

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

3 -----X

4 In the Matter of

5 JAMES POLINSKY (SIGNS INK)  
Route 17K Newburgh for 40 Route 17K LLC  
6 SBL 99-4-23.22  
IB Zone

7 -----X

8 Thursday, December 26, 2024  
9 7:00 p.m.  
Town of Newburgh Town Hall  
10 1496 Route 300  
Newburgh, New York

11 BOARD MEMBERS: DARRIN J. SCALZO, Chairman  
12 DARRELL W. BELL (Absent)  
13 JAMES EBERHART, JR. (Absent)  
14 GREG M. HERMANCE SR.  
JOHN D. MASTEN  
15 JAMES C. POLITI  
DONNA HOPPER REIN

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

19 APPLICANT'S REPRESENTATIVE: JAMES POLINSKY

20

21

22 Reported by: Kari L. Reed

-----

23 MICHELLE L. CONERO  
24 Court Reporter  
Michelleconero@hotmail.com  
25 (845)541-4163

1 Signs Ink

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

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

20 Roll call, please.

21 MS. JABLESNIK: I just would like to take  
22 a time out for one second to appreciate how  
23 slow you read that.

24 Darrell Bell is absent this evening. So  
25 is James Eberhart.

1 Signs Ink

2 Greg Hermance.

3 MR. HERMANCE: Here.

4 MS. JABLESNIK: John Masten.

5 MR. MASTEN: Here.

6 CHAIRMAN SCALZO: James Politi.

7 MR. POLITI: Here.

8 CHAIRMAN SCALZO: Slow down.

9 MS. JABLESNIK: Donna Rein.

10 MS. REIN: Here.

11 MS. JABLESNIK: Darrin Scalzo.

12 CHAIRMAN SCALZO: Present.

13 MS. JABLESNIK: Also present is our  
14 attorney, Dave Donovan, from Code Compliance,  
15 Joseph Mattina, and our stenographer this  
16 evening is Kari Reed.

17 CHAIRMAN SCALZO: Very good. All right,  
18 before we get into the meat and potatoes of our  
19 meeting, I want to thank Jim Politi for his  
20 time as a member of the Zoning Board of  
21 Appeals. This will be Jim's last meeting with  
22 us. He's moving on to a different seat here at  
23 the Town, the same table.

24 MR. POLITI: Same thing.

25 CHAIRMAN SCALZO: Different meeting. But



1 Signs Ink

2 CHAIRMAN SCALZO: Fifty-eight letters.

3 MS. JABLESNIK: Yeah.

4 CHAIRMAN SCALZO: And who do we have with  
5 us?

6 MR. POLINSKY: My name is James Polinsky.

7 CHAIRMAN SCALZO: The guy that I just  
8 said.

9 MR. POLINSKY: And there's actually a,  
10 okay, it's not a larger sign, it's a smaller  
11 sign.

12 CHAIRMAN SCALZO: That's even better.

13 MR. POLINSKY: Yeah. So the Ford  
14 dealership is no longer going to have the  
15 Lincoln brand, so that sign needs to be  
16 changed. That sign has been there  
17 approximately 20 years. They're going to be  
18 changing it over to a "Ford Blue Advantage  
19 Certified Used" pylon sign. It will remain on  
20 the same footing. It is, the bottom -- the  
21 sign to the bottom right is the existing Ford  
22 sign, main Ford sign that's there. I can show  
23 you.

24 CHAIRMAN SCALZO: Yeah. And actually, if  
25 you wouldn't mind, you can spin the easel



1 signs Ink

2 this really real easy for me.

3 MR. POLINSKY: Yeah, you have the packages  
4 there --

5 CHAIRMAN SCALZO: Yes.

6 MR. POLINSKY: -- that show the actual  
7 dimensions. But you're going from six foot --  
8 six foot eleven down to five foot nine in the  
9 height of the box. You're going about five  
10 feet, almost six feet lower. You know, the  
11 overall height of this was 24 foot seven.  
12 we're going 24-ten. Oh, I'm sorry. Right, so  
13 it actually, the height stays about the same.  
14 The height stays about the same, but the size  
15 of the box itself shrinks by about a foot, and  
16 the width of the sign goes from eleven foot  
17 three down to ten foot five. So the existing  
18 sign is smaller.

19 CHAIRMAN SCALZO: Very good. Thank you.  
20 Illumination, in, out?

21 MR. POLINSKY: Internal illumination.

22 CHAIRMAN SCALZO: Internal.

23 MR. POLINSKY: Same. Like right now the  
24 Lincoln emblem lights, as well as the Lincoln,  
25 just the letters, so it will be the same, the





1 Signs Ink

2 consideration in just getting rid of that one  
3 and putting all new with both signs, because  
4 that one encroaches on the setback pretty much.

5 MR. POLINSKY: Right. But it's, it's as  
6 far back, it's pretty much the only place at a  
7 level height on the parking area.

8 MR. POLITI: Right.

9 MR. POLINSKY: So it's a level height. If  
10 you go any further toward, you know, it just  
11 becomes the, the steep hill. But the, as per  
12 Lincoln -- I'm sorry, as per Ford guidelines,  
13 this is what they have to do to meet the  
14 criteria.

15 MR. POLITI: It's corporate.

16 MR. POLINSKY: It's a corporate franchise.

17 MR. POLITI: Yeah. And I get it, it's the  
18 same thing, it's been there.

19 MR. POLINSKY: Right, it's a requirement  
20 by them.

21 MR. POLITI: All right.

22 CHAIRMAN SCALZO: Other auto dealerships  
23 have been in here, it's not called rebranding,  
24 but they, every so often they change up the way  
25 their logos are. So this isn't the first time

1 Signs Ink

2 we've seen something like this.

3 MR. POLITI: All right, that was my  
4 question.

5 CHAIRMAN SCALZO: Yup.

6 Mr. Hermance, do you have any questions  
7 for this applicant?

8 MR. HERMANCE: No, I have nothing.

9 CHAIRMAN SCALZO: Mr. Masten?

10 MR. MASTEN: I have no questions either.

11 CHAIRMAN SCALZO: Ms. Rein?

12 MS. REIN: No.

13 CHAIRMAN SCALZO: Very good. At this  
14 point I'll open it up to any members of the  
15 public that wish to comment on this  
16 application.

17 (No response.)

18 CHAIRMAN SCALZO: No. Okay then, one more  
19 time, one last look at the Board. It does not  
20 appear so, all right. So I'll look to the  
21 Board for a motion to close the public hearing.

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

24 MS. REIN: I'll second.

25 we have a motion to close from Mr. Masten,

1 signs Ink

2 we have a second from Ms. Rein. All in favor?

3 (Chorus of ayes.)

4 CHAIRMAN SCALZO: Those opposed?

5 (No response.)

6 CHAIRMAN SCALZO: Very good.

7 Counsel, this is a Type II action under

8 SEQRA.

9 MR. DONOVAN: Replacement in kind is a  
10 Type II action.

11 CHAIRMAN SCALZO: Yes, sir, thank you.

12 All right, so folks we are going to go  
13 through our area variance criteria. We are  
14 going to discuss the five factors. The first  
15 one being whether or not the benefit can be  
16 achieved by other means feasible to the  
17 applicant.

18 MS. REIN: No.

19 CHAIRMAN SCALZO: well, unless he didn't  
20 put one back up or -- second, if there's an  
21 undesirable change in the neighborhood  
22 character or a detriment point to the nearby  
23 properties.

24 MS. REIN: No.

25 MR. MASTEN: No.

1 Signs Ink

2 CHAIRMAN SCALZO: That's really going to,  
3 other than changing the label it's going to be  
4 unnoticed.

5 The third, whether the request is  
6 substantial. Actually, he's doing better on  
7 sign signage. So it may be substantial today,  
8 but if you were to bring it into variance it  
9 would be less substantial.

10 The fourth, whether the request will have  
11 adverse physical or environmental effects. No.

12 MS. REIN: No.

13 CHAIRMAN SCALZO: And the fifth, whether  
14 the alleged difficulty is self-created, which  
15 is relevant but not determinative. Of course  
16 it's self-created, they could just leave it  
17 like it is, but then he didn't achieve the  
18 benefit that he's here for.

19 Okay, having gone through the balancing  
20 tests for the area variance, does the Board  
21 have a motion of some sort?

22 MR. POLITI: I make motion to approve.

23 MR. HERMANCE: I'll second it.

24 CHAIRMAN SCALZO: We have a motion for  
25 approval from Mr. Politi, we have a second from



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Signs Ink

CERTIFICATE

STATE OF NEW YORK                    )  
  ) SS:  
COUNTY OF ORANGE                    )

I, KARI L. REED, a Shorthand Reporter  
(Stenotype) and Notary Public within and for  
the State of New York, do hereby certify:

I reported the proceedings in the  
within-entitled matter and that the within  
transcript is a true record of such  
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my  
hand this 10th day of February 2025.

