
23 from the Board? This was open from last month.
24 Mr. Bell?

25 MR. BELL: No.

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CHAIRMAN SCALZO: Mr. Olympia?

MR. OLYMPIA: No.

CHAIRMAN SCALZO: Mr. McKelvey?

MR. MCKELVEY: No.

CHAIRMAN SCALZO: Mr. Levin?

MR. LEVIN: No.

CHAIRMAN SCALZO: Mr. Masten?

MR. MASTEN: No.

CHAIRMAN SCALZO: Mr. Marino?

MR. MARINO: No.

CHAIRMAN SCALZO: One more opportunity.

Are there any members of the public here to speak about this application?

(No response.)

MR. DONOVAN: Mr. Chairman, if I could.

So the dollar value for the gas, that display, is that going to change at all from what's there now? In other words, when you say it's going to be so many dollars per gallon, is that display going to be different?

MR. HESSARI: The LED, yes.

MR. DONOVAN: So any LED -- there's obviously new sign regulations. This would need to comply. I just want to emphasize for the

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2 folks that were concerned about additional
3 lighting, in the last couple years there are new
4 sign regulations which this would have to comply
5 with. That's not why you're here today. We
6 don't have anything to do with that. I just want
7 to make it part of the record there's code in
8 place to address the concerns raised by the
9 residents.

10 CHAIRMAN SCALZO: Thank you, Dave.

11 Siobhan, when you're back in the
12 office, if you could just direct Mr. Mattina to
13 those concerns. I'm sure he'll verify what's
14 going on.

15 Okay. At this point I'll look to the
16 Board for a motion to close the public hearing.

17 MR. LEVIN: I'll make a motion to close
18 the public hearing.

19 CHAIRMAN SCALZO: I might add, this is
20 for both of the applications, First Prestige and
21 South Plank Holdings.

22 MR. MARINO: Second.

23 CHAIRMAN SCALZO: We have a motion from
24 Mr. Levin. We have a second from Mr. Marino.
25 Roll call.

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MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

Both public hearings are closed. We'll do our best to render a determination this evening.

MR. HESSARI: Thank you.

(Time noted: 7:39 p.m.)

(Time resumed: 7:57 p.m.)

CHAIRMAN SCALZO: These next two are Unlisted actions, which are the First Prestige Properties and South Plank Holdings, LLC. With an Unlisted action under SEQRA

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2 the Board is going to have to make a motion to
3 approve the application. We'll also need a
4 motion for a negative declaration.

5 MR. DONOVAN: So the order, you would
6 need to make a negative declaration first before
7 you could act on the application.

8 MR. OLYMPIA: I'll make a motion for a
9 negative declaration.

10 CHAIRMAN SCALZO: Thank you, Mr.
11 Olympia. Do I have a second?

12 MR. McKELVEY: Second.

13 CHAIRMAN SCALZO: We have a motion from
14 Mr. Olympia and a second from Mr. McKelvey. Roll
15 call.

16 MS. JABLESNIK: Mr. Bell?

17 MR. BELL: Yes.

18 MS. JABLESNIK: Mr. Levin?

19 MR. LEVIN: Yes.

20 MS. JABLESNIK: Mr. Marino?

21 MR. MARINO: Yes.

22 MS. JABLESNIK: Mr. Masten?

23 MR. MASTEN: Yes.

24 MS. JABLESNIK: Mr. McKelvey?

25 MR. McKELVEY: Yes.

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MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

So we have a negative declaration.

Moving towards the area variance criteria, whether the benefit can be achieved by other means feasible to the applicant. I honestly don't think it's going to be noticed. I think LEDs -- he's going from non LEDs to LEDs. That's got to be an energy savings.

MR. HESSARI: Currently there are LED signs.

CHAIRMAN SCALZO: Okay. Well if the benefit can be achieved by other means. It sounds like it's replacing in kind.

Second, if there's an undesirable change in the neighborhood character or a detriment to nearby properties. I think it's going to be virtually unnoticed.

MR. BELL: None.

CHAIRMAN SCALZO: Third, whether the request is substantial. Again, I think it's going to be unnoticed. Anybody? No.

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MR. OLYMPIA: No.

CHAIRMAN SCALZO: Any adverse physical or environmental effects?

MR. BELL: No.

MR. OLYMPIA: No.

CHAIRMAN SCALZO: Fifth, whether the alleged difficulty is self-created, relevant but not determinative. Of course it is, but that may not factor into our decision.

Therefore, what's the pleasure of the Board?

MR. BELL: I'll make a motion to approve.

CHAIRMAN SCALZO: We have a motion to approve from Mr. Bell.

MR. MASTEN: I'll second it.

CHAIRMAN SCALZO: A second from Mr. Masten. Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

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MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

Motion carried.

MR. HESSARI: Thanks so much. Happy
new year.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 7th day of January 2020.