*Kari L Reed*  
\_\_\_\_\_  
KARI L. REED

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

-----X

4 In the Matter of

5 CBD 420 LLC  
142 Route 17K, Newburgh  
6 SBL 95-1-63.1  
IB Zone

7 -----X

8 Thursday, December 26, 2024  
9 7:13 p.m.  
Town of Newburgh Town Hall  
10 1496 Route 300  
Newburgh, New York

11 BOARD MEMBERS: DARRIN J. SCALZO, Chairman  
12 DARRELL W. BELL (Absent)  
13 JAMES EBERHART, JR. (Absent)  
14 GREG M. HERMANCE SR.  
JOHN D. MASTEN  
15 JAMES C. POLITI  
DONNA HOPPER REIN

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

19 APPLICANT'S REPRESENTATIVE: Joseph M. Saffioti

20  
21

22 Reported by: Kari L. Reed

-----

23 MICHELLE L. CONERO  
24 Court Reporter  
Michelleconero@hotmail.com  
25 (845)541-4163

1 CBD 420 LLC

2 CHAIRMAN SCALZO: All right, we're going  
3 to our second applicant this evening, which is  
4 CBD 420 LLC, 142 Route 17K in Newburgh. This  
5 is a Planning Board referral for area variances  
6 of one side yard, combined side yards, the  
7 front yard landscaping and parking lot setback.  
8 Parking spaces, cargo containers and the  
9 setback of an existing freestanding sign to  
10 change the use of an existing building to a  
11 retail cannabis dispensary.

12 Do we have mailings on that, Siobhan. You  
13 can't take it down, it's literally so slow.

14 MS. JABLESNIK: I can't, I'm literally  
15 dying over here. This applicant sent out  
16 eleven letters.

17 CHAIRMAN SCALZO: Eleven. I was just down  
18 south. They speak slower down there.

19 MS. JABLESNIK: Okay.

20 CHAIRMAN SCALZO: That's what it is.  
21 Very good. Who do we have with us?

22 MR. SAFFIOTI: Good evening, Mr. Chairman.  
23 Joseph Saffioti -- and Board members. Joseph  
24 Saffioti, I'm here for the applicant. I have  
25 with me Ray Van Voorhis, who is the architect



CBD 420 LLC

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

for the site.

This is an existing structure that's been on 17K since the sixties. It was enlarged in the seventies. The building is occupied in the rear by John Herbert Company, which is a commercial flooring distributing company that sells and installs mainly flooring. The front part of the building was previously a retail store occupied by Nature's Pantry. Most recently it's been a showroom for the John Herbert Company. The site is basically here because it's a nonconforming preexisting site because it's a -- the code requires a site plan and special use permit, it's considered a change of use, which required -- makes the variances necessary.

As far as the variances go, there's nothing on the site is changing. The existing signs would be repurposed with a new panel for the new tenant. The -- I'm going to let Ray go through the variances to show you where they are on the site. Most of them have very minimal area variances. We are here to answer any questions the Board has.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CBD 420 LLC

CHAIRMAN SCALZO: Thank you very much.

MR. VAN VOORHIS: All right, good evening everyone and the Board.

Like Joe stated, an existing building that's been there for over 50 years. The front piece of the building, about 5,000 square feet, is a, right now currently a millwork shop, part of the John Herbert Company. That will be the piece that's changed to the cannabis dispensary piece. The remaining approximately 21,000 square feet is to remain as is. No change to the exterior of the building of any kind. Really no change to the site of any kind, like Joe stated.

The parking that's there now is going to remain. The existing large, existing freestanding sign in the front is to remain. Unfortunately it's, the way it was installed 50 years ago is not at the proper setback of the front yard. And the same thing with just the existing building side yards. The way it is currently, we don't know how we would change that, but they are nonconforming. So we are short a couple parking spaces for the

CBD 420 LLC

1  
2 dispensary in the front. The side yards I  
3 already just went over. The front yard  
4 landscaping and parking setback, it goes  
5 currently directly in front of 17K, there's no  
6 way to add that now, that's where the parking  
7 is and always has been, so there's no way that  
8 we can, you know, get that setback.

9 we talked about the freestanding sign.  
10 And then the cargo containers in the rear are  
11 here. Currently the owner has cargo containers  
12 that are in the rear of the property that he  
13 uses for his flooring material and his  
14 equipment. And they actually cover up the  
15 canopy that goes over his dumpster in the rear.  
16 So it's an existing condition. I guess one's  
17 allowed and he has two. So he's requesting to  
18 keep the both of them, both of the containers.

19 That kind of summarizes the, the  
20 application.

21 CHAIRMAN SCALZO: Thank you, sir.

22 MR. VAN VOORHIS: You're welcome.

23 CHAIRMAN SCALZO: At this time I'll look  
24 to the Board. Ms. Rein, do you have any  
25 comments regarding this application?

1 CBD 420 LLC

2 MS. REIN: You said something about  
3 parking spaces in the front being short?

4 MR. VAN VOORHIS: There's two, a total of  
5 twenty --

6 MR. SAFFIOTI: Twenty-five, 27 is  
7 required.

8 MR. VAN VOORHIS: And we have 25.

9 MS. REIN: I can't understand both of you  
10 talking.

11 MR. VAN VOORHIS: I'm sorry.

12 MR. SAFFIOTI: So 27 would be required,  
13 and 25 are provided.

14 MS. REIN: And it's going to stay that way  
15 or is there a plan to --

16 MR. VAN VOORHIS: There really -- we have  
17 no way to, we don't see how we could add  
18 another two spaces. The existing tenant in the  
19 rear of this property has this. There is some  
20 spaces, we have actually space back here for  
21 some of the employees back here, which is a  
22 graveled area. But, you know, it's not really  
23 a designated parking spot.

24 MS. REIN: Okay. Thank you.

25 MR. VAN VOORHIS: We have done the best we

1 CBD 420 LLC

2 can.

3 MS. REIN: Thank you.

4 CHAIRMAN SCALZO: I think when they  
5 calculate the amount of parking spaces that are  
6 required, it's kind of a broad brush to  
7 whatever is going in there. I, I don't  
8 participate in the cannabis industry, but I  
9 can't imagine this is like Stop & Shop or  
10 Market 32 where people are going in there and  
11 cruising through the aisles for hours. So it  
12 almost seems excessive the amount of parking in  
13 my opinion.

14 MS. REIN: They're pretty busy, these  
15 cannabis places.

16 CHAIRMAN SCALZO: Really?

17 MS. REIN: Oh, yeah. Because there's one,  
18 Curaleaf is right by me. They are, they are a  
19 pretty busy establishment. And I know that in  
20 that case a lot of the parking overflows into  
21 the Alexis.

22 CHAIRMAN SCALZO: Got you.

23 MR. MASTEN: Yeah.

24 CHAIRMAN SCALZO: And they're in the  
25 process of --

1 CBD 420 LLC

2 MR. SAFFIOTI: They tell me the average  
3 stay of a customer is around ten minutes. They  
4 order online, come pick up and leave.

5 MS. REIN: Yeah. That's not, that's not  
6 the question.

7 MR. SAFFIOTI: Yeah.

8 MS. REIN: I mean, it's just that there  
9 are a lot of, a lot of customers.

10 MR. SAFFIOTI: My office is very close to  
11 Alexis --

12 MS. REIN: Yes, I know.

13 MR. SAFFIOTI: -- and I've seen the  
14 parking.

15 CHAIRMAN SCALZO: well, the more that open  
16 I suppose they'll have the opportunity to go to  
17 a different place. So, okay. Thank you.

18 Mr. Masten, comments?

19 MR. MASTEN: I have nothing right now.

20 CHAIRMAN SCALZO: No, okay.

21 Mr. Hermance, do you have any comments  
22 regarding this application?

23 MR. HERMANCE: Yeah. The storage  
24 containers, I was just wondering could that be  
25 a separate variance or separate request from,

1 CBD 420 LLC

2 from --

3 MR. SAFFIOTI: So the storage containers  
4 are used by the existing tenant in the rear of  
5 the John Herbert Company for their flooring  
6 equipment and anything flammables, any -- they  
7 don't have any -- any flammable materials  
8 aren't allowed inside the warehouse, so they  
9 have a separate storage for that, any, any type  
10 of materials like that. They've always been  
11 there. He's just, he's -- he keeps it because  
12 he wants everything locked up, he doesn't want  
13 it stored outside. The site's been, it's  
14 pretty well maintained. We are dealing with an  
15 owner/operator at the site for over I think  
16 probably 50 years the family has owned the  
17 business, owned the property and the location.

18 MR. HERMANCE: Two containers were there  
19 for the 50 years?

20 MR. SAFFIOTI: They were there I'm told  
21 for at least 30 years, 35 years.

22 MR. HERMANCE: Okay.

23 MR. VAN VOORHIS: And we're here because  
24 of the special use permit.

25 MR. HERMANCE: I was just wondering if

1 CBD 420 LLC

2 there, is there any existing violation for the  
3 second container?

4 MR. MATTINA: Well, yes, that's  
5 nonconforming. That's why he's here. You're  
6 allowed one, and that's why that --

7 MR. DONOVAN: But your department hasn't  
8 issued a notice of violation?

9 MR. MATTINA: No, we have not.

10 CHAIRMAN SCALZO: It's the change in use  
11 for that front area that brings the whole site  
12 in --

13 MR. MATTINA: Correct.

14 MR. DONOVAN: -- correct? Yes.

15 MS. REIN: But doesn't that second  
16 container belong to someone else?

17 MR. SAFFIOTI: No.

18 MR. VAN VOORHIS: Ray. Just like Joe  
19 said, these two containers have nothing to do  
20 with the cannabis store.

21 MS. REIN: That's what I meant.

22 MR. VAN VOORHIS: They're, the existing,  
23 the larger tenant that owns the building,  
24 that's his property.

25 MS. REIN: So I'm a little confused.



1 CBD 420 LLC

2 shouldn't they be the ones here asking for  
3 that?

4 MR. SAFFIOTI: It's all part of the same  
5 site; so therefore, it was required, with the  
6 referral from the Planning Board they required  
7 us to obtain a variance for the second  
8 container.

9 MS. REIN: Even though there are two  
10 different owners?

11 MR. DONOVAN: No, there's one owner.  
12 There's one owner. And the cannabis facility  
13 is going to be a tenant. I don't want to speak  
14 for you --

15 MR. SAFFIOTI: Right.

16 MR. DONOVAN: -- but that's what you said.

17 MS. REIN: Oh, okay.

18 MR. SAFFIOTI: Yes.

19 MR. DONOVAN: So that because it's a  
20 change of use to a portion of the building,  
21 that triggers the change of use. Code  
22 compliance sends them to the planning  
23 department, or the Planning Board rather, the  
24 Planning Board sees these deficiencies on the  
25 site, as a result of change of use looked at

1 CBD 420 LLC

2 the entire site, that's what brings them here.

3 MS. REIN: Okay. Joe, are you going to be  
4 doing anything with this?

5 MR. MATTINA: Yeah.

6 MR. DONOVAN: Only with the cargo bay,  
7 he's not going to go to the dispensary.

8 (Laughter)

9 MR. MATTINA: Right.

10 MR. DONOVAN: Sorry.

11 MS. REIN: So is that a nonissue or --

12 MR. MATTINA: Yeah, if they receive a  
13 variance it's not an issue.

14 MS. REIN: And it will be left alone?

15 MR. MATTINA: Yes.

16 MS. REIN: Thank you.

17 CHAIRMAN SCALZO: Thank you.

18 Mr. Politi.

19 MR. POLITI: I'm good, all good.

20 CHAIRMAN SCALZO: Okay.

21 Like I say, it's preexisting  
22 nonconforming, it's -- those are, I look at  
23 them a little differently. At this time I'll  
24 open it up to any members of the public that  
25 wish to comment on this application. Is anyone

1 CBD 420 LLC

2 here for that want to step forward?

3 (No response)

4 MS. JABLESNIK: They're all just here to  
5 celebrate Christmas with me.

6 CHAIRMAN SCALZO: Christmas with Siobhan.

7 MS. JABLESNIK: They felt bad for me I had  
8 to go to work today.

9 MS. REIN: Dave, is this a Type II?

10 MR. DONOVAN: This is a Type II.

11 CHAIRMAN SCALZO: Very good. One last  
12 look at the Board, and if the Board has no  
13 other comments, I'll look to the Board for a  
14 motion to close the public hearing.

15 MR. MASTEN: I'll make a motion to close  
16 the public hearing.

17 MS. REIN: I second.

18 CHAIRMAN SCALZO: We have a motion to  
19 close the public hearing from Mr. Masten, we  
20 have a second from Ms. Rein. All in favor?

21 (Chorus of ayes.)

22 CHAIRMAN SCALZO: Those opposed?

23 (No response.)

24 CHAIRMAN SCALZO: Very good. We're going  
25 to move on to, this is a Type II action under

CBD 420 LLC

1  
2 SEQRA, which Ms. Rein just confirmed with  
3 counsel. So you heard it a few minutes ago, we  
4 are also going to go through the five factors,  
5 the first one being whether or not the benefit  
6 can be achieved by other means feasible to the  
7 applicant. And as I mentioned before, these  
8 are preexisting nonconforming conditions. So  
9 I'm not sure.

10 Second, if there's an undesirable change  
11 in the neighborhood character or a detriment to  
12 nearby properties.

13 MS. REIN: No.

14 MR. MASTEN: No.

15 CHAIRMAN SCALZO: It does not appear so.

16 The third, whether the request is  
17 substantial. Again, preexisting nonconforming.

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

20 MR. MASTEN: No.

21 CHAIRMAN SCALZO: It does not appear so.

22 And the fifth, whether the alleged  
23 difficulty is self created, which is relevant  
24 but not determinative. And again, preexisting  
25 nonconforming, so I don't believe the

1 CBD 420 LLC

2 difficulty is self created.

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

5 MS. REIN: I make a motion to approve.

6 MR. POLITI: Second.

7 CHAIRMAN SCALZO: We have a motion for  
8 approval from Ms. Rein, we have a second from  
9 Mr. Politi. Can you roll on that, please,  
10 Siobhan.

11 MS. JABLESNIK: Mr. Hermance.

12 MR. HERMANCE: Yes.

13 MS. JABLESNIK: Mr. Masten.

14 MR. MASTEN: Yes.

15 MS. JABLESNIK: Mr. Politi.

16 MR. POLITI: Yes.

17 MS. JABLESNIK: Ms. Rein.

18 MS. REIN: Yes.

19 MS. JABLESNIK: Mr. Scalzo.

20 CHAIRMAN SCALZO: Yes.

21 The motion is carried, the variances are  
22 approved. Thank you very much.

23 MR. SAFFIOTI: Thank you, have a good  
24 evening.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CBD 420 LLC

CERTIFICATE

STATE OF NEW YORK                    )  
  ) SS:  
COUNTY OF ORANGE                    )

I, KARI L. REED, a Shorthand Reporter  
(Stenotype) and Notary Public within and for  
the State of New York, do hereby certify:

I reported the proceedings in the  
within-entitled matter and that the within  
transcript is a true record of such  
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my  
hand this 9th day of February 2025.

*Kari L Reed*  
\_\_\_\_\_  
KARI L. REED

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

3 -----X

4 In the Matter of

5 EMPIRE SOLAR SOLUTIONS, for SEAN DABROSKI  
6 5 Jessica Court, Newburgh  
SBL 7-1-60.3  
AR Zone

7 -----X

8 Thursday, December 26, 2024  
9 7:25 p.m.  
Town of Newburgh Town Hall  
10 1496 Route 300  
Newburgh, New York

11 BOARD MEMBERS: DARRIN J. SCALZO, Chairman  
12 DARRELL W. BELL (Absent)  
13 JAMES EBERHART, JR. (Absent)  
14 GREG M. HERMANCE SR.  
JOHN D. MASTEN  
15 JAMES C. POLITI  
DONNA HOPPER REIN

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

19 APPLICANT'S REPRESENTATIVE: Shannon Murphy

20  
21

22 Reported by: Kari L. Reed

-----

23 MICHELLE L. CONERO  
24 Court Reporter  
Michelleconero@hotmail.com  
25 (845)541-4163

1 Empire Solar Solutions

2 CHAIRMAN SCALZO: Our next applicant is  
3 Empire Solar Solutions, 5 Jessica Court in  
4 Newburgh, seeking an area variance of the  
5 minimum front yard setback to install a ground  
6 mounted solar array.

7 Siobhan, do we have mailings than that?

8 MS. JABLESNIK: This applicant sent 19  
9 letters.

10 CHAIRMAN SCALZO: Nineteen letters, very  
11 good.

12 who do we have with us this evening?

13 MS. MURPHY: My name is Shannon Murphy,  
14 and I'm here on behalf of Empire Solar  
15 Solutions to discuss the project at 5 Jessica  
16 Court, Newburgh, New York.

17 We are proposing a 20 panel install of REC  
18 460 panels. This will be a ground mount on the  
19 east, east side of the home. The reason for  
20 the location is because we reviewed multiple  
21 different locations at the home. All the way  
22 to the left there's a septic tank, which we  
23 don't obviously want to, you know, touch. And  
24 as far as on the right side, the east portion,  
25 it is south facing with most utmost screening,



1 Empire Solar Solutions

2 meaning it won't be visible to, you know, any  
3 passing cars, neighbors, anything like that.

4 CHAIRMAN SCALZO: Okay. That's it?

5 MS. MURPHY: Yeah, that's it.

6 CHAIRMAN SCALZO: Okay. I appreciate your  
7 comments, the narrative. My observation here  
8 is yes, I understand where they're putting it.  
9 It's 177 feet away from the dwelling. Why  
10 couldn't it be 125 feet away from the dwelling?