Michelle Conero

MICHELLE CONERO

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EMMA GASPARINI

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

----- X

In the Matter of

EMMA GASPARINI

125 Mill Street, Wallkill
Section 2; Block 1; Lot 64
RR Zone

----- X

Date: December 26, 2019
Time: 7:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: DARRIN SCALZO, Chairman
JOHN McKELVEY
RICHARD LEVIN
JOHN MASTEN
ANTHONY MARINO
DARRELL BELL
PETER OLYMPIA

ALSO PRESENT: DAVID DONOVAN, ESQ.
SIOBHAN JABLESNIK

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN SCALZO: Our last applicant this evening is Emma Gasparini, 125 Mill Street in Wallkill, seeking a use variance to install a 100 amp landlord meter and panel on a two-family. Bulk table schedule 1 does not permit two-family dwellings in the RR Zone. Any use not permitted shall be deemed prohibited.

From what I understand, we have correspondence from the attorneys for the Gasparinis asking to defer this to the January meeting.

I have no objection to that, so I'll look to the Board for a motion to maintain the public hearing open until the January meeting.

MR. McKELVEY: I'll make that motion.

MR. MASTEN: I'll second.

CHAIRMAN SCALZO: We have a motion from Mr. McKelvey. We have a second from Mr. Masten. Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

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MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The public hearing will remain open until the January meeting.

At this time, before proceeding the Board is going to take a short adjournment to confer with counsel regarding any legal questions raised by tonight's applications. If I could ask, in the interest of time, if you folks could wait out in the hallway. We're going to call you back in very shortly.

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

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
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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 7th day of January 2020.

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

BOARD BUSINESS

- Approval of Minutes for the November 2019 Meeting
- ZBA Meeting Schedule for 2020
- ZBA Board Member Training

----- X

Date: December 26, 2019
 Time: 8:00 p.m.
 Place: Town of Newburgh
 Town Hall
 1496 Route 300
 Newburgh, NY 12550

BOARD MEMBERS: DARRIN SCALZO, Chairman
 JOHN McKELVEY
 RICHARD LEVIN
 JOHN MASTEN
 ANTHONY MARINO
 DARRELL BELL
 PETER OLYMPIA

ALSO PRESENT: DAVID DONOVAN, ESQ.
 SIOBHAN JABLESNIK

----- X

MICHELLE L. CONERO
 PMB #276
 56 North Plank Road, Suite 1
 Newburgh, New York 12550
 (845) 541-4163

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CHAIRMAN SCALZO: That concludes the applications for this evening.

We have other Board business. The first thing is the approval of the meeting minutes for the November meeting. Do I have a motion for approval on those?

MR. BELL: I'll make a motion that we approve them. I've read them.

CHAIRMAN SCALZO: Motion to approve by Mr. Bell. Do we have a second?

MR. LEVIN: Yes.

CHAIRMAN SCALZO: We have a second from Mr. Levin. All in favor on that?

MR. BELL: Aye.

MR. LEVIN: Aye.

MR. MARINO: Aye.

MR. MASTEN: Aye.

MR. McKELVEY: Aye.

MR. OLYMPIA: Aye.

CHAIRMAN SCALZO: Aye.

The last order of business is the Zoning Board of Appeals meeting schedule for 2020. The Town of Newburgh Zoning Board of Appeals will be holding their monthly meetings on

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the fourth Thursday of each month with the exception of November and December which meetings will be held on Tuesday, November 24th, and Tuesday, December 22nd. All meetings will be held at 7 p.m. in the meeting room of the Town Hall as follows: January 23rd, February 27th, March 26th, April 23rd, May 28th, June 25th, July 23rd, August 27th, September 24th, October 22nd, November 24th, which is a Tuesday, and December 22nd, which is a Tuesday. That's what we're going to do, gentlemen.

Any discussion on that?

(No response.)

CHAIRMAN SCALZO: Good. One other thing that I had. Gentlemen, in November Siobhan had sent out the Department of State Division of Local Government Services, the 2019-2020 winter webinar series. Were you all in receipt of that? It was in our packages I believe, or was it just an e-mail, Siobhan?

MS. JABLESNIK: I think I sent an e-mail.

CHAIRMAN SCALZO: Okay.

MR. MASTEN: I didn't get an e-mail.

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CHAIRMAN SCALZO: Okay then. Well there's only two left on this. There's one January 8th and one January 15th. If anybody wants, they can have my copy. I can make more. Please, any trainings that -- we are required to have training on an annual basis. Please get your hours in when you can.

Other than that, anything else?

MR. BELL: It was January 8th or the 15th?

CHAIRMAN SCALZO: 8th and 15th. Check your e-mails. She sent it in November.

MR. BELL: I'll go back and check it.

MR. McKELVEY: Did you folks want to address the Board?

UNIDENTIFIED SPEAKER: No.

CHAIRMAN SCALZO: Other than that, would anybody care for a motion to adjourn?

MR. McKELVEY: I'll make the motion.

MR. MASTEN: I'll second it.

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

MR. BELL: Aye.

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BOARD BUSINESS

MR. LEVIN: Aye.

MR. MARINO: Aye.

MR. MASTEN: Aye.

MR. McKELVEY: Aye.

MR. OLYMPIA: Aye.

CHAIRMAN SCALZO: Aye.

The meeting is closed.

(Time noted: 8:02 p.m.)

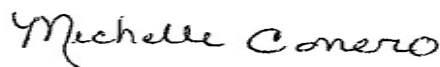
C E R T I F I C A T I O N

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 7th day of January 2020.



MICHELLE CONERO