11 MS. MURPHY: Well, we did like consider  
12 moving it closer to the house. The only issue  
13 would be then that it would just open up more  
14 pockets that would be visible for people,  
15 whereas all the way towards the right side it  
16 just has the most amount of screening. So it's  
17 just the least amount visible. But moving it  
18 towards the left, like closer to the home,  
19 which is larger gaps of the possibility of  
20 being able to see it.

21 CHAIRMAN SCALZO: Okay. I'm trying to  
22 follow that.

23 MS. MURPHY: We get that.

24 CHAIRMAN SCALZO: Well, I'm trying to wrap  
25 my head around that.

1 Empire Solar Solutions

2 We, geez, a couple years back, and I only  
3 thought of this three hours ago, we had an  
4 application for solar on the other side of  
5 Lattintown Road.

6 MS. MURPHY: Okay.

7 CHAIRMAN SCALZO: And I noticed it's not  
8 installed, and I can't remember if it was  
9 because they were denied here or not. And I  
10 asked Mr. Mattina before the meeting started,  
11 and he couldn't remember either. Mr. Hermance  
12 I think maybe just, maybe just joined us.

13 Mr. Masten, do you happen to remember? It  
14 was on Greiner, I think that was the name of  
15 the road, Greiner, it's across the street, we  
16 had an applicant come in, it was up on the top.

17 MR. MASTEN: On the hill by the old --

18 CHAIRMAN SCALZO: But it was in the back  
19 rear right.

20 MR. MASTEN: Yeah.

21 CHAIRMAN SCALZO: And I can't remember if  
22 we approved them and they just didn't install  
23 it.

24 MR. MASTEN: I don't remember either,  
25 Darrin.

1 Empire Solar Solutions

2 CHAIRMAN SCALZO: And there was some  
3 screening issues in the back.

4 MR. MASTEN: I know there was something to  
5 do with drainage and stuff.

6 CHAIRMAN SCALZO: Well, it was screening  
7 because their neighbor behind them would have  
8 looked right down on everything --

9 MR. MASTEN: Yeah.

10 CHAIRMAN SCALZO: -- because the neighbor  
11 was even higher.

12 MR. MASTEN: I don't know exactly.

13 CHAIRMAN SCALZO: Yeah, it escaped me too,  
14 and I'm am putting you on the spot and I  
15 apologize for that.

16 MR. MASTEN: That's okay.

17 CHAIRMAN SCALZO: But I --

18 MR. MASTEN: There's a lot of things I  
19 don't remember anymore.

20 CHAIRMAN SCALZO: What did you have for  
21 breakfast?

22 MR. MASTEN: I don't know.

23 CHAIRMAN SCALZO: So that that's, believe  
24 it or not, that's a concern of mine. I want to  
25 remain consistent within myself.

1 Empire Solar Solutions

2 MS. MURPHY: Yeah.

3 CHAIRMAN SCALZO: And my -- and the other  
4 folks, except for Mr. Masten, I think he and I  
5 are the only two still here from that. But I  
6 want to remain consistent with previous Board  
7 actions. So I'm, where I'm going with this is,  
8 boy, I'd love another month to figure out what  
9 we did on that last one.

10 MS. MURPHY: Okay.

11 MR. MASTEN: But that's just me. You have  
12 a Board here in front of you that we can ask  
13 questions of. So I'm going to start with you,  
14 Ms. Rein. What are you thinking?

15 MS. REIN: I'm thinking that we need to  
16 know what happened there.

17 CHAIRMAN SCALZO: You know, and I  
18 apologize, I should have, when I first got the  
19 package I should have dug in and --

20 MR. MASTEN: Yeah, I saw Lattintown  
21 Road --

22 CHAIRMAN SCALZO: Yup. It never occurred  
23 to me.

24 MR. MASTEN: -- and I sort of remembered  
25 it.

1 Empire Solar Solutions

2 MS. REIN: I don't think we can make a  
3 decision without knowing that.

4 CHAIRMAN SCALZO: I just want to be  
5 consistent, that's all.

6 MS. REIN: Yup.

7 CHAIRMAN SCALZO: That's just me though.

8 MS. REIN: And me.

9 CHAIRMAN SCALZO: Okay, very good.

10 Mr. Masten, what are your thoughts on  
11 this?

12 MR. MASTEN: I have no questions right  
13 now.

14 CHAIRMAN SCALZO: Okay, very good.

15 Mr. Hermance.

16 MR. HERMANCE: I know you had mentioned  
17 screening being the issue with putting it so  
18 far away, but could your -- could you add  
19 additional screenings to block out the visual  
20 part of the panels, and this way you'd be  
21 closer to the -- you probably wouldn't even  
22 need the variance.

23 MS. MURPHY: Yeah. So, well, we could  
24 move it a little bit more to the left, like  
25 that's not a problem. It would just call for

1 Empire Solar Solutions

2 more, additional trees like planting, which  
3 isn't a big deal. But it would still, no  
4 matter where we go it's going to fall short of  
5 the 250 like regulation. So it's going to be  
6 in violation.

7 CHAIRMAN SCALZO: You're going to need a  
8 variation anyway is what you're going to need.

9 MS. MURPHY: It's going to be there no  
10 matter what, yes. So we were trying to pick  
11 the most optimal location where you wouldn't be  
12 able to see it. And you also wouldn't need  
13 additional trees because, like I said, no  
14 matter what it's going to violate it. Which I  
15 know is not what you want to hear, but.

16 CHAIRMAN SCALZO: Okay. Mr. Hermance, is  
17 that it?

18 MR. HERMANCE: Yes, that's all I have.

19 CHAIRMAN SCALZO: Mr. Politi, what do you  
20 think?

21 MR. POLITI: Yes, actually I was at the  
22 house twice, and I had to go back a second time  
23 because you don't have the room on the roof.

24 MS. MURPHY: Correct.

25 MR. POLITI: Because of the peaks, the

1 Empire Solar Solutions

2 peaks there.

3 MS. MURPHY: The dormers, yeah.

4 MR. POLITI: So you can't put it there. I  
5 did drive out onto Lattintown Road. You have  
6 decent screening now, even though it's winter.  
7 You can probably fill it in obviously --

8 MS. MURPHY: Yeah.

9 MR. POLITI: -- in the spring. But I  
10 would go back to, from the Board's perspective  
11 from what the Chairman is saying, that you want  
12 to be consistent, because if you did turn down,  
13 who knows, you have to find out, you have to do  
14 the research.

15 CHAIRMAN SCALZO: Yeah.

16 MR. POLITI: I think it would be good for  
17 everybody.

18 CHAIRMAN SCALZO: Right. The other, and I  
19 don't want to call it the -- what's giving me  
20 pause, you're saddled with having two front  
21 yards here.

22 MS. MURPHY: Yeah.

23 CHAIRMAN SCALZO: The other property, it  
24 was back right, it was only -- so it didn't  
25 have that same issue. But I'd still love to

1 Empire Solar Solutions

2 know why we -- you know, why it's not up. So  
3 I, that's what I'm looking for.

4 MS. MURPHY: Conditions.

5 CHAIRMAN SCALZO: But since everyone is  
6 here --

7 MS. MURPHY: Sure.

8 CHAIRMAN SCALZO: -- at this point I'd  
9 like to open it up to any members of public  
10 that wish to speak about this application.  
11 Anyone?

12 (No response.)

13 CHAIRMAN SCALZO: Boy, quiet bunch  
14 tonight. I'm even speaking slowly.

15 Okay, back to the Board. Anything else?  
16 No?

17 MR. HERMANCE: No.

18 CHAIRMAN SCALZO: Mr. Politi, I don't know  
19 if you want to leave unfinished business. So  
20 if we leave this open you're not going to get a  
21 chance to --

22 MR. POLITI: I know. I think that would  
23 be --

24 MS. MURPHY: I actually do have a  
25 question.



1 Empire Solar Solutions

2 CHAIRMAN SCALZO: Sure.

3 MS. MURPHY: Sorry. So the issue with the  
4 project that you're trying to remember, right,  
5 the issue though is that it was installed on a  
6 hill and that's why it was visible?

7 CHAIRMAN SCALZO: It was, it was -- it was  
8 a neighbor, the neighbors were -- it was a  
9 little tighter. You have the luxury of having  
10 a little more room --

11 MS. MURPHY: Yeah.

12 CHAIRMAN SCALZO: -- on the lot that  
13 you're on. But the lay of the land, the  
14 topography, led to it being extremely visible  
15 to the neighbors.

16 MS. MURPHY: Okay. Okay.

17 CHAIRMAN SCALZO: Good question though.  
18 Does the Board have the motion of some  
19 sort with regards to the public hearing?

20 MS. REIN: I make a motion to keep it  
21 open.

22 CHAIRMAN SCALZO: Keep it open.

23 MR. MASTEN: I second that.

24 CHAIRMAN SCALZO: Very good. We have a  
25 motion to keep the public hearing open until

1 Empire Solar Solutions

2 the January meeting from Ms. Rein, we have a  
3 second from Mr. Masten. All in favor?

4 (Chorus of ayes.)

5 CHAIRMAN SCALZO: Those opposed?

6 (No response.)

7 CHAIRMAN SCALZO: And, and you understand  
8 why, again, I'm just trying to maintain  
9 consistency for what we do. It may be nothing,  
10 and I apologize for holding you up.

11 MS. MURPHY: Yeah.

12 CHAIRMAN SCALZO: It's not the best  
13 construction weather right now anyway.

14 MS. MURPHY: No, no, it's okay. I just  
15 want to make sure I like recite this back to  
16 them correctly.

17 CHAIRMAN SCALZO: well, because we have a  
18 stenographer --

19 MS. MURPHY: True, yeah.

20 CHAIRMAN SCALZO: If you wait three weeks  
21 I'll probably not have to say a word and just  
22 hand off some pieces of paper.

23 MS. MURPHY: Perfect, okay.

24 CHAIRMAN SCALZO: All right. So  
25 unfortunately we are going to see you back the

1 Empire Solar Solutions

2 fourth Thursday in January.

3 MS. MURPHY: Fourth Thursday, okay.

4 Is there anything else that you would want  
5 from me during that time?

6 CHAIRMAN SCALZO: I don't believe so.

7 MS. MURPHY: Okay.

8 CHAIRMAN SCALZO: I think your, you know,  
9 your application package is complete. So we're  
10 just going to have to wait to --

11 MS. MURPHY: That's okay.

12 CHAIRMAN SCALZO: -- be consistent amongst  
13 the Board.

14 MS. MURPHY: Okay, perfect. Thank you.  
15 Thank you so much.

16 (Time noted: 7:33 p.m.)

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Empire Solar Solutions

CERTIFICATE

STATE OF NEW YORK                    )  
  ) SS:  
COUNTY OF ORANGE                    )

I, KARI L. REED, a Shorthand Reporter  
(Stenotype) and Notary Public within and for  
the State of New York, do hereby certify:

I reported the proceedings in the  
within-entitled matter and that the within  
transcript is a true record of such  
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my  
hand this 12th day of February 2025

*Kari L Reed*  
\_\_\_\_\_  
KARI L. REED

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

-----X

4 In the Matter of

5                   STEPHEN AND SUSAN D'AURIA  
6                   326 Balmville Lane, Newburgh  
                      SBL 27-8-20  
                      R2 Zone

7 -----X

8                                   Thursday, December 26, 2024  
9                                   7:34 p.m.  
10                                  Town of Newburgh Town Hall  
                                     1496 Route 300  
                                     Newburgh, New York

11 BOARD MEMBERS:           DARRIN J. SCALZO, Chairman  
12                                   DARRELL W. BELL (Absent)  
13                                   JAMES EBERHART, JR. (Absent)  
                                     GREG M. HERMANCE SR.  
14                                   JOHN D. MASTEN  
                                     JAMES C. POLITI  
15                                   DONNA HOPPER REIN

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

19 APPLICANT'S REPRESENTATIVE:   GEORGE KAYER

20  
21

22 Reported by:   Kari L. Reed

-----

23                                   MICHELLE L. CONERO  
24                                   Court Reporter  
                                     Michelleconero@hotmail.com  
25                                   (845)541-4163

2           CHAIRMAN SCALZO: All right, the next  
3 applicant is Stephen and Susan D'Auria. 326  
4 Balmville Lane in Newburgh, seeking a variance  
5 of the minimum rear yard setback to build a 13  
6 by 40 rear deck. Siobhan, do we have mailings  
7 on that?

8           MS. JABLESNIK: This applicant sent 38  
9 letters.

10          CHAIRMAN SCALZO: Thirty-eight. I think  
11 the winner for the evening.

12          MS. JABLESNIK: No, the winner was the  
13 first one.

14          CHAIRMAN SCALZO: Oh.

15          MS. JABLESNIK: You don't listen to me.

16          CHAIRMAN SCALZO: You were laughing at me.  
17 I tend to, you know.

18          MS. JABLESNIK: The winner was the first  
19 one, they sent 58. This one is 38.

20          CHAIRMAN SCALZO: All right, very good.

21          MR. KAYER: My name is George Kayer. I'm  
22 friends with Steven and Susan D'Auria. They're  
23 on vacation, so they asked me to step in for  
24 the meeting. And I was looking for a variance  
25 for rear yard setbacks, you know, they need

2 that, you know.

3 CHAIRMAN SCALZO: Right, and we are aware  
4 of that. I have been up there. It's probably  
5 got a, you know, nice view year round. But Mr.  
6 Politi had, and I had discussed this. I had  
7 been there, and he made an observation that I  
8 did not, which was if this deck was to be moved  
9 a little bit --

10 MR. POLITI: I'm trying to get the  
11 direction. If you move it, if you were to take  
12 the 40 foot deck and move it toward where  
13 you're going to enclose the porch and you still  
14 could get --

15 MR. KAYER: Yeah.

16 MR. POLITI: -- the 40 feet, but move it  
17 to the other end, it reduces that. Because the  
18 other house is right there, your neighbor in  
19 terms of setback. So it would, you would  
20 gain --

21 MR. KAYER: Well, we can cut, we can cut  
22 the deck back maybe from, there's a, there's a  
23 rear door, a slider there, not from the, the  
24 screened -- the porch there, there's a slider  
25 there. We can do a flip from there, we can cut

2           it back instead of having to go all the way to  
3           the end of the, to the house, it would knock  
4           probably a good I would say maybe ten feet off  
5           that.

6           MR. POLITI: Yeah, I'm just thinking of  
7           that to reduce that.

8           MR. KAYER: Yeah, we can reduce it a  
9           little bit.

10          MR. POLITI: You couldn't just slide --

11          MR. KAYER: The whole deck?

12          MR. POLITI: -- so that you still get the  
13          40. I don't want to, I don't want to tell  
14          you --

15          MR. KAYER: No, I mean we're, on, we're  
16          not stuck on 40. But we could reduce the deck,  
17          it doesn't have to be 40, you know.

18          MR. POLITI: It's just a thought.

19          MR. KAYER: That's just one thing we, we  
20          did speak about that, just to reduce this  
21          number a little bit. But in realty I don't  
22          think it affects anyone, you know, any  
23          neighbors or anything. It's just an open view.

24          MR. POLITI: Oh, no, it's beautiful up  
25          there, it looks fine.



2 MR. KAYER: Yeah, yeah, it's just -- I  
3 just, I don't think, I mean --

4 MR. POLITI: Because it wasn't plotted  
5 out.

6 MR. KAYER: We'd be willing to do a foot  
7 from the slider. So if you're looking at the  
8 house, the rear of the house --

9 MR. POLITI: Yeah, yeah.

10 MR. KAYER: -- moving it a foot over and  
11 whatever that side --

12 MR. POLITI: That's not going to do it --

13 MR. KAYER: Yeah.

14 MR. POLITI: -- because it wasn't, you  
15 don't have it plotted out.

16 CHAIRMAN SCALZO: It's not sketched on.

17 MR. KAYER: Yeah, yeah. No, we're just  
18 talking -- oh, the deck's not sketched on?

19 CHAIRMAN SCALZO: No.

20 MR. POLITI: No, no, not on here. So you  
21 can't see.

22 MR. KAYER: Okay, I see.

23 MR. POLITI: The dimensions aren't there.

24 MR. KAYER: Okay, all right. So one  
25 second.

2 CHAIRMAN SCALZO: Actually, Jim, it's,  
3 it's on --

4 MR. POLITI: It's there, but I'm saying  
5 from the --

6 CHAIRMAN SCALZO: Yeah, the actual, yeah,  
7 so we can't see what the offset would be.

8 MR. KAYER: Okay. I mean, I think we're  
9 only going 12 feet. I don't think it's -- I  
10 don't see how that affects anybody, other than,  
11 you know, it's a, it's the look of the house  
12 too.

13 MR. POLITI: Yeah.

14 MR. KAYER: They're an elderly couple,  
15 they're, you know, retired, and they'd like to  
16 enjoy their house, you know.

17 MR. POLITI: And that's why I'm saying I'm  
18 not telling you to stop at 40 feet, so.

19 MR. KAYER: Yeah, yeah. You know, we're  
20 flexible to an extent, you know.

21 MR. POLITI: Yeah.

22 MR. DONOVAN: So do we know how far from  
23 the rear yard it's going to be? Because  
24 typically -- I don't, is there a chart from  
25 Code Compliance? I didn't see it in my packet.

2 MR. POLITI: Yeah, I don't see it.

3 MR. DONOVAN: So just so you know,  
4 typically, you know, the requirement is X, the  
5 proposal is Y.

6 MR. KAYER: Yeah.

7 MR. DONOVAN: And that's the variance that  
8 the Board considers. I don't know where that  
9 is.

10 MR. KAYER: So, I mean, we have, I mean --

11 CHAIRMAN SCALZO: Right. Right now the  
12 house is 34.1 feet away from the --  
13 perpendicular from the property line. We don't  
14 know where the deck placement is. Because the  
15 house is skewed with the property line, you may  
16 need a variance. So right now it's 34.1, you  
17 may end up at 28. We don't know this, and we  
18 need to.

19 MR. KAYER: Okay.

20 CHAIRMAN SCALZO: Because if we're going  
21 to give you the variance, we need to give you a  
22 specific amount of feet.

23 MR. KAYER: Okay. So would you like me  
24 to, you know, measure from the property line?  
25 We have, I mean, we have surveys so we could

2 get you the number for the future, for the  
3 future meeting.

4 CHAIRMAN SCALZO: You know what --

5 MR. KAYER: If that's what you want.

6 CHAIRMAN SCALZO: Yeah, and again, it is  
7 truly a mathematical --

8 MR. KAYER: Yeah.

9 CHAIRMAN SCALZO: -- value that we need.  
10 So I would be more comfortable with, when you  
11 come back looking for a variance, it's for a  
12 specific value.

13 MR. KAYER: Okay. I mean, I thought we  
14 had a value, I thought we had a value here, I  
15 mean, I guess looking at it.

16 MR. MATTINA: Yeah. The variance was 13.9  
17 feet, so I had to get that from somewhere, so  
18 there has to be a map, whether it got left on  
19 my desk or something.

20 MR. KAYER: Yeah, there's a survey.

21 MR. MATTINA: Right.

22 MR. KAYER: They left me with a survey,  
23 so.

24 CHAIRMAN SCALZO: All right, so Joe's got  
25 the good survey and we don't --

2 MR. MATTINA: No.

3 CHAIRMAN SCALZO: -- is that what you're  
4 saying?

5 MR. MATTINA: It's not in my packet, so.

6 CHAIRMAN SCALZO: Oh.

7 MS. JABLESNIK: This is the actual survey.  
8 I gave you a smaller version of the actual  
9 survey. So it's the same thing. I just didn't  
10 give you that whole thing.

11 CHAIRMAN SCALZO: I got it, all right.

12 MR. DONOVAN: But it still doesn't show  
13 the deck.

14 CHAIRMAN SCALZO: It still doesn't show  
15 the proposed deck.

16 MR. POLITI: Right, on the plot.

17 CHAIRMAN SCALZO: And John LeMoyne did  
18 this in February of '22. So it's very recent.

19 MR. DONOVAN: What part of the house is  
20 the deck?

21 MR. KAYER: The rear.

22 MR. DONOVAN: All right, that part we  
23 know. But the cantilever or the existing  
24 porch?

25 MR. KAYER: It's cantilevered.

2           CHAIRMAN SCALZO: It appears that it's  
3 coming in --

4           MR. POLITI: Right, that's why I mentioned  
5 it.

6           MR. KAYER: Yeah, I understand.

7           CHAIRMAN SCALZO: Yeah, I'm not --

8           MR. DONOVAN: I think it's helpful to the  
9 Board, I know it's helpful for the Board's  
10 attorney if you send in a survey.

11           CHAIRMAN SCALZO: Yes. So, you know what,  
12 unfortunately it's, and I'm not going to call  
13 it a showstopper by any means, but I need a  
14 little more information from them to make an  
15 informed decision, at least for me. I know  
16 there's four others here that may or may not  
17 feel the same way.

18           MR. KAYER: That's fine, it makes sense, I  
19 understand what you're saying. It's not on  
20 your, your --

21           CHAIRMAN SCALZO: Right. Do you know  
22 how --

23           MR. KAYER: And I know we sketched, we  
24 sketched it on, on Joe's. So we just, we  
25 didn't get that to you guys.

2           CHAIRMAN SCALZO: Sure, no, I appreciate  
3 that. You know, we'll start with if you were  
4 to reach out to Siobhan tomorrow in the  
5 afternoon, she can dig, you know --

6           MS. JABLESNIK: I'll just, yeah, I'll look  
7 in the, in the packet --

8           MR. KAYER: Yes, that's fine.

9           MS. JABLESNIK: -- from Code.

10          CHAIRMAN SCALZO: And then give, like I  
11 say, give her a call in the afternoon. If she  
12 has what we need and it just didn't make it  
13 into the packet then we're good to go for next  
14 month.

15          But I still need to look to the Board for  
16 a motion to -- actually, well, did I ask the  
17 public if they had any comments on this?  
18 Anyone here from the public that wishes to  
19 speak about this application, please step  
20 forward, state your name.

21          MR. GALLAGHER: My name is Frank  
22 Gallagher. I'm the next door neighbor. And  
23 they're wonderful neighbors. As he mentioned,  
24 they're an elderly couple, and Steve has one  
25 bad knee. And if you've been to the property,

2 you know how it drops off.

3 MR. POLITI: Correct, yeah.

4 MR. GALLAGHER: He also has a young  
5 granddaughter on Susan Drive who loves to visit  
6 and look at the river. So it's a safety issue.  
7 And one of the reasons he has a great view is I  
8 cut down a bunch of trees. So I'm just here to  
9 support my neighbor. Thank you.

10 CHAIRMAN SCALZO: Very good, thank you,  
11 sir.

12 Okay. Anyone else from the public here  
13 who wishes to speak about this application?

14 (No response.)

15 CHAIRMAN SCALZO: All right, back to the  
16 Board. All right, I look to the Board for a  
17 motion to keep the public hearing open.

18 MR. MASTEN: I make a motion to keep the  
19 public hearing open.

20 MS. REIN: I second.

21 CHAIRMAN SCALZO: We have a motion to keep  
22 the public hearing open from Mr. Masten, we  
23 have a second from Ms. Rein. All in favor?

24 (Chorus of ayes.)

25 CHAIRMAN SCALZO: Those opposed?



2 (No response.)

3 CHAIRMAN SCALZO: No. So check back with  
4 Siobhan tomorrow and see if we have what we  
5 need. But if not, we will see you or the  
6 owners themselves at the January meeting the  
7 fourth Thursday of the month.

8 MR. KAYER: Okay.

9 CHAIRMAN SCALZO: Very good. Thank you.

10 MR. KAYER: Have a good night, everyone.

11 MS. JABLESNIK: Same night next month,  
12 just so everybody knows.

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

14

15

16

17

18

19

20

21

22

23

24

25

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE

STATE OF NEW YORK                    )  
  ) SS:  
COUNTY OF ORANGE                    )

I, KARI L. REED, a Shorthand Reporter  
(Stenotype) and Notary Public within and for  
the State of New York, do hereby certify:

I reported the proceedings in the  
within-entitled matter and that the within  
transcript is a true record of such  
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my  
hand this 15th day of February 2025.

*Kari L Reed*

\_\_\_\_\_  
KARI L. REED

2 STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH ZONING BOARD OF APPEALS  
3 -----X

4 In the Matter of

5 HABITAT FOR HUMANITY OF GREATER NEWBURGH  
Gail Place, Newburgh  
6 SBL 105-12-1  
R3 Zone

7 -----X

8 Thursday, December 26, 2024  
7:44 p.m.  
9 Town of Newburgh Town Hall  
10 1496 Route 300  
Newburgh, New York

11 BOARD MEMBERS: DARRIN J. SCALZO, Chairman  
12 DARRELL W. BELL (Absent)  
13 JAMES EBERHART, JR. (Absent)  
14 GREG M. HERMANCE SR.  
JOHN D. MASTEN  
15 JAMES C. POLITI  
DONNA HOPPER REIN

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

19 APPLICANT'S REPRESENTATIVE: JAMES M. DIANA, AIA

20

21 Reported by: Kari L. Reed

22 -----

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

25

1 Habitat for Humanity

2 CHAIRMAN SCALZO: All right, our last  
3 applicant for this meeting is the Habitat for  
4 Humanity of Greater Newburgh, Gail Place,  
5 seeking an area variance of the minimum front  
6 yard setback to construct a new single family  
7 dwelling.

8 Siobhan, do we have mailings on this that  
9 apparently did not exceed the first one?

10 MS. JABLESNIK: No, but close, 54 letters.

11 CHAIRMAN SCALZO: All right, so you're  
12 clearly in second place.

13 MS. JABLESNIK: Second place.

14 MR. DIANA: Thank you.

15 Good evening. Jim Diana, Architect for  
16 Land Associates. I'm also a board member for  
17 Habitat for Humanity of Greater Newburgh. Also  
18 present is Janis Berg, board president, and  
19 Bill Murphy, who's the founder of the  
20 organization.

21 I think the application is very  
22 straightforward it speaks for itself. We're  
23 looking to seek permission for Habitat Going to  
24 build affordable housing, and we're looking to  
25 construct a new single family residence. The



1 Habitat for Humanity

2 with regards to the front yard setback, you  
3 wouldn't happen to know the contiguous homes,  
4 are they also --

5 MR. DIANA: They're, I believe they  
6 respect the bulk table requirements of 40. I  
7 don't know definitively about the neighboring  
8 properties. From the property line I believe  
9 it's about 15 and a half feet to the front of  
10 the new structure. And there's also an  
11 additional buffer along the road, probably a  
12 drainage easement, of about eight to ten feet  
13 more to the edge of the road.

14 CHAIRMAN SCALZO: well, I have a scale.

15 All right, while I'm scaling, I'll look to  
16 any members of Board. I'll start with Mr.  
17 Politi, do you have questions regarding this  
18 application?

19 MR. POLITI: No. But I went by the  
20 property a couple times. With the power lines  
21 I get the push to get away from it.

22 MR. DIANA: Correct.

23 MR. POLITI: which is fine. The overall  
24 site it's just it's, the footprint is only 24  
25 by 28, is that correct?

1 Habitat for Humanity

2 MR. DIANA: That is correct. So we  
3 decided a two story structure for a smaller  
4 footprint.

5 MR. POLITI: Right, okay. No, I don't  
6 have any questions at the moment, no.

7 MR. HERMANCE: And that height keeps you  
8 far enough away from the surrounding power  
9 lines to, you know, with the two, two and a  
10 half story?

11 MR. DIANA: The easement in play I believe  
12 is 30 feet each side.

13 MR. HERMANCE: Okay.

14 MR. DIANA: And that's indicated on the  
15 map.

16 MR. HERMANCE: Okay. That's all I have.

17 CHAIRMAN SCALZO: Thank you, Mr. Hermance.

18 Mr. Masten, do you have any comments  
19 regarding this application?

20 MR. MASTEN: No, I don't.

21 CHAIRMAN SCALZO: Okay. Ms. Rein?

22 MS. REIN: No.

23 CHAIRMAN SCALZO: You may have six more  
24 feet from what appears to be the limits of the,  
25 the easement, because it's a -- I'm scaling 26

1

Habitat for Humanity

2

feet plus or minus from the property line, but  
it's say 38 feet from the curb line. I noticed  
you also hung it where the corner of the  
parking area, you're putting that right on the  
easement. I didn't, I didn't think parking  
would be restricted by that easement.

8

9

10

11

12

13

14

MR. DIANA: I don't believe it is, but I  
think we wanted to come forward a little bit  
more for any future construction, maybe a rear  
deck. Something to give a new owner the  
ability to maybe build a one car garage  
attached, possibly within the allowable  
buildable area of the site.

15

16

17

18

19

20

21

22

23

CHAIRMAN SCALZO: Then I would think  
pushing it further back might benefit you for a  
future garage. And then, I haven't seen what  
the architects look like for the home, but with  
a deck, if the intent is to have a future deck,  
it would be off the rear right of the home,  
that would your best, you know, biggest area to  
do it without encroaching on the limits of the  
right of way.

24

25

MR. DIANA: Yeah. Our limitations is any  
built structure within the easement, to



1 Habitat for Humanity

2 maintain Central Hudson's --

3 CHAIRMAN SCALZO: Right. No, no, I  
4 understand that completely.

5 MR. DIANA: Mm-hmm.

6 CHAIRMAN SCALZO: But is there any, is  
7 there any wiggle room to push it even, you  
8 know, I don't want to say, you know, you want  
9 to give --

10 MR. DIANA: Build a little bit more.

11 CHAIRMAN SCALZO: -- yourself a little bit  
12 of room, but, you know, you have five or six  
13 feet, obviously you're going to have this  
14 professionally laid out by a surveyor that  
15 can --

16 MR. DIANA: Yeah.

17 CHAIRMAN SCALZO: -- keep you outside the  
18 limits of that easement, because boy that, it  
19 just seems awfully, you know, when you look at  
20 it's, I'm not going to call it a sore thumb  
21 because it's going to be a beautiful new home.

22 MR. DIANA: Yeah.

23 CHAIRMAN SCALZO: But the, you know, it's  
24 going to be more forward I believe than the  
25 other homes in the neighborhood.

1 Habitat for Humanity

2 MR. DIANA: If we could push it back four  
3 and a half feet towards the rear line, it may  
4 be achievable.

5 CHAIRMAN SCALZO: I, I appreciate your  
6 flexibility, yes. Thank you.

7 Anybody from the public wish to speak  
8 about this application?

9 MS. BERG: Good evening, everybody. I'm  
10 Janis Berg, president of Habitat for Humanity.  
11 I'm just here to support this. We bought this  
12 property from, with support from Scott Manly,  
13 and we have spent over, is it two years we've  
14 had the property now.

15 MR. DIANA: Almost.

16 MS. BERG: And we have 400 families on our  
17 waiting list. This is a pilot program. We are  
18 very excited. It's our first house to be built  
19 outside the City of Newburgh. And we have, the  
20 person that the house is going to be honored by  
21 name here in this room tonight, which is our  
22 founder, Bill Murphy. It's going to be the  
23 Mary and Bill Murphy house. I understand you  
24 have other -- I just wanted to give you some  
25 narrative of how important it is that we get

1 Habitat for Humanity

2 moving forward on this house. Thank you.

3 CHAIRMAN SCALZO: Thank you.

4 Anyone else from the public here wish to  
5 speak about this application?

6 (No response.)

7 CHAIRMAN SCALZO: I look back to the  
8 Board. Any other questions or comments?

9 MR. MASTEN: No, I have nothing.

10 MS. REIN: So you spoke about the change  
11 to four, four and a half feet?

12 CHAIRMAN SCALZO: Currently, yeah, it  
13 appears that the rear left corner of the home,  
14 proposed dwelling, is approximately six feet --

15 MS. REIN: Mm-hmm.

16 CHAIRMAN SCALZO: -- from the limits of  
17 where it could be. And the representative, the  
18 applicant's representative has indicated that  
19 they have the ability to push it back perhaps  
20 four and a half feet, so --

21 MS. REIN: So if we --

22 CHAIRMAN SCALZO: -- it just gets it  
23 further back off the road so it doesn't -- it's  
24 not the first thing you see when you're coming  
25 around the curve.

1 Habitat for Humanity

2 MS. REIN: So if we approve it, will that  
3 be one of the conditions of the approval?

4 CHAIRMAN SCALZO: I'm glad you're framing  
5 it that way, Ms. Rein. We have the ability to  
6 put conditions on any variance that we grant.

7 MS. REIN: And would that be okay with you  
8 folks?

9 MR. DIANA: We would have to consult with  
10 the owners and the engineer to make sure that's  
11 achievable, but I don't see that as a holdup.

12 CHAIRMAN SCALZO: Right. And you know  
13 what, as I say, I appreciate your flexibility  
14 on that. I certainly wouldn't ask you to put  
15 it right on the easement line, that's asking  
16 for trouble, so, because sometimes blunders  
17 occur.

18 MR. DIANA: Understood.

19 CHAIRMAN SCALZO: And so that's why you  
20 want to give yourself a little room.

21 MS. REIN: I'm good.

22 CHAIRMAN SCALZO: Mr. Masten, do you have  
23 any questions, any more --

24 MR. MASTEN: I have nothing here.

25 CHAIRMAN SCALZO: Mr. Hermance, any

1 Habitat for Humanity

2 others?

3 MR. HERMANCE: No.

4 CHAIRMAN SCALZO: Mr. Politi?

5 MR. POLITI: No, I'm good.

6 CHAIRMAN SCALZO: Okay.

7 Again, one last opportunity, any members

8 of the public?

9 (No response.)

10 CHAIRMAN SCALZO: It does not look that  
11 way, all right.

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

14 MS. REIN: I make a motion to close the  
15 public hearing.

16 MR. HERMANCE: I second it.

17 CHAIRMAN SCALZO: We have a motion to  
18 close the public hearing from Ms. Rein, we have  
19 a second from Mr. Hermance. All in favor?

20 (Chorus of ayes.)

21 CHAIRMAN SCALZO: Those opposed?

22 (No response.)

23 CHAIRMAN SCALZO: And obviously this is a  
24 Type II action under SEQRA.

25 MR. DONOVAN: That is correct, Mr.

1 Habitat for Humanity

2 Chairman.

3 CHAIRMAN SCALZO: Thank you.

4 All right, so we are going to discuss the  
5 five factors that we are weighing. Any -- yes?

6 MR. DONOVAN: That is correct, Mr.  
7 Chairman.

8 CHAIRMAN SCALZO: The balancing tests,  
9 yes, the balancing tests. So if the benefit  
10 can be achieved by other means feasible to the  
11 applicant. Well, they are very restricted by a  
12 utility easement, so I think that the applicant  
13 has done just about all they can. We're going  
14 to ask for a little bit of movement of things,  
15 but it appears they're doing all they can.

16 The second, if there's an undesirable  
17 change in the neighborhood character or a  
18 detriment to the nearby properties. That would  
19 not appear so. It's going to be a new house in  
20 a development that's probably 25 years old,  
21 right, or more.

22 The third, whether the request is  
23 substantial. Well, I suppose if you look at  
24 the numbers it may be. It's going to be  
25 sticking out a little further than the others.

1 Habitat for Humanity

2 But there is that, you know, probably eight to  
3 ten feet from the curb to the property line,  
4 and another, so it's going to be probably when  
5 we're all said and done here close to 40 feet  
6 from the curb to the front of the house, so.

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

9 MS. REIN: No.

10 MR. MASTEN: No.

11 CHAIRMAN SCALZO: It does not appear so.  
12 It's a vacant piece of land right now, but, you  
13 know, we're going to increase the runoff a tiny  
14 bit, but it's going to run, probably stay  
15 within the property, drain it back towards the  
16 easement if you could.

17 MR. DIANA: Yeah.

18 CHAIRMAN SCALZO: The fifth, whether the  
19 alleged difficulty is self created, which is  
20 relevant but not determinative. Of course it's  
21 self created, but it only -- I used to like to  
22 say you can't zone yourself out of a building  
23 lot. So if this wasn't to happen this way, you  
24 know, and you can't put a shed on it because  
25 that's an accessory to something, and there's

1 Habitat for Humanity

2 nothing there.

3 So, having gone through the balancing  
4 test, does the Board have a motion of some sort  
5 with conditions?

6 MS. REIN: I do. I have a motion to  
7 approve with conditions.

8 CHAIRMAN SCALZO: And the condition is?

9 MS. REIN: The four and a half feet.

10 CHAIRMAN SCALZO: There you have it.

11 MS. REIN: There you have it.

12 CHAIRMAN SCALZO: Thank you very much, Ms.  
13 Rein.

14 MR. DONOVAN: So if, for clarity, so  
15 looking at the request, it's for 25 --

16 MR. DIANA: Point five.

17 MR. DONOVAN: Point five.

18 CHAIRMAN SCALZO: Point five.

19 MR. DONOVAN: So we're going to --

20 CHAIRMAN SCALZO: Add.

21 MR. DONOVAN: -- modify that --

22 MR. DIANA: Modify, add four and a half  
23 or --

24 MR. DONOVAN: We're going to add four and  
25 a half feet.



1 Habitat for Humanity

2 MR. DIANA: Four and a half feet or --

3 MR. DONOVAN: I just want to make sure  
4 that that's clear.

5 MR. DIANA: -- or 30 feet. and then we'll  
6 make it an even 30, yeah.

7 MR. DONOVAN: Thirty feet.

8 MR. DIANA: Yes.

9 MR. DONOVAN: Yes.

10 MR. DIANA: We would provide a new map and  
11 a --

12 MR. DONOVAN: I could do the math all by  
13 myself. But as long as that's understood.

14 MR. DIANA: Understood.

15 MR. DONOVAN: And that works.

16 And that's what you want your motion to  
17 be.

18 MS. REIN: Yes.

19 CHAIRMAN SCALZO: We have a motion out  
20 there.

21 MS. REIN: Anybody else, second?

22 MR. HERMANCE: I'll second.

23 CHAIRMAN SCALZO: We have a motion from  
24 Ms. Rein. We are going to go with a, we're  
25 going to give it to Mr. Hermance now.

1 Habitat for Humanity

2 So can you roll on that, please, Siobhan.

3 MS. JABLESNIK: Mr. Hermance.

4 MR. HERMANCE: Yes.

5 MS. JABLESNIK: Mr. Masten.

6 MR. MASTEN: Yes.

7 MS. JABLESNIK: Mr. Politi.

8 MR. POLITI: Yes.

9 MS. JABLESNIK: Ms. Rein.

10 MS. REIN: Yes.

11 MS. JABLESNIK: Mr. Scalzo.

12 CHAIRMAN SCALZO: Yes.

13 The motion is carried, the variances are  
14 approved. Good luck.

15 MR. DIANA: Thank you very much, thank  
16 you.

17 MS. REIN: And thank you for everything  
18 you do. We really appreciate it.

19 MR. DIANA: Thank you. It means a lot.

20 (Time noted: 7:56 p.m.)

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Habitat for Humanity

CERTIFICATE

STATE OF NEW YORK                    )  
  ) SS:  
COUNTY OF ORANGE                    )

I, KARI L. REED, a Shorthand Reporter  
(Stenotype) and Notary Public within and for  
the State of New York, do hereby certify:

I reported the proceedings in the  
within-entitled matter and that the within  
transcript is a true record of such  
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my  
hand this 16th day of February 2025.

*Kari L Reed*  
\_\_\_\_\_  
KARI L. REED

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

3 -----X

4 In the Matter of

5 E&C Property Holdings (Camp Integrity)  
576 Rock Cut Road, Walden  
6 SBL 11-1-61  
R1 Zone

7 -----X

8 Thursday, December 26, 2024  
9 7:56 p.m.  
Town of Newburgh Town Hall  
10 1496 Route 300  
Newburgh, New York

11 BOARD MEMBERS: DARRIN J. SCALZO, Chairman  
12 DARRELL W. BELL (Absent)  
13 JAMES EBERHART, JR. (Absent)  
14 GREG M. HERMANCE SR.  
JOHN D. MASTEN  
15 JAMES C. POLITI  
DONNA HOPPER REIN

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

19

20

21 Reported by: Kari L. Reed

-----

22 MICHELLE L. CONERO  
23 Court Reporter  
Michelleconero@hotmail.com  
24 (845)541-4163

25

1 E&C Property Holdings

2 CHAIRMAN SCALZO: All right, we have one  
3 last piece of Board business this evening.  
4 Last December we had Camp Integrity in here.  
5 And they had, it was the Old Camp Redwood where  
6 they were going to throw guys in a big tank and  
7 teach them how to scuba dive. And they did not  
8 get to building that yet. And they were here  
9 looking for an extension. Apparently they're  
10 very close to applying. They actually missed  
11 their first six months, and they're looking  
12 here to, if they get this extension they're  
13 going to have their application in awfully  
14 quick. So they're here just looking for an  
15 extension. So I look to the Board for a motion  
16 to extend.

17 MR. DONOVAN: Did you have something, Joe?

18 MR. MATTINA: I just want to clarify.  
19 They do have an application in, but there's  
20 some code compliance items they have to get me  
21 that they can't get before the timeline  
22 expires, but they do have an application in.

23 MR. DONOVAN: So just for the Board's  
24 edification, it looks like we approved this a  
25 year ago in December. Generally they get six

1 E&C Property Holdings

2 months, it was six months. And speaking to  
3 Siobhan, it looks like the decision was filed  
4 in February.

5 CHAIRMAN SCALZO: Okay.

6 MR. DONOVAN: So from my point of view,  
7 you could, we have this lawyer phrase, nunc pro  
8 tunc, but in any event, you've given them a  
9 year from February. So you could grant them an  
10 extension until the February meeting in  
11 essence.

12 CHAIRMAN SCALZO: Oh, really?

13 MR. DONOVAN: Yes.

14 CHAIRMAN SCALZO: Well, I'm good with this  
15 one, but. What's that phrase?

16 MR. DONOVAN: Nunc pro tunc. "Now for  
17 then". It's like we did it six months ago.

18 CHAIRMAN SCALZO: Okay. All right, so  
19 looking to the Board.

20 MS. REIN: And that fits with their  
21 request.

22 CHAIRMAN SCALZO: Okay.

23 MS. REIN: So I make a motion to approve.

24 CHAIRMAN SCALZO: Thank you. We have a  
25 motion for approval from Ms. Rein.

1 E&C Property Holdings

2 MR. MASTEN: I'll second it.

3 CHAIRMAN SCALZO: We have a second from  
4 Mr. Masten. All in favor?

5 (Chorus of ayes.)

6 CHAIRMAN SCALZO: Those opposed?

7 (No response.)

8 CHAIRMAN SCALZO: No. I believe we're in  
9 good shape then.

10 The only other issue to speak about this  
11 evening are the meeting minutes for the month  
12 of November. Anybody make a motion to approve  
13 the meeting minutes for November?

14 MS. REIN: I make a motion to approve  
15 them.

16 CHAIRMAN SCALZO: We have a motion for  
17 approval of the meeting minutes from Ms. Rein.  
18 I'll second those. All in favor?

19 (Chorus of ayes.)

20 CHAIRMAN SCALZO: Those opposed?

21 (No response.)

22 CHAIRMAN SCALZO: Motion to adjourn?

23 MR. MASTEN: I make a motion to adjourn.

24 MR. POLITI: I'll second it.

25 MS. REIN: I second.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

E&C Property Holdings

CHAIRMAN SCALZO: All right, we have a motion to adjourn from Mr. Masten, we have a second from Mr. Politi, his last one, yay.

All in favor?

(Chorus of ayes.)

(Time noted: 7:59 p.m.)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

E&C Property Holdings

CERTIFICATE

STATE OF NEW YORK                    )  
  ) SS:  
COUNTY OF ORANGE                    )

I, KARI L. REED, a Shorthand Reporter  
(Stenotype) and Notary Public within and for  
the State of New York, do hereby certify:

I reported the proceedings in the  
within-entitled matter and that the within  
transcript is a true record of such  
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my  
hand this 17th day of February 2025.

*Kari L Reed*  
\_\_\_\_\_  
KARI L. REED